RESEARCH REPORT SERIES

■ **Understanding and Interpreting Law School Enrollment Data: A Focus on Race and Ethnicity**

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LSAC®

The Law School Admission Council is a not-for-profit organization committed to promoting quality, access, and equity in law and education worldwide by supporting individuals' enrollment journeys and providing preeminent assessment, data, and technology services.

Currently, 221 law schools in the United States, Canada, and Australia are members of the Council and benefit from LSAC's services. All law schools approved by the American Bar Association are LSAC members. Canadian law schools recognized by a provincial or territorial law society or government agency are also members. Accredited law schools outside of the United States and Canada are eligible for membership at the discretion of the LSAC Board of Trustees; Melbourne Law School, the University of Melbourne is the first LSAC-member law school outside of North America. Many nonmember schools also take advantage of LSAC's services. For all users, LSAC strives to provide the highest quality of products, services, and customer service.

Founded in 1947, the Council is best known for administering the Law School Admission Test (LSAT®), with about 100,000 tests administered annually at testing centers worldwide. LSAC also processes academic credentials for an average of 60,000 law school applicants annually, provides essential software and information for admission offices and applicants, conducts educational conferences for law school professionals and prelaw advisors, sponsors and publishes research, funds diversity and other outreach grant programs, and publishes LSAT preparation books and law school guides, among many other services. LSAC electronic applications account for nearly all applications to ABA-approved law schools.

This study is published and distributed by LSAC.

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Executive Summary

The Law School Admission Council (LSAC) has a long-standing commitment to diversity, equity, and inclusion in legal education and in the legal profession. In line with its mission to promote quality, access, and equity in legal education, LSAC is providing a report, *Understanding and Interpreting Law School Enrollment Data: A Focus on Race and Ethnicity*, to help law schools, admission professionals, and other legal education stakeholders understand *how* we are measuring *who* is in the pipeline. The purpose of the report is to inform conversations about diversity, equity, and inclusion in law school and recruitment efforts. The report outlines the history of the Office of Management and Budget (OMB) data reporting standards, how these differ from LSAC data collection and reporting practices, and the social and cultural implications of different race and ethnicity data collection and reporting methods. The report includes examples of how the different methods affect conclusions that can be drawn from analyses of subgroup trends over time.

Introduction

The Law School Admission Council (LSAC) has a long-standing commitment to diversity, equity, and inclusion in legal education and the legal profession. Since 1950, when LSAC formed the Background Factors Committee to address the underrepresentation of minority and disadvantaged students, the organization has funded workshops; published materials; founded the Council on Legal Education Opportunity (CLEO) with the Association of American Law Schools (AALS), the American Bar Association (ABA), and the various national Minority Bar Associations (MBAs); filed an amicus brief in support of affirmative action in the Regents of the University of California v. Bakke; created the Minority Affairs Committee (today known as the Diversity Committee); sponsored events and conferences on achieving and maintaining racial and ethnic diversity in the legal profession; created the first Prelaw Undergraduate Scholars Program (PLUS); filed an amicus brief in support of the use of race in law school admission in Grutter v. Bollinger et al.; and partnered with Khan Academy to provide free access to LSAT preparation. Today, LSAC is more committed than ever to promoting access and equity in legal education.

Even with the contributions of LSAC and many others in the field, inequality continues to persist in early, higher, and legal education along the lines of race, ethnicity, gender identity, sexual orientation, disability status, socioeconomic status (SES), and first-generation college student status. Inequality is often compounded at the

intersection of individuals' multiple devalued identities, such as race and gender (Collins & Bilge, 2016; Crenshaw, 1989). This is seen in the persistent and striking underrepresentation and marginalization of women of color in the legal profession and legal academia (e.g., Deo, 2019; Nelson, Sendroiu, Dinovitzer, & Dawe, et al., 2019).

Data is a powerful tool for understanding the scope and depth of inequality, but it is important to note that data should not be collected and used in a vacuum: It must be understood within the social and cultural contexts that provide the framework for how our society, at the most basic level, conceives of inequality and the factors that contribute to it. In line with LSAC's mission and core values, this report specifically focuses on different methods of collecting and reporting data on race and ethnicity and is meant to be the beginning of a larger effort to examine how understanding data in context is a foundational aspect of understanding diversity.

In the U.S., as in many other places, diversity is often measured using surveys that ask individuals to self-select their racial, ethnic, gender, and other identities from a preselected set of categories. The categories are set by institutions that create the survey instrument or by government agencies. Race and ethnicity categories carry both meaning and consequences that impact life outcomes for individuals who inhabit them. In the U.S., race and ethnicity are key dimensions of stratification that shape individuals' interactions, opportunities, access to resources, and life outcomes (Bonilla-Silva, 1997; Devos & Banaji, 2005; Feagin & Sikes, 1994; Fiske, 1998; Omi & Winant, 2014; Quillian, 2006). In other words, how candidates and matriculants experience the enrollment journey and perform in law school is shaped by their race and ethnicity in the context of this country's legacy of racism. This context must inform enrollment data collection and reporting to guide intentional and comprehensive diversity, equity, and inclusion recruitment efforts in legal education.

The purpose of this report is to elucidate methodological variation in racial and ethnic data collection (the racial and ethnic categories used), data reporting (maximum and single reporting), and data presentation (understanding frequency and percentage). As LSAC seeks to improve access to legal education, it is imperative that we have a clear understanding of what various data sources are telling us about diversity in the pipeline. Data, when considered in the context of lived experiences, is a powerful tool for combating racism and for measuring the impact of diversity, equity, and inclusion efforts. In order to address inequality, we must first measure it. Therefore, it is important to understand *how* we are measuring *who* is in the pipeline to inform how we support their needs and cultivate their contributions to legal education and, subsequently, to the legal profession. As the research shows, diversity and inclusion are crucial to building a system of justice that is truly for all people (e.g., King, Johnson, & McGeever, 2010).

Road Map

This report is the beginning of a conversation that LSAC plans to continue in subsequent reports about the real-world implications of variation in data collection and reporting methodology. In the current report, we first describe different methods used for data collection and reporting. Next, we use examples of diversity in legal education to illustrate the practical application of different reporting methodologies. We conclude with a discussion of the social and cultural implications of the racial and ethnic categories used to measure diversity in legal education.

Race and Ethnicity Data Collection

In 1977, the Office of Management and Budget (OMB) first promulgated federal minimum standards for race and ethnicity categories in data collection and reporting to ensure consistency and comparability of data across agencies. This was a landmark move by OMB to begin more systematically documenting population diversity for monitoring enforcement of civil rights laws with respect to legislative redistricting, housing, education, and employment opportunities. This documentation was especially important for racial and ethnic groups that have historically experienced discrimination and differential treatment. In 1997, OMB proposed new standards for categorizing race and ethnicity; final guidelines for these standards were issued in 2007 in the Federal Register. The Integrated Postsecondary Education Data System (IPEDS) requires that colleges and universities use these standards to collect and report student information.

The 2007 standards require any entity reporting data at the federal level first to ask individuals whether they are of "Hispanic or Latino" ethnicity and then, in a subsequent question, to choose one or more of the five offered race categories: "American Indian or Alaska Native," "Asian," "Black or African American," "Native Hawaiian or Other Pacific Islander," and "White." In the 2007 standards, "African American" was added to the previous subcategory of "Black," and the existing subcategory of "Asian" was separated into "Asian" and "Native Hawaiian or Other Pacific Islander." It is important to note that OMB race and ethnicity categories are intended to serve as the minimum number of categories required for collection and reporting, but the standard is often interpreted, erroneously, as precluding collecting or reporting data in greater detail for purposes other than federal reporting.

There is ongoing discussion in the research community about which race and ethnicity categories to use, who should be included in predefined categories, and how decisions about categories shape our understanding of racial and ethnic inequality (e.g., Burnette, Younker, & Wick, 2020; Connolly et al., 2019; Saperstein, Penner, & Light,

2013; Snipp, 2003; Sutton, 2020). In recognition of the evolving understanding of racial and ethnic categories as well as a concern that entities have often mistakenly believed the OMB categories are the only allowed categories, OMB formed an interagency task force in 2014 to review the data collection and reporting standards. While it will likely take many years for the task force to complete its work, this effort clearly indicates a recognition at the federal level that the way race and ethnicity information is collected and reported, as well as how individuals identify (or don't identify) with the current categories, needs to evolve as our society's understanding of socially created race and ethnicity categories evolve.

Currently, the OMB data collection standards employ one question to identify ethnicity and five categories to identify race, as described above. LSAC, on the other hand, collects a combination of race and ethnicity information using nine total categories (Table 1). It is important to note that even when category names are similar, that does not mean those categories represent the same individuals. For example, LSAC's category of "Hispanic/Latino" does not include matriculants who self-identify as Puerto Rican, while OMB's "Hispanic or Latino" category does include those self-identifying as Puerto Rican. Although differences in who is included in the Hispanic/Latino category may not result in large number differences at the population level, such differences may be essential to understanding data in schools that have a larger population of individuals identifying as Puerto Rican.[1]

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[1] Note, however, for research purposes, LSAC often combines the "Hispanic/Latino" and "Puerto Rican" categories.

TABLE 1
LSAC and OMB race and ethnicity categories

LSAC (Since 2010)	OMB Minimum Standards
American Indian/Alaska Native	American Indian or Alaska Native
Black/African American	Black or African American
Caucasian/White	White
Hispanic/Latino[a]	Hispanics of any race[*]
Puerto Rican	—
Canadian Aboriginal/Indigenous	—
Asian[b]	Asian
Native Hawaiian or Other Pacific Islander	Native Hawaiian or Other Pacific Islander
Indigenous Australian[c]	—
—	Two or More Races[**]
Decline to Respond[d]	Race Unknown and Ethnicity Unknown[†]

Note. Two or More Races, Race Unknown, and Ethnicity Unknown are categories that are used for reporting data only. They are not categories that respondents choose.
[a]Central American; Chicano/Mexican; Cuban; Other Hispanic/Latino; South American. [b]Cambodian; Chinese; Filipino; Indian; Japanese; Korean; Malaysian; Other Asian; Pakistani; Thai; Vietnamese. [c]Aboriginal or Torres Strait Islander Australian. [d]If "Decline to Respond" option, if chosen, all race/ethnicity categories are unchecked.
[*]A person of Cuban, Mexican, Puerto Rican, South American, Central American, or other Spanish culture or origin, regardless of race. [**]A non-Hispanic person who selects two or more of the other racial categories. [†]Persons whose race and ethnicity are not known.

Race and Ethnicity Data Reporting

How race and ethnicity data are reported is as important as how the data are collected. Currently, policymaking in education largely relies on data that has been reported at the federal level. However, as we explain below, OMB standards for data reporting may no longer be sufficient to capture race and ethnicity information in a way that is granular enough to ensure that law schools are best able to recruit and support a diverse population.

Single Reporting

Single reporting is the method required by OMB. With single reporting, individuals can choose more than one racial category, but when the data are reported, all who choose more than one racial category are grouped together in a "Two or More" category. However, no matter how many racial categories an individual chooses, respondents who self-identify their ethnicity as "Hispanic or Latino" are counted only as Hispanic or Latino, not as part of the Two or More category, and not as part of any

subcategory of race that they might select. The ABA uses this method to report law student data on race and ethnicity.

Criticism of the OMB standards arose even before the final regulations were promulgated (e.g., Lee & Orfield, 2006). Researchers expressed concerns that aggregation masks important aspects of diversity within groups (Byon, 2020; Wang et al., 2020) as well as diversity among multiracial populations, both of which have significant implications when trying to measure progress toward equitable outcomes (Lee & Orfield, 2006; Richards & Stroub, 2020). In addition, OMB standards were created, in part, to allow individuals to self-identify more accurately by choosing more than one category. However, by assigning all individuals who identify as more than one race into a Two or More Races category, reporting standards are effectively negating the goal of self-identification for individuals in that group.[2]

Maximum Reporting

Under maximum reporting, individuals are counted as part of any and all racial and ethnic categories they select. In other words, individuals may be members of multiple categories and will thus be counted multiple times when computing category *frequencies*. This method allows for a richer dataset to better examine the nuances of diversity instead of grouping anyone who identifies with more than one race or ethnicity into an undifferentiated category. Hispanic/Latino is the one category count that remains the same across reports that use different methodologies because everyone who identifies as "Hispanic/Latino" is included in that category for both single and maximum reporting. In 2010, LSAC began using this method to report race and ethnicity data in most of its research, allowing individuals to self-identify and to enhance our understanding of how diversity in the law school population is growing.

It is important to note that using both methods of reporting can deepen understanding of diversity in law school enrollment. Single reporting may not be appropriate or adequate to answer all questions about inequality, and the same holds true for maximum reporting. For example, while LSAC typically uses maximum reporting, we also use single reporting, following OMB guidelines, for statistical procedures, such as weighting datasets, which allow us to determine statistically significant differences over time.

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[2] It is also important to mention that wording of race and ethnicity questions that comply with OMB standards does not include an explanation of how the categories are reported, and it is unclear if individuals would identify differently if they were made aware of the full implications of their category choices under single reporting. While LSAC does not include category definitions either, the way LSAC reports data better reflects the goal of allowing individuals to self-identify, whereas OMB standards specify collecting data in a way that supports self-identification but that is not borne out in the reporting standards.

Practical Application

In this section, we use LSAC-collected data to illustrate differences in the racial and ethnic diversity profiles of law school enrollment to show how different data collection methodologies affect how categories are reported and how the data are presented. First, we show how maximum reporting reveals the diversity hidden by the use of the Two or More Races category in single reporting. Second, we demonstrate how different ways of presenting data (e.g., data presented using frequencies and data presented using percentage) can change our understanding of diversity trends.

Diversity Within "Two or More Races" Category

Reporting using the Two or More Races category can present challenges for understanding diversity in law school and can make it difficult to accurately assess the needs of multiracial individuals. As noted by the Pew Research Center (Parker, Horowitz, Morin, & Lopez, 2015), "Multiracial Americans are at the cutting edge of social and demographic change in the U.S.—young, proud, tolerant and growing at a rate three times as fast as the population as a whole" (p. 5). Maximum reporting provides insight on multiracial groups and reflects the increasing national trend among individuals self-selecting more than one race.

Figure 1 shows the percentage of law school matriculants who indicated more than one race or ethnicity from 2014 to 2019. Over 70% of students who self-identified as either "American Indian/Alaska Native" or "Native Hawaiian/Other Pacific Islander" also indicated another race or ethnicity. From 2017 onward, about 40% of those indicating Hispanic/Latino heritage also selected at least one other racial category. In comparison, a smaller percentage of Asian, Black, and white matriculants chose multiple race or ethnicity categories. In line with findings from the Pew Research Center report (Parker, Horowitz, Morin, & Lopez, 2015), the percentage of individuals indicating more than one race or ethnicity increased for every racial and ethnic category between 2014 and 2019. However, the percentage of individuals choosing multiple races or ethnicities has grown faster among some groups than others. Notably, Black/African American matriculants who chose multiple race or ethnicity categories doubled between 2014 and 2019 (from 12% to 24%).

Figure 1 clearly shows that if we aggregate individuals who choose more than one race or ethnicity into the "Two or More" category, we partially conceal demographic enrollment trends. For example, in 2019, if "American Indian/Alaska Native" had included students who *only* selected that category, about 83% of the students in that category would have been omitted from reporting. Capturing diversity within groups is essential for groups with a high prevalence of individuals self-identifying as multiracial,

but possibly even more important for groups such as American Indian and Alaska Natives, who are often overlooked or absent in data reporting (e.g., Burnette, Younker, & Wick, 2020; Sutton, 2020). Using single reporting for groups such as these would hinder our ability to measure trends, differences, similarities, and needs between students who self-select only one category and those who self-select multiple categories. Understanding *how* categories are used and *who* is being counted within each reporting methodology is important when discussing diversity in the pipeline and evaluating the impact of our recruitment efforts.
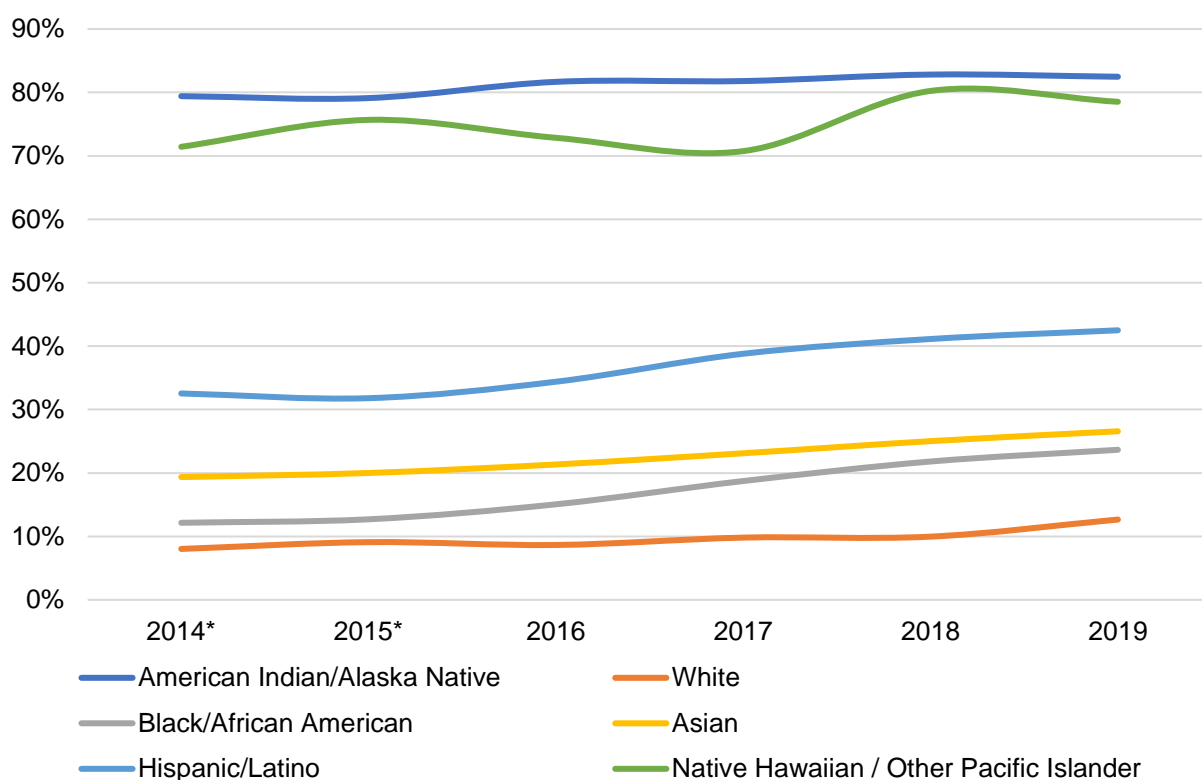

FIGURE 1. *Percentage of matriculants indicating more than one race and ethnicity. Notes: *LSAC data from fall term only.*

Frequency and Percentage for Single and Maximum Reporting

In addition to data collection and reporting, data presentation—specifically choosing whether to display the data as frequencies or percentages—can also change how we understand diversity in enrollment trends. Frequency captures the number of times certain racial and ethnic categories are selected. Percentage tells us what proportion of the data is counted in each category. Therefore, frequency and percentage provide two different perspectives, both of which are needed to fully understand diversity trends.

For example, Figure 2 shows a decline in the frequency of Asian matriculants over time, a trend that is the same whether using single or maximum reporting. However, Figure 3 shows that, for both single and maximum reporting, the relative percentage of Asian matriculants has remained about the same from 2014 to 2019, hovering around 8%. If we considered only frequency, we might be concerned about the decline in the number of Asian matriculants. However, when we concurrently consider the relative stability of the percentage of Asian matriculants over time, we see that the frequency decline may be due to broader trends in law school enrollment, such as a decline in total enrollment over the same time period.
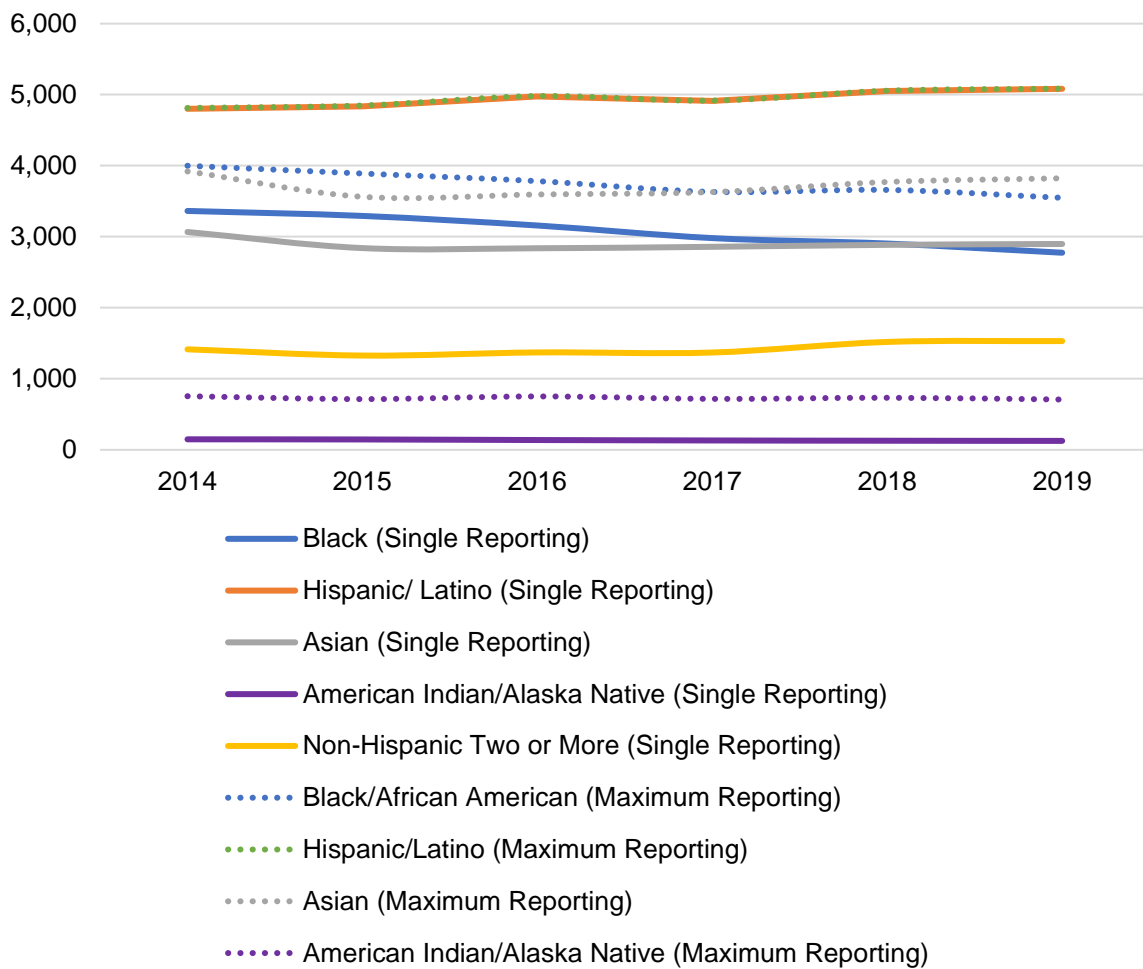

FIGURE 2. *Frequency of matriculants by race/ethnicity. Note: maximum and single reporting based on LSAC data.*
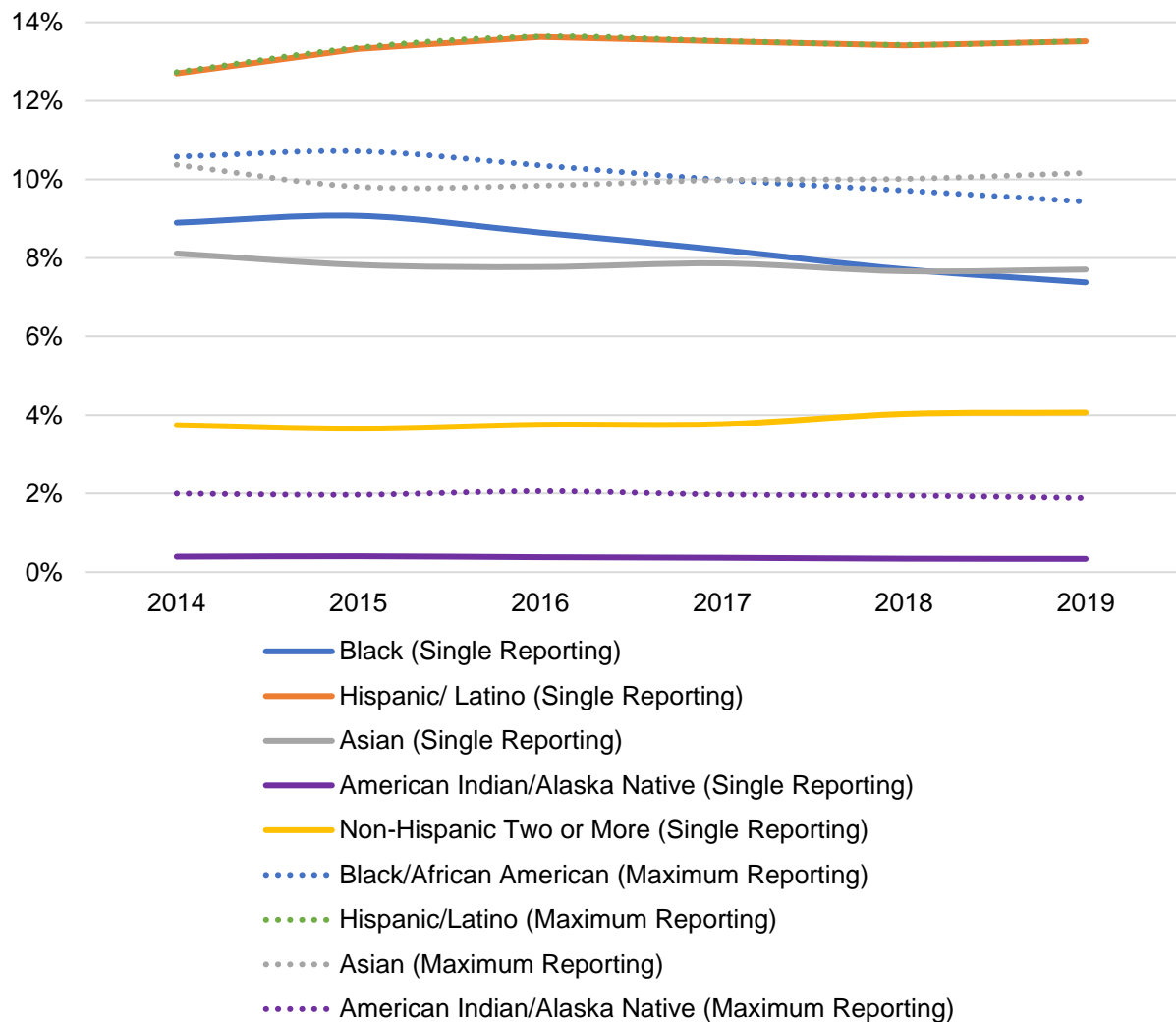
FIGURE 3. *Percentage of matriculants by race and ethnicity. Note: Maximum and single reporting from LSAC data*

This example shows how important it is to understand exactly what frequency and percentage tell us about enrollment trends, which in turn will determine how we in legal education should use the different types of information to inform diversity-promoting policies and practices. When measuring diversity in the pipeline, we should consider any decline within the context of enrollment trends in legal education as a whole. If there is a decline in diversity represented by declining frequency of one or more minoritized groups, is it proportionally similar to overall enrollment trends? Similarly, how much has diversity in the pipeline improved with respect to overall growth in the pipeline? Without considering both perspectives that frequency and percentage data offer, we cannot understand the full diversity story. Frequency and percentage provide two different but

equally important stories about enrollment trends, and we need to carefully consider how they are presented as metrics of diversity.

Conclusion

The purpose of this report is to clarify methodological differences in racial and ethnic data collection, reporting, and presentation and to explain how these differences can inform our understanding of diversity in the pipeline as it relates to enrollment in law school. This is the beginning of a broader conversation about how the legal field measures and reports on data used to characterize diversity. It is important to understand the evolution and current meaning of predetermined categories and what the social and cultural implications of these categories are for matriculants who inhabit them.

Race and ethnicity categories imply a cultural and social meaning tied to individuals' bodies (Kohler-Hausmann, 2018, p.1204). Matriculants' lived experiences before, during, and beyond the law school admission process are influenced by how others perceive their skin tone (e.g., Chavez-Dueñas, Adames, & Organista, 2014; Feliciano, 2016; Mathews & Johnson 2015), how social structures influence their identity (Omi & Winant, 2014), and how race and ethnicity are stigmatized and stereotyped in education and in society at large. Therefore, the collection and reporting of race and ethnicity data should be done with an understanding of what these categories mean to applicants and matriculants. Otherwise, schools run the risk of basing diversity-promoting recruitment efforts on faulty assumptions.

LSAC's commitment to diversity, equity, and inclusion starts with acknowledging the importance of data collection and reporting in understanding who our matriculants are. Moving forward, LSAC plans to continue the conversation about measuring diversity by examining data collection and reporting methodology for other identities, such as gender, LGBTQ+, first-generation college student status, disability status, and various intersectional identities, in the legal education pipeline.

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