

Racial and Ethnic Preferences at the Three Virginia Public Law Schools

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Executive Summary

- ◆ The law schools at the University of Virginia and William & Mary give massive preference to black applicants over their Hispanic, white, and Asian counterparts. The relative odds of admission of a black over a white applicant for UVA, controlling for other factors, were almost 650 to 1 in 1998 and 730 to 1 in 1999 (the highest in any CEO study). At William & Mary, black-white odds ratios were roughly 350 to 1 in 1998 and 170 to 1 in 1999.
- ◆ There is some evidence of preferences being awarded to Asian applicants over whites at UVA (roughly 2 to 1 relative odds of admission for both years) and at William & Mary (2 to 1 in 1998 and 3 to 1 in 1999).
- ◆ The George Mason University School of Law granted a relatively small degree of preference to blacks over whites in 1998 (roughly 3 to 1 relative odds of admission), but none in 1999 (1 to 1). Preferences were also awarded at GMU to Asians in 1998 (4 to 1), but not in 1999 (2 to 1, but not statistically significant).
- ◆ There is no evidence of preferences being given to Hispanic over white applicants at the three Virginia public law schools.
- ◆ Odds ratios are also illustrated by presenting them as probabilities of admission given similar characteristics and qualifications. For example:
 - At GMU, with an LSAT score of 160 and a GPA of 3.25, black, Hispanic, Asian, and white in-state male applicants would all have a 97 to 99 percent likelihood of admission in 1998.
 - At UVA, with an LSAT score of 160 and a GPA of 3.25, a black in-state male applicant in 1998 would have had a 96 percent chance of admission, versus only a 3 percent chance for identical Hispanic and white applicants, and a 7 percent chance for an identical Asian applicant.
 - At William & Mary, an LSAT score of 160 and a GPA of 3.25 in 1998 resulted in a 100 percent likelihood of admission for an applicant that was black, male, and from Virginia. If Hispanic, it dropped to 55 percent; if Asian, to 60 percent; and if white, to only 40 percent.
- ◆ Black law students had on average lower first-year GPAs than white law students at all three schools by at least a half a grade-point. First-year GPAs for Hispanic students were the same as those for white students at GMU, but lower at UVA and William & Mary. Asian students' GPAs were slightly lower at GMU and William & Mary and roughly the same as those for whites at UVA.

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Introduction

For nearly thirty years, racial and ethnic preferences have played a key role in how admissions officers at the nation's public and private colleges and universities have chosen their classes. A system of racial and ethnic preferences in admissions operates by establishing different standards of admission for individuals based upon their racial or ethnic background, with some students held to a higher standard and others admitted at a lower standard. Earlier in this century, some colleges and universities denied admission to Jews, blacks, women, and members of other groups even when their grades, test scores, and other measures of academic achievement surpassed those of white males who were offered an opportunity to enroll. The passage of new civil rights legislation in the 1960s made this kind of blatant discrimination illegal.

Since then, however, many colleges and universities have created "affirmative action" programs meant to boost the enrollment of students whose backgrounds previously had excluded them from pursuing a higher education—especially blacks and, to a lesser extent, Hispanics—by granting them preferences during the admissions process. These policies, when their existence was made public, immediately became controversial, and they remain so today. Defenders of racial and ethnic preferences claim that these policies are not discriminatory and help administrators choose between equally or almost equally qualified students, giving a slight edge to applicants who likely have faced discrimination or have come from disadvantaged backgrounds. Critics of preferences say that these policies are no better than the discriminatory ones they replaced and that, in any event, the advantages they confer upon certain applicants are much greater than supporters are willing to admit.

About fifteen years ago, sociologist William Beer lamented the dearth of empirical studies of racial preference programs and their consequences.¹ The situation has improved somewhat, but the extent, operation, and consequences of racial and ethnic preferences in higher education remain one of the nation's better-kept secrets. There has been only grudging acknowledgment that preferences have been used in admissions—or as the authors of *The Shape of the River* have put it, that admissions have been "racially sensitive."²

In the last few years, public colleges and universities have seen their ability to use racial and ethnic preferences increasingly restricted. The 1996 enactment of California's Proposition 209 (also known as the California Civil Rights Initiative) forbids discrimination against or granting special treatment to any applicant on the bases of race, ethnicity, or sex in the public programs of the country's largest state. A similar ballot initiative in Washington state was approved by a large majority of voters in 1998. The states of Florida, Texas, and California have all created policies that end explicit preferences and guarantee admission to the state

¹ William Beer, "Resolute Ignorance: Social Science and Affirmative Action," *Society* (May/June 1987): 63-69.

² See Robert Klitgaard, *Choosing Elites* (New York: Basic Books, 1985); Thomas Kane, "Racial and Ethnic Preferences in College Admissions," in Christopher Jencks and Meredith Phillips, eds., *The Black-White Test Score Gap* (Washington, D.C.: The Brookings Institution, 1998): 431-56; and William G. Bowen and Derek Bok, *The Shape of the River* (Princeton: Princeton University Press, 1998).

university system to the top graduates of their respective state's high schools regardless of race or ethnicity.

The studies published by the Center for Equal Opportunity (CEO), a public policy research organization, have been the only studies, to our knowledge, to uncover and systematically document the disparities in admission among America's public colleges and universities. Earlier CEO studies focused on undergraduate admissions at the public institutions of higher education in Colorado, Maryland, Michigan, Minnesota, North Carolina, and Virginia, the University of Washington and Washington State University, the U.S. Military Academy and U.S. Naval Academy, as well as the branches of the University of California at Berkeley, Irvine, and San Diego. These reports have shown that blacks and Hispanics receive large amounts of preference in undergraduate admissions. CEO studies on preferences in public undergraduate institutions of higher education have also obtained some aggregate data on graduation rates for racial and ethnic groups. These have shown that blacks and Hispanics are less likely to graduate from institutions giving them admission preferences than are their white and Asian counterparts.

The focus now shifts to professional schools. This report is the third in a series on racial and ethnic preferences in admissions to state medical and law schools across the nation. Earlier this year, CEO published a report on the use of preferences at the University of Maryland School of Medicine, and a second report on preferences at five other medical schools in New York, Georgia, Oklahoma, Michigan, and Washington state. Now, we have chosen the three public schools from the state of Virginia—the George Mason University School of Law, the University of Virginia School of Law, and the William & Mary School of Law—for which we analyze the extent of preferences in admissions. Additionally, as in CEO's earlier reports on public medical schools, this CEO report will investigate the consequences of racial and ethnic preferences on subsequent performance once students are enrolled.

Methodology

Just as high school seniors seeking college admission take the SAT or the ACT, prospective law school students must take the Law School Admission Test (LSAT). The LSAT is a standardized multiple choice test consisting of questions that aim to measure analytical reasoning, logical reasoning, and reading comprehension skills. Scores range from a low of 120 points to a high of 180.³ The mean LSAT score of all test takers in the period of June 1998–February 2001 was 149.92; the standard deviation was 9.83.⁴

Law schools rely on undergraduate grades and the LSAT scores as the most important factors in evaluating applicants for law school. Research shows that these two factors, taken together, are the best predictors of subsequent law school grades.⁵ The president of the Law School Admission Council stated in an essay in *Legal Times* that the LSAT “provides the best information available about academic potential in law school when admissions decisions are made.”⁶

CEO sought the data on individual applicants’ admission status, matriculation status, racial or ethnic group membership, sex, state of residency, LSAT scores, and undergraduate GPAs.⁷

While data were obtained for the law schools for the years 1993 through 1999, the focus below is for the most part on 1998 and 1999, the most recent years in the dataset. We omit from our data analyses those cases for which race or ethnicity is listed as other, missing, or unknown. We also omit Native Americans because of their small number in this context. Lastly, we omit cases with missing academic data.

We do not report group means for test scores or GPAs. Using group means places greater weight on extreme values than is warranted. A few unusually high or low scores can have a substantial effect on the value of the mean. Standard deviations, which are based on squared deviations from the mean, are even less useful for describing the spread of cases for

³ *LSAT & LSDAS Registration & Information Book, 2001-2002 Edition* (Newtown, PA: Law School Admission Council, 2001): 13. For more details, see the Law School Admission Council’s web site, <http://www.lsac.org/>.

⁴ This information was graciously provided to Robert Lerner by Robert Carr of the Law School Admission Council.

⁵ Linda Wightman shows that law school admissions decisions in general are well predicted by a combination of LSATs and undergraduate grades. See Linda F. Wightman, *Predictive Validity of the LSAT: A National Summary of the 1990-1992 Correlation Studies*, Law School Admission Council, Research Report 93-05 (Newtown, PA: Law School Admission Council, December 1993); and Linda Wightman, “The Threat to Diversity in Legal Education: An Empirical Analysis of the Consequences for Abandoning Race as a Factor in Law School Admissions Decisions,” *New York University Law Review*, Vol. 72, No. 1, April 1997, pp. 11-12. This citation should not be interpreted to mean that we endorse Wightman’s overall conclusions. See Stephan Thernstrom, “The Scandal of the Law Schools,” *Commentary*, December 1997, Vol. 104, No. 6, pp. 27-32, for a pointed critique.

⁶ Philip D. Shelton, “Admissions Tests: Not Perfect, Just the Best Measures We Have,” *Legal Times*, July 7, 2001, at p. B15.

⁷ CEO also requested, but was not provided, data on whether the applicant was the child of a graduate of the law school.

asymmetrical, badly skewed distributions. This is because standard deviations reflect the mathematical square of these extreme values.

The median, however, and related statistics are far less affected by the values of extreme cases. The median, or the score at the 50th percentile, represents the middle of the distribution. Fifty percent of all students have higher scores, and 50 percent have lower scores.

We also report scores at the 25th and 75th percentiles, again to deal with the problem of extreme cases. While the median represents the middle of the distribution, the 25th and 75th percentile scores taken together represent the actual spread of scores. For example, a GPA at the 25th percentile means that 25 percent of GPAs were below 3.2, while 75 percent of scores were above it. A GPA of 3.9 means that 75 percent of scores were below 3.9, while 25 percent were above it. Finally, we do not report group scores if there are fewer than five persons in a group.

LSAT scores can perhaps be better understood if they are compared to the more familiar SAT scores. The average score for LSAT test takers is 150, and can be compared to the average score on either the math or the verbal SAT, which is 500. The standard deviation of about 10.00 is similar to the standard deviation of 100 for the SAT. This means that a difference in LSAT scores of 10 points is approximately equivalent to a difference of 100 points on the SAT. Assuming that LSAT scores approximate a normal distribution, an LSAT score of 160 is comparable to an SAT score of 600, as both are at the 84th percentile of all test takers for their respective tests. Similarly, an LSAT score of 170 is similar to an SAT score of 700, as both are at the 98th percentile score.

Racial and Ethnic Differences in Admissions

I. Admission Rates

Table 1
In-State and Out-of-State Admission Rates

School	<i>In-State Applicants</i>	<i>Out-of-State Applicants</i>
GMU, 1998	40%	30%
GMU, 1999	41%	26%
UVA, 1998	34%	28%
UVA, 1999	32%	29%
Wm & M 1998	32%	34%
Wm & M 1999	31%	31%

Table 1 above shows the overall admission rates for in-state and out-of-state residents. George Mason University (GMU) School of Law admits Virginia residents at notably higher rates than out-of-state applicants (by 10 percent in 1998 and by 15 percent in 1999). The University of Virginia (UVA) favored Virginia residents by 6 percent in 1998 and by 3 percent in 1999. William & Mary School of Law admitted in-state and out-of-state applicants at virtually the same rates.

Table 2
Overall Admission Rates by Racial and Ethnic Group

<i>School</i>	<i>Black</i>	<i>Hispanic</i>	<i>Asian</i>	<i>White</i>
GMU, 1998	9%	21%	36%	39%
GMU, 1999	6%	17%	28%	38%
UVA, 1998	27%	16%	28%	31%
UVA, 1999	31%	15%	25%	31%
Wm & M, 1998	29%	17%	26%	36%
Wm & M, 1999	26%	12%	25%	33%

Table 2 shows the overall admission rates for black, Hispanic, Asian, and white applicants. The admission rates of whites are the highest among all groups. At William & Mary and UVA, the next highest admission rates are for blacks and Asians. Asians and blacks have similar admission rates at these schools. Hispanic applicants at UVA and William & Mary for 1998 and 1999 have the lowest rates. At GMU, in 1998 and 1999, black applicants had the lowest admission rates, followed by Hispanics, Asians, and then whites.

II. Overall Group Comparisons

We examined three pairs of differences in admittee qualifications: white-black, white-Hispanic, and white-Asian. Treating each pair of comparisons separately makes it easier to see whether substantial differences in racial and ethnic differences exist, for which groups they are greatest, and for which groups they are the smallest.

A. White-Black Gaps

Table 3
White-Black Gaps: LSATs and Undergraduate GPAs

<i>LSAT Scores</i>			
	<i>Whites</i>	<i>Blacks</i>	<i>Gap</i>
GMU, 1998	159	155	4
GMU, 1999	159	158	1
UVA, 1998	168	158	10
UVA, 1999	167	159	8
Wm & M, 1998	163	152	11
Wm & M, 1999	163	154	9
<i>Undergraduate GPAs</i>			
	<i>Whites</i>	<i>Blacks</i>	<i>Gap</i>
GMU, 1998	3.24	3.04	0.20
GMU, 1999	3.22	3.19	0.03
UVA, 1998	3.73	3.41	0.32
UVA, 1999	3.77	3.45	0.32
Wm & M, 1998	3.48	3.21	0.27
Wm & M, 1999	3.47	3.22	0.25

Gaps in median LSAT scores between white and black admittees are substantially greater at UVA and William & Mary compared to GMU. While the white-black LSAT gap at GMU is 4 points in 1998 and 1 point in 1999, at UVA it is 10 points in 1998 and 8 points in 1999. At William & Mary, it is 11 points in 1998 and 9 points in 1999.

The same differences among schools are found regarding undergraduate GPAs. In 1998, the gap in median GPAs at GMU between whites and blacks is 0.20 of a point. In 1999, it is 0.03 of a point. The gaps between whites and blacks are greater at UVA and William & Mary. In 1998 and 1999, UVA's white-black gap in GPAs is almost one-third of a grade-point. At William & Mary, the white-black gap in median GPAs is roughly one-quarter of a grade-point.

B. White-Hispanic Gaps

Table 4
White-Hispanic Gaps: LSATs and Undergraduate GPAs

<i>LSAT Scores</i>			
	<i>Whites</i>	<i>Hispanics</i>	<i>Gap</i>
GMU, 1998	159	157	2
GMU, 1999	159	156	3
UVA, 1998	168	170	-2
UVA, 1999	167	167	0
Wm & M, 1998	163	162	1
Wm & M, 1999	163	162	1
<i>Undergraduate GPAs</i>			
	<i>Whites</i>	<i>Hispanics</i>	<i>Gap</i>
GMU, 1998	3.24	3.36	-0.12
GMU, 1999	3.22	3.15	0.07
UVA, 1998	3.73	3.95	-0.22
UVA, 1999	3.77	3.64	0.13
Wm & M, 1998	3.48	3.48	0
Wm & M, 1999	3.47	3.32	0.15

There are almost no differences in median LSAT scores between whites and Hispanics. At GMU, the white-Hispanic gap in test scores is 2 points in 1998 and 3 points in 1999. At UVA, the white-Hispanic gap favors Hispanics by 2 points in 1998, while median test scores are identical in 1999. At William & Mary, the white-black gap is a single point in 1998 and 1999.

There are also no differences in median GPAs between whites and Hispanics. At GMU in 1998, the white-Hispanic gap favors Hispanics by 0.12 points, and the gap favoring whites is only 0.07 of a point in 1999. At UVA in 1998, the white-Hispanic gap favors Hispanics by roughly 0.22 of a point, while it favors whites in 1999 by 0.13 of a point. At William & Mary, there is no difference in white and Hispanic median GPAs in 1998, and a gap of only 0.15 of a point in 1999.

C. White-Asian Gaps

Table 5
White-Asian Gaps: LSATs and Undergraduate GPAs

<i>LSAT Scores</i>			
	<i>Whites</i>	<i>Asians</i>	<i>Gap</i>
GMU, 1998	159	158	1
GMU, 1999	159	159	0
UVA, 1998	168	167	1
UVA, 1999	167	166	1
Wm & M, 1998	163	162	1
Wm & M, 1999	163	161	2
<i>Undergraduate GPAs</i>			
	<i>Whites</i>	<i>Asians</i>	<i>Gap</i>
GMU, 1998	3.24	3.08	0.16
GMU, 1999	3.22	3.24	-0.02
UVA, 1998	3.73	3.71	0.02
UVA, 1999	3.77	3.65	0.12
Wm & M, 1998	3.48	3.34	0.14
Wm & M, 1999	3.47	3.29	0.18

There is almost no difference in median LSAT scores between whites and Asians. At GMU, there is a 1-point gap in 1998 and no gap in 1999. At UVA, the gap is a single point for 1998 and 1999. At William & Mary, the gap is a point in 1998 and 2 points in 1999.

The differences in median undergraduate GPAs are also relatively small. At GMU, in 1998, the gap between whites and Asians is 0.16 of a point, while in 1999 it is 0.02 of a point favoring Asians, which is essentially no difference. At UVA in 1998, the white-Asian gap is also 0.02 of a point, but favoring whites (again, essentially no difference), while it is 0.12 favoring whites in 1999. At William & Mary, the white-Asian gaps in GPAs are also small: 0.14 in 1998 and 0.18 in 1999.

III. Logistic Regression Analysis and Odds Ratios

Admitting students based on racial and ethnic preferences results in schools accepting students with lower test scores and grades compared to other students at the same school. Admission officers essentially reach down into the applicant pool and pull up certain students, a practice that necessarily results in at least some students with better credentials than other admittees being rejected from the same schools, despite their superior qualifications.

Although the data presented thus far provide substantial evidence of racial and ethnic preferences at two of the three law schools, it is possible to make the case even stronger and considerably more precise. The most powerful means of assessing the degree of racial and ethnic preference in admissions is to develop statistical models that predict the probability of admission at a school for members of the different ethnic and racial groups, holding constant their qualifications. This is done by computing a multiple logistic regression equation that predicts admission decisions by race and ethnicity and includes LSAT scores and GPAs as statistical control variables, among others.

We use multiple logistic regression analysis as our statistical technique because of the nature of the data provided. A conventional way of representing a relationship between the independent and dependent variables is by using correlation coefficients. A negative correlation coefficient of -1.0 signifies a perfect negative relationship between the independent (predictor) variable and the dependent (or outcome) variable, whereby an increase in the value of the independent variable yields a decrease in the value of the dependent variable. A positive correlation coefficient of 1.0 signifies a perfect positive relationship between the two variables: As the independent variable increases, so does the dependent variable. Strictly speaking, however, we cannot use correlations to analyze admissions data because correlations and standard multiple regression analysis require a dependent variable that is non-binary in form. In the case of an applicant's admission status, the dependent variable (individual admission status) is binary in form: reject versus admit. To get around this binary-variable problem, we rely on multiple logistic regression equations and their corresponding odds ratios.

The odds ratio is somewhat like a correlation coefficient, except instead of varying from 1.0 to -1.0 , it varies between zero and infinity. An odds ratio of 1.0 to 1 means that the odds of admissions for the two groups are equal. It is equivalent to a correlation of zero. An odds ratio greater than 1.0 to 1 means that the odds of members of Group A being admitted are greater than those for members of Group B, in precisely the amount calculated. An odds ratio of less than 1.0 to 1 means the members of Group A are less likely to be admitted than those in Group B. The former is similar to a positive correlation, the latter similar to a negative correlation.

The statistical technique of multiple logistic regression allows us to present admissions data in terms of the relative odds of those in Group A being admitted compared to Group B while simultaneously controlling for a host of other possibly confounding variables. The value of the odds ratio is that it provides a direct measure of the degree of racial or ethnic preference given in the admissions process for a particular school.

Logistic regression equations predicting the relative odds of admission were computed for the three law schools, controlling for LSAT scores, undergraduate GPAs, sex, and in-state residency. We were able to derive the odds of admission from these equations for each minority group relative to that of whites, while simultaneously controlling for the effects of these other variables.⁸

Logistic regression analysis also allows for the testing of statistical significance. Statistical calculations always include what is called a p -value. When results are deemed to be statistically significant, this means that the calculated p -value is less than some predetermined cut-off level of significance. The level of significance conventionally is reported in the form of " $p \leq .05$." This value means that, with these data, there is a probability equal to or less than 5 percent (1 in 20) that the difference found between one group and another (e.g., blacks versus whites, Hispanics versus whites, or Asians versus whites, since minority groups are being compared with whites) is due to chance. It is a convention in statistical studies to use the 0.05 value or, in more stringent analyses, 0.01 (one in 100); occasionally, 0.001 (one in 1000) is used as the cut-off. Any p value greater than 0.05 (or the more stringent 0.01 or 0.001) is rejected, and the results are said to be nonsignificant. A difference that is statistically significant has very little chance of being the result of chance—that is, being a statistical fluke.

In the next sections, we discuss odds ratios from comparing blacks with whites, Hispanics with whites, and Asians with whites. Statistically significant results are also noted.

The size of the odds ratio reflects the strength of the association between racial or ethnic preference and admission status. An odds ratio equal to or greater than 3.0 to 1 is commonly thought to reflect a strong relationship, an odds ratio of about 2.0 to 1 reflects a moderate association, while a relative odds ratio of 1.5 or less to 1 indicates a weak relationship. Of course, 1 to 1 indicates no relationship.⁹ Finally, a *very* strong relationship might be taken to be the equivalent of the relative odds of smokers versus nonsmokers dying from lung cancer—14 to 1 in one well-known study.¹⁰

The results are summarized in Table 6 below.

⁸ For a more complete discussion of odds ratios and logistic regression, see Alan Agresti, *Introduction to Categorical Data Analysis* (New York: John Wiley and Sons, 1996).

⁹ See David E. Lilienfeld and Paul D. Stolley, *Foundations of Epidemiology*, 3rd edition (New York: Oxford University Press, 1994): 200-202.

¹⁰ Taken from a 20-year longitudinal study of British male physicians by R. Doll and R. Peto, as quoted in Agresti, *Introduction to Categorical Data Analysis*, p. 47.

Table 6
Relative Odds of Various Groups Being Admitted
Over White Applicants, Controlling for Other Factors

	<i>Black to White</i>	<i>Hisp. to White</i>	<i>Asian to White</i>
GMU, 1998	2.92*	1.73	3.92**
GMU, 1999	1.13	1.09	1.74
UVA, 1998	646.80**	0.95	2.07*
UVA, 1999	730.80**	1.09	1.86*
Wm & M, 1998	351.29**	1.81	2.24*
Wm & M, 1999	167.51**	2.47	3.29**
* $p \leq 0.01$ ** $p \leq 0.0001$			

A. Black-White

Black-to-white odds ratios are significantly higher than those for other groups, except in the case of George Mason. At UVA, the black-white odds ratios are extraordinarily high—higher than any study we’ve done for the Center for Equal Opportunity. They are almost 650 to 1 in 1998 and 730 to 1 in 1999.¹¹ Black-white odds ratios are also extremely high at William & Mary—roughly 350 to 1 in 1998 and almost 170 to 1 in 1999. In contrast, black-white odds ratios at George Mason are relatively small. Furthermore, the 1999 black-white odds ratio for George Mason is not even statistically significant. All this is significant statistical evidence that black applicants at UVA and William & Mary receive a substantial degree of preference over white applicants, controlling for other factors.

B. Hispanic-White

Compared to the black-white odds ratios, the Hispanic-white odds ratios are small and none is statistically significant. Small and nonsignificant odds ratios are evidence that, controlling for other factors, Hispanic applicants receive no preference over white applicants.

C. Asian-White

The Asian-white odds ratios are statistically significant at UVA and William & Mary in both years, and at George Mason in 1998. While statistically significant, the Asian-white odds ratios at George Mason are relatively small compared to UVA’s and William & Mary’s black-white odds ratios. In 1998, the GMU Asian-white odds ratio was almost 4 to 1, favoring Asian over white applicants, all other factors being equal. The Asian-white odds ratio in 1999 at

¹¹ These odds ratios are even higher than those found for University of Michigan law school, where the relative odds of admissions for blacks relative to whites was 257.93 in 1995, 313.59 in 1996, 53.49 in 1997, 132.16 in 1998, 206.45 in 1999, and 443.26 in 2000. See note 20, p. 25 in *Gutter v. The University of Michigan Law School, et al.*, Opinion of Judge Bernard A. Friedman, Civil Action No. 97-CV-75928-DT.

George Mason is less than 2 to 1 and is not statistically significant. The Asian-white odds ratio at UVA was roughly 2 to 1 in 1998 and less than 2 to 1 in 1999. Asian-white odds ratios for William & Mary were slightly higher than 2 to 1 in 1998 and a little over 3 to 1 in 1999.

IV. Probabilities of Admission

The meaning of our logistic-regression-equation results in the form of odds ratios may be difficult to grasp, because the equations are complex and hard to explain without resorting to mathematical formulations. A more intuitive way of grasping the underlying dynamic of preferential admission is to convert these logistic regression equations into estimates of the probabilities of admission for individuals with different racial/ethnic group memberships, given the same test scores and grades.

In this section, we examine the three law schools for each of the two years. We compare the probabilities of admission for individuals belonging to different racial and ethnic groups, using the logistic regression equation specific to each school.

The calculation of probabilities for each racial or ethnic group determines the chances of admission for members of each group, all with the same test scores and grades. Additionally, we had to pick the same non-academic qualifications for each equation, thus holding these other factors constant. We chose to examine the probabilities of admission for an in-state male applicant (although we could have looked at in-state or out-of-state females, or out-of-state males). The calculation of probabilities estimates the chances of admission for members of each group, all with the same test scores and grades, residency status, and sex.

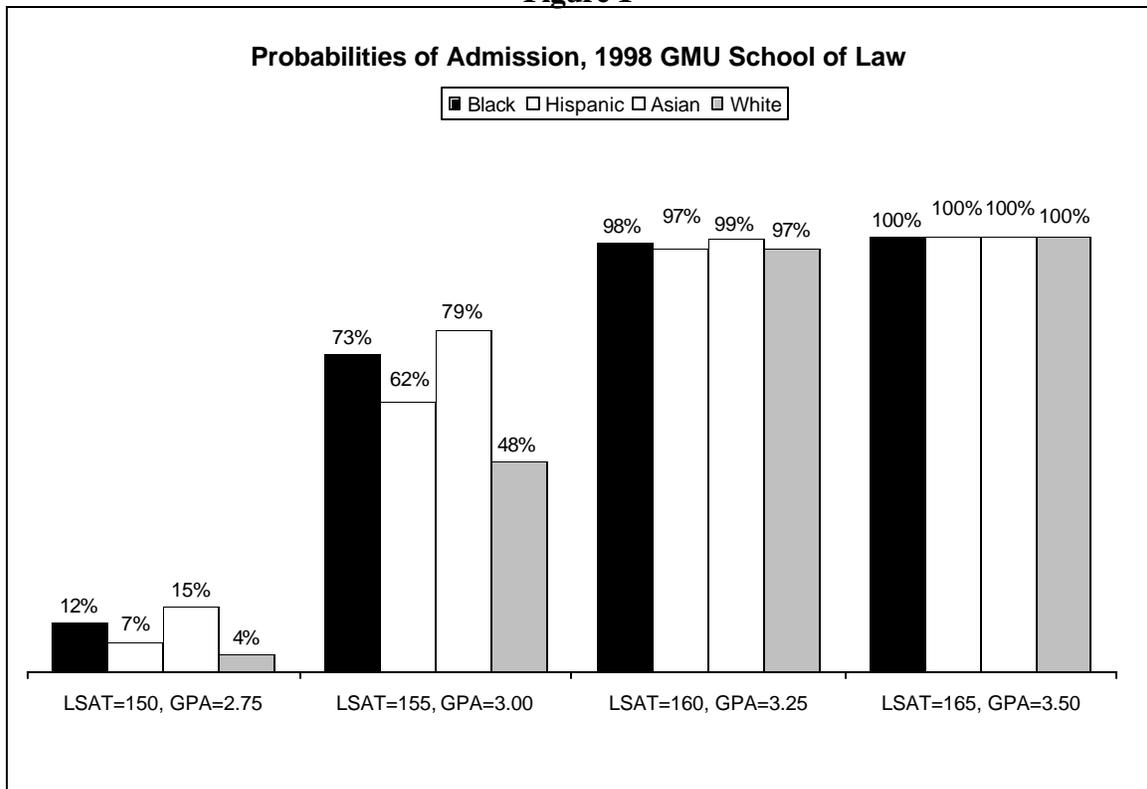
From there we calculated the chances a black applicant, a Hispanic applicant, an Asian applicant, and a white applicant would have if each applied with particular academic qualifications. These calculations do not change the statistical results reported in the earlier section on odds ratios. They simply provide an easier-to-understand interpretation of their meaning.

These differences in odds ratios translate into large differences in the probability of admission based on an applicant's race. The probabilities of admission are presented below for each school, first for the 1998 and then for the 1999 applicant pool.

A. George Mason University School of Law

1998¹²

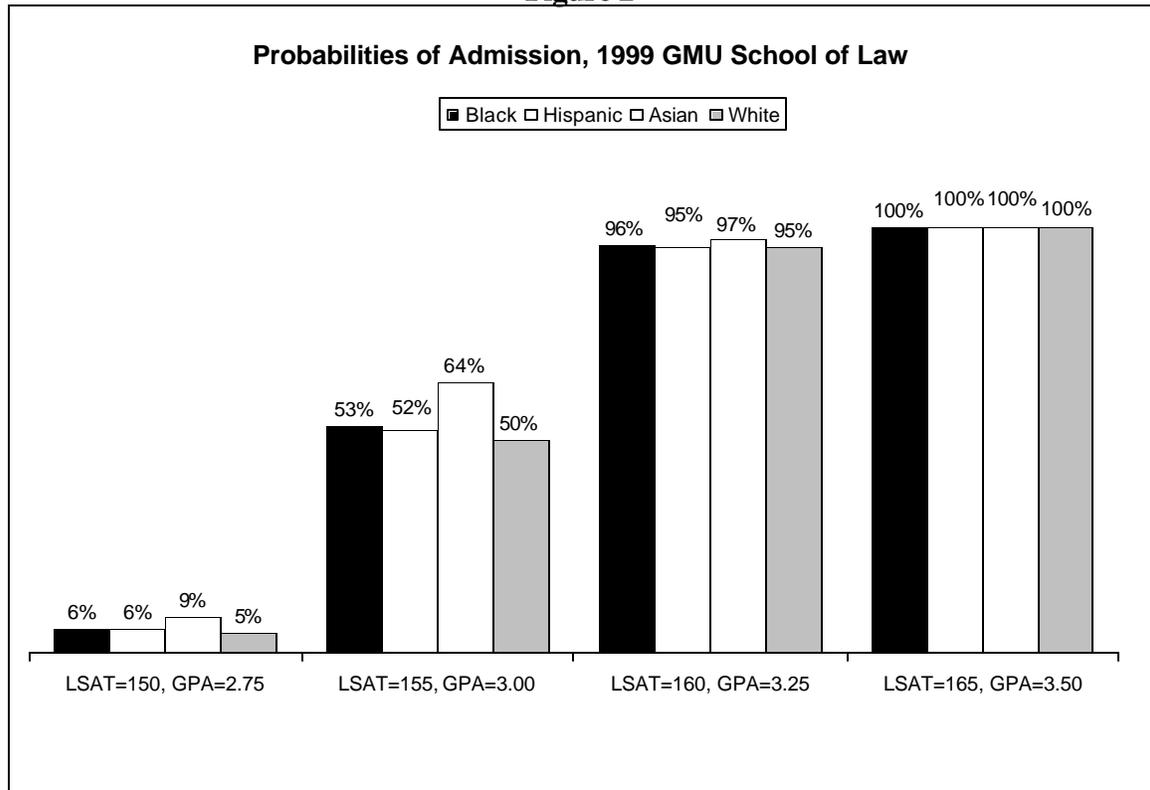
Figure 1



In 1998, Asians and blacks, and, to a lesser extent, Hispanics had a better chance of admission to GMU compared to whites with the same LSAT scores and GPAs. The chances of admission favoring Asians and blacks, and, to a lesser extent, Hispanics, increase as LSAT scores and GPAs decline. All applicants with LSATs of 165 and undergraduate GPAs of 3.50, and practically all applicants with LSATs of 160 and undergraduate GPAs of 3.25, are admitted. The relatively higher probabilities of admission of Hispanics over whites, however, are not statistically significant.

¹² The probability of admission for GMU law school in 1998 is equal to the quantity $A/(1+A)*100$ where $A = \text{EXP}(2.6383*GPA) + (.4761*LSAT) + (-.2304*Female) + (.9167*In-State Resident) + (1.0705*Black) + (1.3673*Asian) + (.5493*Hispanic) - 82.6931$.

Figure 2



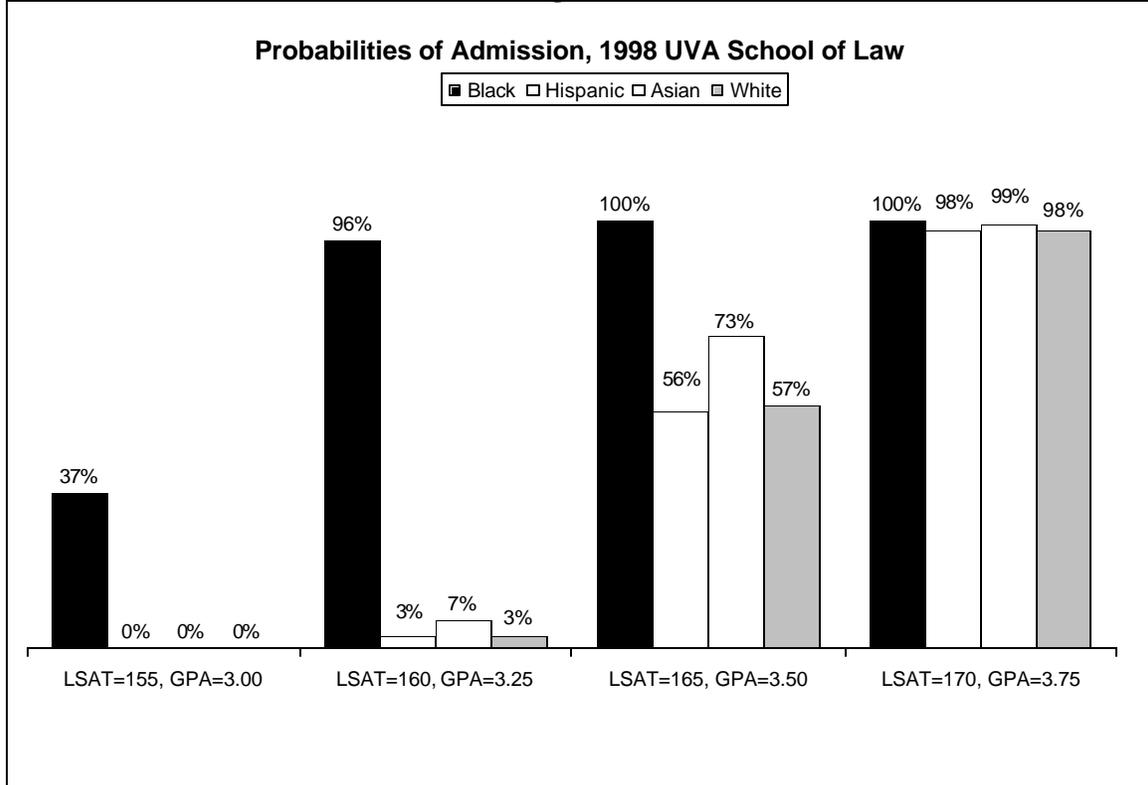
In 1999, probabilities of admission to GMU were roughly the same among blacks, Hispanics, and whites at all levels. LSAT scores of 160 or better, and GPAs of 3.25 or better, result in at least 95 percent of white, Hispanic, and black applicants being admitted in 1999. With an LSAT score of 150 and a GPA of 2.75, only 6 percent of blacks and Hispanics, and 5 percent of whites, would be admitted (the relatively higher probabilities are not statistically significant). In contrast, Asians have a higher probability of admission over whites, although the findings are not statistically significant for them either. For example, with an LSAT score of 155 and a GPA of 3.00, roughly half the black, Hispanic, and white applicants would be admitted, compared to 64 percent of Asians, controlling for all other factors.

¹³ The probability of admission for GMU in 1999 is equal to $A/(1+A)*100$ where $A = \text{EXP}((1.9645*GPA) + (.4884*LSAT) + (.9950*\text{In-State Resident}) + (-.0437*\text{Female}) + (.1209*\text{Black}) + (.5559*\text{Asian}) + (.0860*\text{Hispanic}) - 82.5869)$.

B. University of Virginia School of Law

1998¹⁴

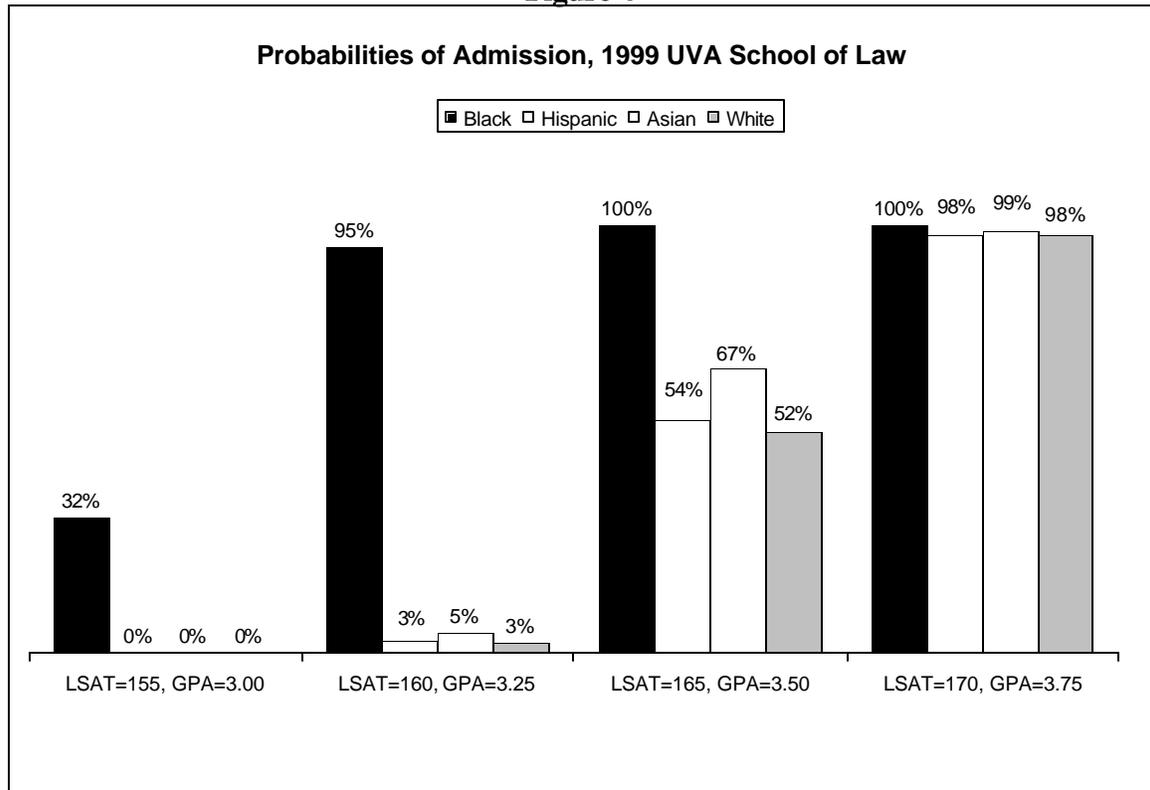
Figure 3



In 1998, blacks had the highest probability of admission to UVA among the four groups, followed by Asians, whites, and Hispanics. With an LSAT score of 155 and a GPA of 3.00, a black in-state male applicant would have a 37 percent chance of admission versus a 0 percent chance for a comparable Hispanic, Asian, or white applicant. With an LSAT score of 160 and a GPA of 3.25, a black in-state male applicant would be almost guaranteed admission (96 percent chance), while an Asian-in-state male would have a 7 percent chance, and white and Hispanic applicants with the same characteristics and credentials would have only a 3 percent chance. With an LSAT score of 165 and a GPA of 3.50, a black in-state male applicant has a 100 percent chance of admission. An Asian applicant would have a 73 percent chance, while the probabilities for similar Hispanics and whites is slightly better than half (56 and 57 percent chance of admission, respectively).

¹⁴ The probability of admission for UVA law school in 1999 is $A/(1+A)*100$ where $A = \text{EXP}((.4131*LSAT) + (6.3339*GPA) + (-.0361*Female) + (2.2259*In-State Resident) + (6.4720*Black) + (.7291*Asian) + (-.0465*Hispanic) - 92.2803)$.

Figure 4



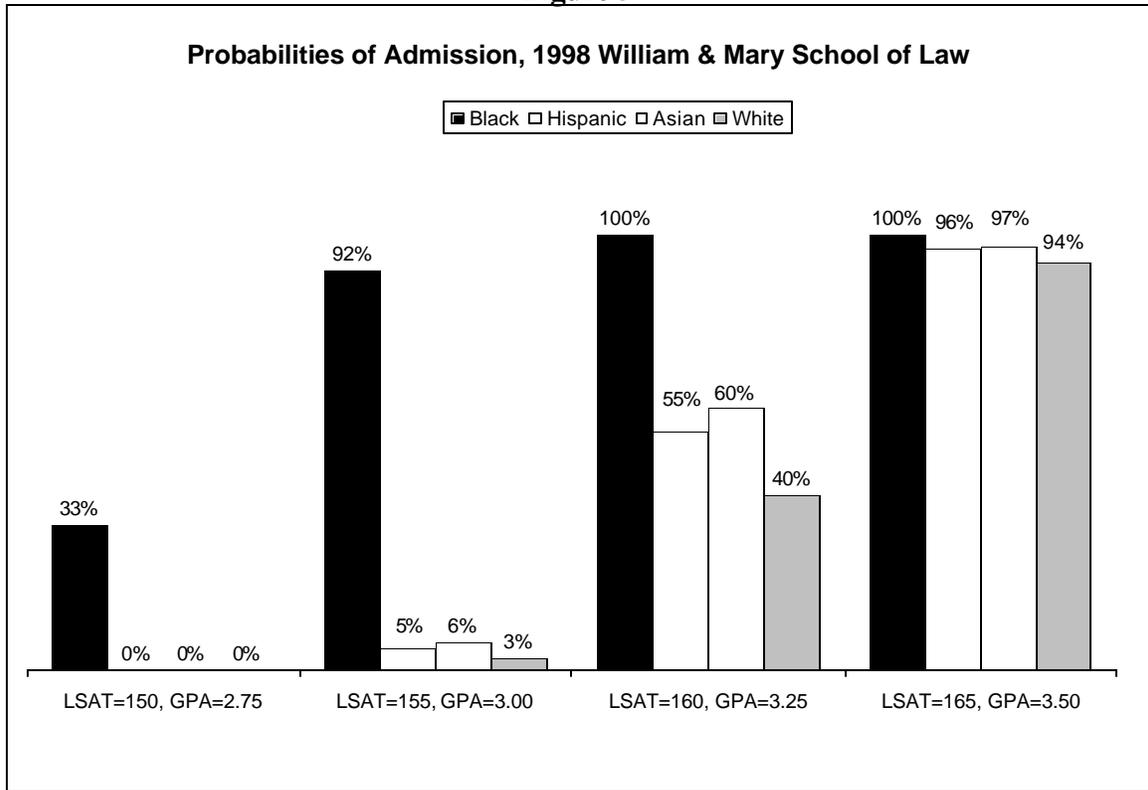
The huge advantage for black applicants is also found in 1999. Probabilities of admission to UVA at various levels are similar to those in 1998. With an LSAT score of 155 and a GPA of 3.00, a black in-state male applicant has a 32 percent chance of admission, versus a 0 percent chance for comparable Hispanic, Asian, and white applicants. With an LSAT score of 160 and a GPA of 3.25, black in-state males would have a 95 percent chance of admission, versus a 3 percent chance for Hispanic and white in-state males and a 5 percent chance for Asian in-state males. Black applicants with LSAT scores of 165 and GPAs of 3.50, controlling for other factors, have a 100 percent chance of admission, versus a 67 percent chance for an Asian applicant. The probability of admission for Hispanic and white in-state male applicants with these credentials are a little better than fifty-fifty.

¹⁵ The probability of admission for UVA law school in 1999 is $A/(1+A)*100$ where $A = \text{EXP}((.4259*LSAT) + (6.3565*GPA) + (.0596*Female) + (1.9143*In-State Resident) + (6.5941*Black) + (.6201*Asian) + (.0907*Hispanic) - 94.3546)$.

C. William & Mary School of Law

1998¹⁶

Figure 5

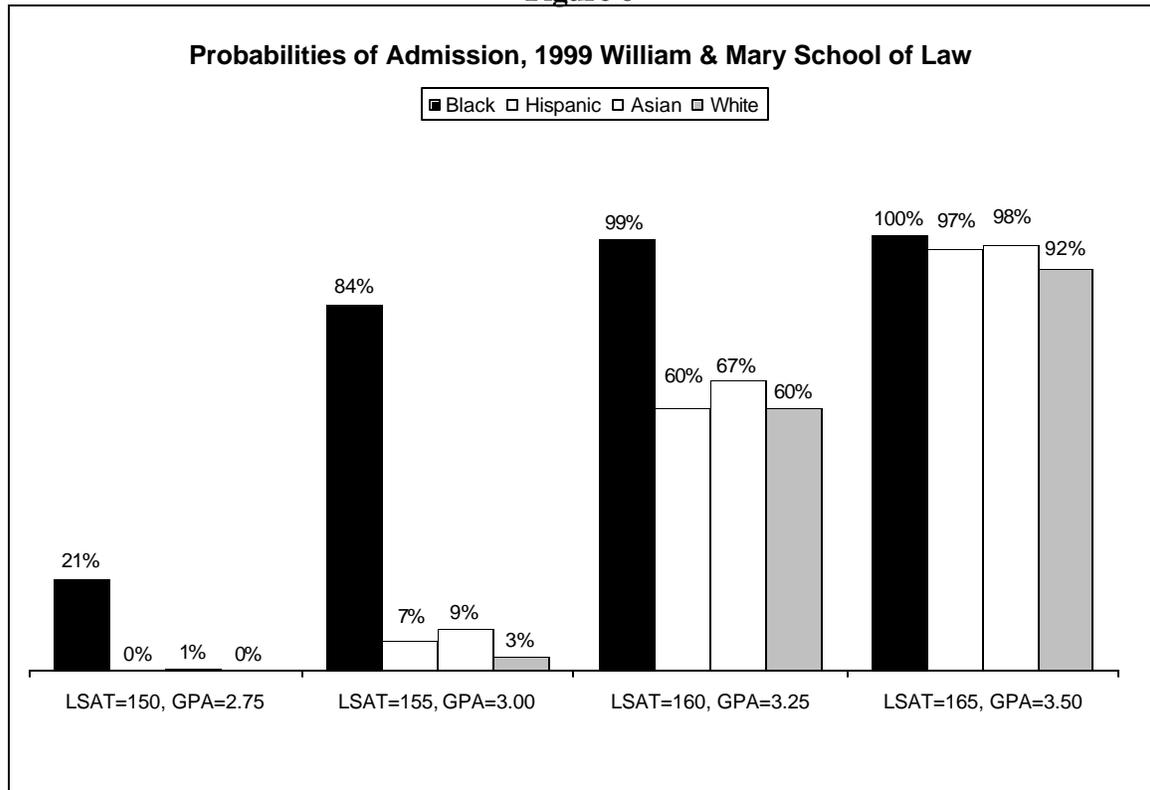


Black applicants also have significant advantages in admission at William & Mary. In 1998, with LSAT scores of 150 and a GPA of 2.75, black in-state male applicants have a 33 percent chance of admission, versus a 0 percent chance for similar Hispanic, Asian, and white applicants. With an LSAT score of 155 and a GPA of 3.00, black applicants, controlling for other factors, have a 92 percent chance of admission, versus a 5 percent chance for similar Hispanics and whites, and a 6 percent chance for Asians.

With an LSAT of 160 and a GPA of 3.25, a black in-state male applicant in 1998 had a 100 percent chance of admission, versus only a 40 percent chance for a white in-state male, a 55 percent chance for a Hispanic, and a 60 percent chance for an Asian. White, Asian, and Hispanic probabilities of admission approach black probabilities when the LSAT score is 165 and the GPA is 3.50.

¹⁶ The probability of admission for William & Mary law school in 1998 is $A/(1+A)*100$ where $A = \text{EXP}((.5256*LSAT) + (1.7962*GPA) + (.0785*Female) + (.0667*In-State Resident) + (5.8616*Black) + (.8066*Asian) + (.5934*Hispanic) - 90.3975)$.

Figure 6



Black applicants to William & Mary in 1999 also have significantly better chances of admission compared with whites, Hispanics, and Asians. With an LSAT score of 150 and a GPA of 2.75, a black in-state male applicant had a 21 percent chance of admission in 1999, versus a 1 percent chance for a similar Asian, and a 0 percent chance if the applicant was a white or Hispanic in-state male. With an LSAT score of 155 and a GPA of 3.00, a black male in-state applicant has an 84 percent chance of admission, versus a 7 percent chance for Hispanics, a 9 percent chance for Asians, and a 3 percent chance for whites. With an LSAT score of 160 and a GPA of 3.25, a black in-state male applicant has a 99 percent chance of admission. If the applicant is an in-state Hispanic or white male, he has a 60 percent chance. If he is Asian, he has a 67 percent chance. White, Asian, and Hispanic probabilities of admission are roughly the same as black probabilities only when the LSAT score is 165 and the GPA is 3.50.

¹⁷ The probability of admission for William & Mary law school in 1999 is $A/(1+A)*100$ where $A = \text{EXP}(.5275*\text{LSAT}) + (1.3095*\text{GPA}) + (.1391*\text{Female}) + (.3169*\text{In-State Resident}) + (5.1210*\text{Black}) + (1.1913*\text{Asian}) + (.9032*\text{Hispanic}) - 89.4653$.

V. Subsequent Performance in Law School

What are the consequences of preferential admissions policies? Do individuals belonging to groups that receive preference in admissions perform worse than students admitted to higher standards? Research has shown that LSAT scores and undergraduate GPAs are valid predictors of law school performance. In one summary of the research literature, Linda F. Wightman finds that LSATs are substantially better than are undergraduate GPAs in predicting future performance in law school.¹⁸ Research has also found that the LSAT is valid regardless of the racial/ethnic background of individual test takers.¹⁹

A. GPAs for First-Year Law Students

The three public Virginia law schools provided first-year GPAs for those who subsequently enrolled. Table 7 displays the GPAs for first-year law students at GMU, UVA, and William & Mary.

Table 7
Median First-Year GPAs

	<i>White</i>	<i>Black</i>	<i>Gap</i>
GMU, 1995-1998	2.87	2.39	0.48
UVA, 1993-1998	3.17	2.71	0.47
Wm & M, 1993-1998	3.10	2.50	0.60
	<i>White</i>	<i>Hispanic</i>	<i>Gap</i>
GMU, 1995-1998	2.87	2.83	0.03
UVA, 1993-1998	3.17	2.77	0.41
Wm & M, 1993-1998	3.10	2.90	0.20
	<i>White</i>	<i>Asian</i>	<i>Gap</i>
GMU, 1995-1998	2.87	2.71	0.16
UVA, 1993-1998	3.17	3.12	0.05
Wm & M, 1993-1998	3.10	3.00	0.10

There are gaps in first-year GPAs between whites and blacks at all three schools. At GMU and UVA, whites on average have first-year grades that are almost a half a point higher than first-year grades for blacks. At William & Mary, first-year GPAs for whites are 0.60 of a point higher.

There is a very small difference (0.03) in first-year GPAs at GMU between whites and Hispanics. At UVA, the white-Hispanic gap is more substantial (0.41), while it is 0.20 of a grade point at William & Mary.

¹⁸ Wightman, *Predictive Validity of the LSAT: A National Summary of the 1990-1992 Correlation Studies*.

¹⁹ Wightman, "The Threat to Diversity in Legal Education," p. 34.

Between white and Asian first-year students, the gap in median GPAs is largest at GMU, where white first-year GPAs are higher than Asian first-year GPAs by 0.16 of a point. At UVA the gap between whites and Asians is 0.05 of a point, while the gap at William & Mary is 0.10 of a point.

B. Statistical Analysis of Student Performance at the Three Law Schools

In Wightman’s review of the relationship in 1990-1992 between LSATs, undergraduate GPAs, and future law school performance, the median correlation coefficient for the LSAT alone is 0.41, and the median correlation coefficient for the GPA is 0.26, and a combination of LSATs and undergraduate grades produces a median correlation coefficient of 0.49.²⁰ Similar findings were reported for 1998.²¹ In another review of the research, Wightman also finds that LSAT scores either alone or in combination with undergraduate GPAs are as valid for black and Hispanic as for white law students.²² It is thus reasonable to infer that those admitted by racial and ethnic preferences will perform substantially worse than those not admitted by preferences.

Table 8
Simple Correlations between LSATs,
Undergraduate GPAs, and First-Year Law School GPAs²³

	<i>GMU</i> <i>First-Year GPAs</i>	<i>UVA</i> <i>First-Year GPAs</i>	<i>Wm & M</i> <i>First-Year GPAs</i>
LSATs	0.36*	0.45*	0.41*
Undergraduate GPAs	0.18*	0.24*	0.28*
* p<0.001			

Simple correlational analyses of data provided by the three Virginia law schools shows correlations between LSAT scores and first-year GPAs, and undergraduate GPAs and first-year GPAs (see Table 8 above). While the relationship between LSATs and first-year grades and between undergraduate GPAs and first-year grades are both considerable, the relationships between LSATs and first-year performance are stronger than the relationships between undergraduate GPAs and first-year performance. We find that the simple correlation between LSATs and first-year grades is 0.36 at GMU, 0.45 at UVA, and 0.41 at William & Mary. This compares to correlations between undergraduate GPAs and first-year grades of 0.18 at GMU, 0.24 at UVA, and 0.28 at William & Mary. All the simple correlation coefficients between

²⁰ Wightman, *Predictive Validity of the LSAT: A National Summary of the 1990-1992 Correlation Studies*.

²¹ “LSAT Scores as Predictors of Law School Performance,” *LSAT & LSDAS Registration and Information Book 2001-2002 Edition*, p. 121. See also, Shelton, “Admissions Tests: Not Perfect, Just the Best Measures We Have.”

²² Wightman, “The Threat to Diversity in Legal Education,” p. 34. Although Wightman doesn’t mention them, it seems reasonable to assume that these tests are valid for Asian students as well.

²³ The simple correlations between LSATs and undergraduate GPAs are as follows: -0.05 for GMU, 0.09 for UVA, and 0.04 for William & Mary. Only the UVA correlation coefficient is statistically significant.

undergraduate GPAs and first-year GPAs are smaller than those between LSATs and first-year law GPAs at all three law schools.

To examine these relationships further, we calculated multiple regression equations for each of the three schools separately using test scores, grades, and race/ethnicity as the independent (or predictor) variables and first-year law school grades as the dependent (or predicted) variable.

Table 9
Multiple Regression Analysis of LSATs, Undergraduate Grades, Race/Ethnicity, and First-Year Law School GPAs

	<i>GMU</i>	<i>UVA</i>	<i>Wm&M</i>
Black	-0.28**	-0.17**	-0.40**
Asian	-0.10	-0.04	-0.04
Hispanic	-0.03	-0.12	-0.19*
LSATs	0.03**	0.02**	0.01**
UGPA	0.15**	0.20**	0.13**
Constant	-2.09**	-1.03**	0.89*
R-Squared without Race/Ethnicity	0.16**	0.24**	0.24**
R-Squared Total	0.18**	0.25**	0.30**
*p<0.05 **p<0.001			

The results of these computations are displayed in Table 9 above. First, the composites of LSATs and undergraduate GPAs are strong predictors of first-year law school grades at each of the three schools. LSAT scores and undergraduate GPAs are both statistically significant predictors of first-year law school grades. Moreover, the addition of race/ethnicity to the equation adds only a modest increment of predictive power to the overall equation in each of the three law schools studied. This is measured by noting that only 5 percent of the total variance at UVA is accounted for by race and ethnicity, 8 percent of the total variance at GMU is accounted for by race and ethnicity, and 20 percent of the variance at William & Mary is accounted for by race and ethnicity.²⁴

Finally, blacks tend to perform more poorly than might be expected from their test scores and undergraduate grades alone. This is another instance of the over-prediction problem long identified by testing experts, whereby black students with the same test scores and grades fail to do as well as their non-black counterparts. The phenomenon of test scores and undergraduate grades over-predicting the law school grades of black students has been observed for law schools and for standardized aptitude testing generally for college and graduate school academic performance.²⁵ This indicates, incidentally, that the LSAT is not culturally biased, since if it were then it would *under-predict* black performance.

²⁴ These are calculated by subtracting the R-squared without race and ethnicity from the total R-squared, dividing this by the total R-squared, and then multiplying by 100.

²⁵ Robert Klitgaard, *Choosing Elites*, pp. 161-165.

These findings show that blacks and others who have been preferentially admitted are likely to have considerably lower first-year law school grades than their counterparts who did not receive admissions preference. Taking also into account the overprediction phenomenon further indicates that many of these individuals can be expected to have more academic difficulty in law school.

A final observation is that the grade gap is similar at GMU (which has minimal if any preferences) and UVA (which has enormous preferences). See Table 7. This observation can nonetheless be squared with the preceding discussion because of what has been elsewhere called the cascading effect.

Here's how. UVA is a more prestigious school than is GMU and therefore is able to attract more qualified students than GMU. When this is combined with UVA's and other schools' use of preferences for blacks, it means that those blacks that actually attend GMU have considerably weaker qualifications than those who are admitted. The better black students have many offers to choose from and go elsewhere. Thus, for 1998, the mean LSAT among black GMU enrollees is 149.9 while the mean LSAT among blacks who were admitted but did not enroll was 157.8. This large gap is not duplicated among the GMU whites (158.1 versus 160.3) nor among either blacks or whites at UVA (156.4 versus 159.3 for blacks, and 166.3 versus 168.9 for whites). A related point is that, even among all admittees, if blacks are clustered just at or just above the admission cut-off point—as they seem to be at GMU—then in the aggregate they will have lower first-year GPAs, despite an absence of admission preferences. Finally, we should note that for GMU the year in which the evidence is strongest that preferences were not used (1999) is not one of the years for which first-year data were aggregated (1995-1998); indeed, those years do present some evidence that preferences were still being used.

Assuming that UVA eliminated its system of racial preferences, many of those blacks who did not get in there would have been admitted to GMU and may well have attended. This would have the effect of reducing the grade gap at both law schools, because the qualifications of individuals with differing racial/ethnic group memberships would become more similar at both schools.

Individual School Analysis

George Mason University School of Law

Applicants, Admittees, and Enrollees—1998

In 1998, 1925 individuals applied for admission to the George Mason University School of Law. 873 were residents of Virginia. 1052 were nonresidents. Of these, 660 were admitted—40 percent of residents and 30 percent of nonresidents. 206 enrolled. The overwhelming proportion of applicants, admittees, and enrollees was white.

George Mason University School of Law applicants, 1998

- ◆ 12 percent black
- ◆ 5 percent Hispanic
- ◆ 8 percent Asian
- ◆ 75 percent white

George Mason University School of Law admittees, 1998

- ◆ 3 percent black
- ◆ 3 percent Hispanic
- ◆ 8 percent Asian
- ◆ 86 percent white

George Mason University School of Law admission rates, 1998

- ◆ 9 percent of black applicants
- ◆ 21 percent of Hispanic applicants
- ◆ 36 percent of Asian applicants
- ◆ 39 percent of white applicants

George Mason University School of Law enrollees, 1998

- ◆ 2 percent black
- ◆ 4 percent Hispanic
- ◆ 7 percent Asian
- ◆ 86 percent white

Applicants, Admittees, and Enrollees—1999

In 1999, 1963 individuals applied for admission to the George Mason University School of Law. 823 were residents of Virginia. 1138 were nonresidents. Of these, 633 were admitted—41 percent of residents and 26 percent of nonresidents. 204 enrolled. The overwhelming proportion of applicants, admittees, and enrollees was white.

George Mason University School of Law applicants, 1999

- ◆ 12 percent black
- ◆ 4 percent Hispanic
- ◆ 8 percent Asian
- ◆ 76 percent white

George Mason University School of Law admittees, 1999

- ◆ 2 percent black
- ◆ 2 percent Hispanic
- ◆ 7 percent Asian
- ◆ 88 percent white

George Mason University School of Law admission rates, 1999

- ◆ 6 percent of black applicants
- ◆ 17 percent of Hispanic applicants
- ◆ 28 percent of Asian applicants
- ◆ 38 percent of white applicants

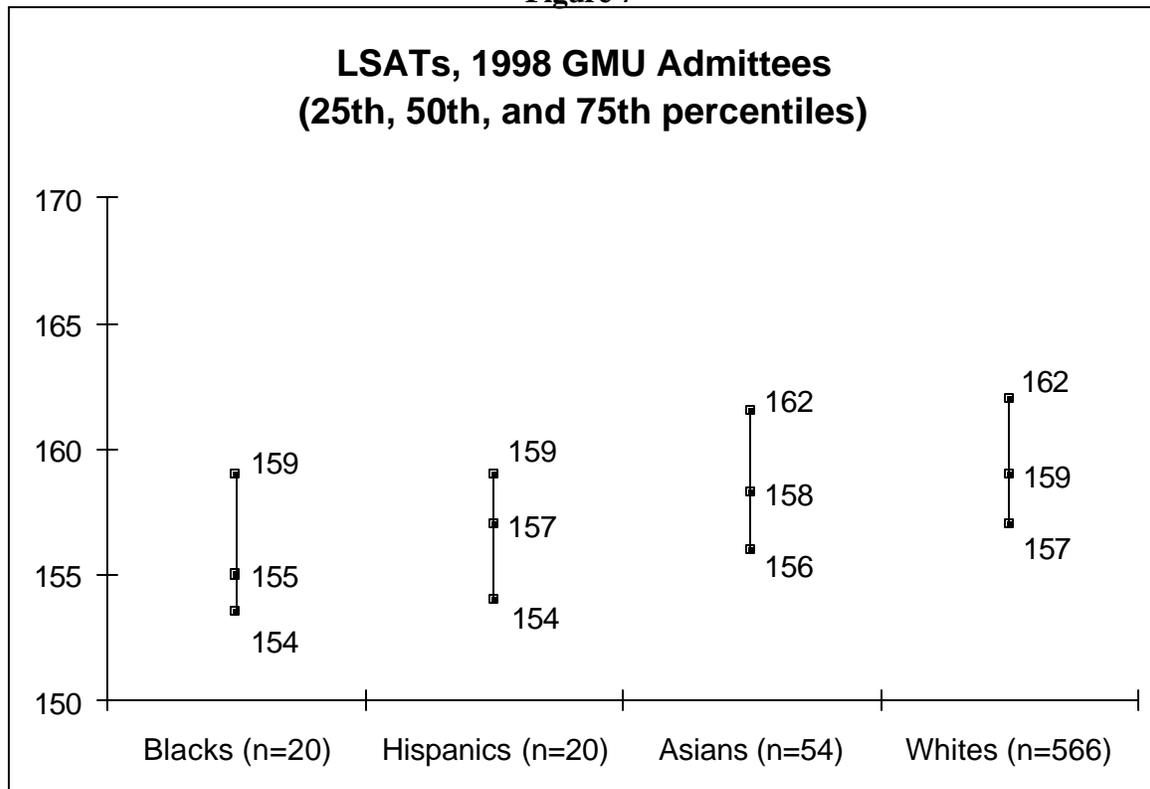
George Mason University School of Law enrollees, 1999

- ◆ 2 percent black
- ◆ 2 percent Hispanic
- ◆ 5 percent Asian
- ◆ 92 percent white

Differences in LSAT Scores

Figures 7 and 8 show the range of LSAT scores for GMU law school admittees by racial and ethnic groups in 1998 and 1999.

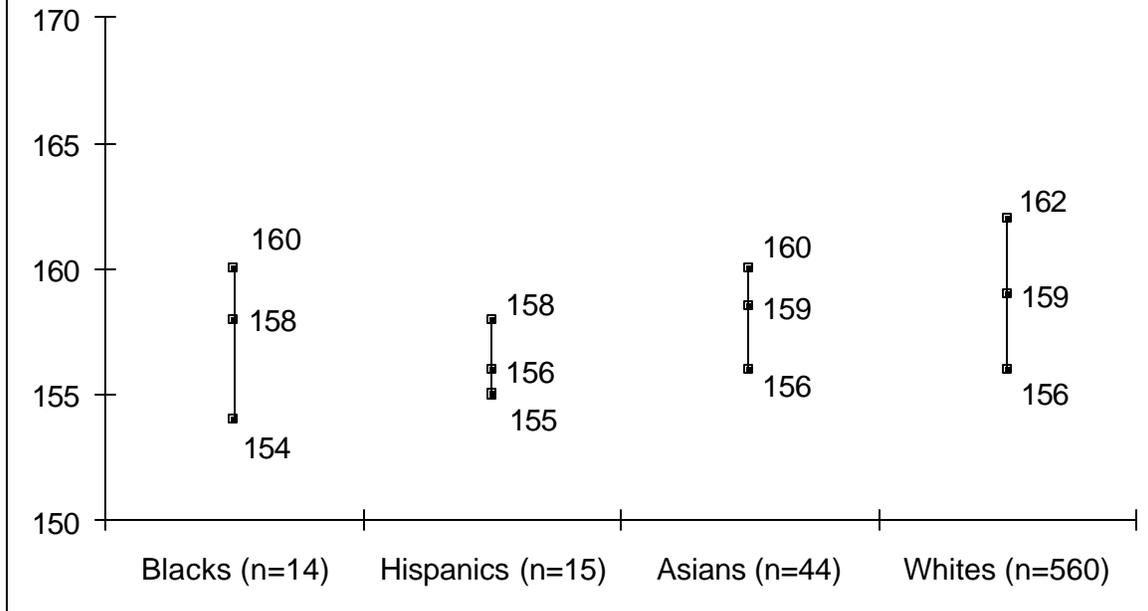
Figure 7



There is considerable overlap in scores among the four groups of admittees in 1998. The LSAT scores of Hispanics, Asians, and whites admitted to GMU are roughly the same. The white median is 2 points higher than the Hispanic median and 1 point higher than the Asian median. Scores of black admittees are somewhat lower than white scores, but are only slightly lower than Hispanic scores. The median score for black admittees is 4 points lower than the white median, 3 points lower than the Asian median, and 2 points lower than the Hispanic median.

Figure 8

LSATs, 1999 GMU Admittees (25th, 50th, and 75th percentiles)

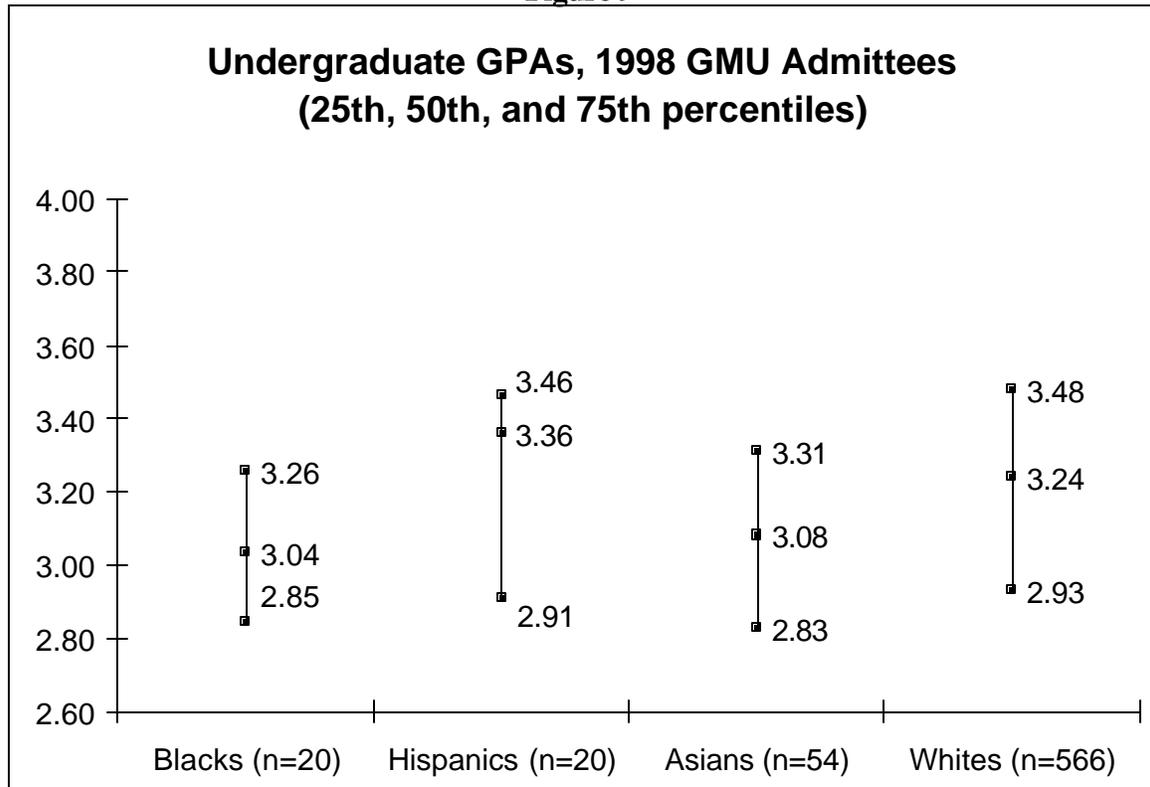


There is even more overlap in scores among the four groups in 1999. The median LSAT scores of blacks, Asians, and whites are roughly the same; the Hispanic median is slightly lower. Scores at the 75th percentile for the four groups are within 2 to 4 points of each other.

Differences in GPAs

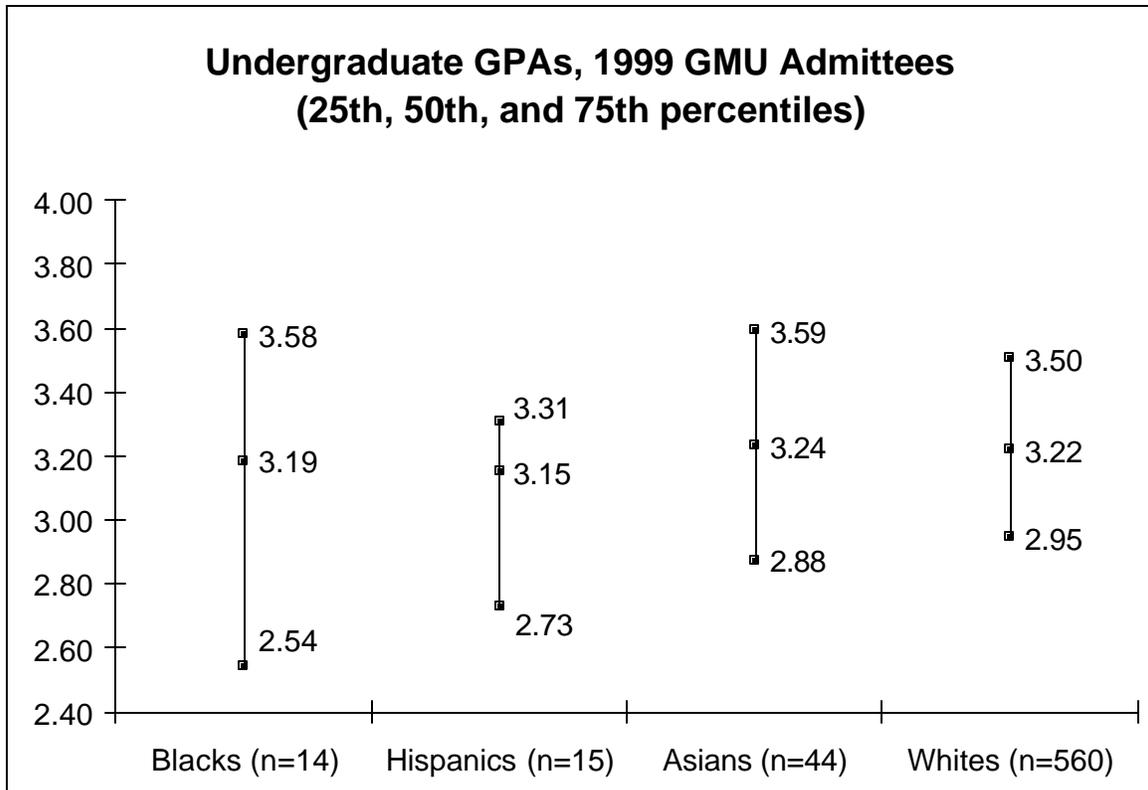
Figures 9 and 10 display the undergraduate GPAs for GMU law school admittees in 1998 and 1999.

Figure 9



Group differences in undergraduate GPAs are relatively small. In 1998, the median undergraduate GPA for white admittees is 3.24. It is 0.12 of a point higher for Hispanics, 0.16 of a point lower for Asians, and 0.20 of a point lower for blacks.

Figure 10



In 1999, undergraduate GPAs are even closer. The median GPA for white admittees was 3.22, which is only 0.03 of a point higher than the median GPA for black admittees. The black median, in turn, is only 0.04 of a point higher than that for Hispanic admittees. The Asian median GPA is 0.02 of a point higher than the white median GPA.

Rejectees vs. Admittees

George Mason University School of Law rejected 33 Asians, 90 blacks, 32 Hispanics, and 370 whites in 1998 who were Virginia residents. Of these, 2 Asians, 3 Hispanics, and 64 whites were rejected with higher LSATs than the average black admittee, while 13 Asians, 12 Hispanics, and 135 whites were rejected with higher GPAs. Finally, GMU rejected 1 Asian and 11 whites with LSATs *and* GPAs equal to or higher than those of the average black admittee.

In 1999, GMU rejected 76 blacks, 48 Asians, 26 Hispanics, and 338 white applicants who were Virginia residents. Seven Asians, 5 Hispanics, and 85 whites were rejected with undergraduate GPAs equal to or higher than the median GPA of black admittees, while 1 Asian and 12 whites were rejected with test scores equal to or higher than the median LSAT score of black admittees. GMU rejected only 1 Asian and 2 whites with test scores *and* grades equal to or higher than those of the average black admittee.

Odds Ratios and the Probability of Admission

Multiple logistic regression analysis shows relatively little racial or ethnic preference in law school admission at George Mason. Table 10 displays the odds ratios for 1998 and 1999.

Table 10
George Mason University School of Law, Odds Ratios

	<i>1998</i>	<i>1999</i>
Black to White	2.92*	1.13
Hispanic to White	1.73	1.09
Asian to White	3.92**	1.74
*p≤0.01 **p≤0.0001		

In 1998, the black-white and Asian-white odds ratios were statistically significant. The relative odds ratio of an Asian applicant being admitted over a white controlling for grades, test scores, resident status, and sex was almost 4 to 1. Since an odds ratio greater than 3 to 1 is generally thought to reflect a strong relationship, there is evidence that in 1998 GMU may have given racial preferences to Asians over whites. There is likewise some evidence that GMU gave racial preference to blacks over whites. The odds ratio of black over white applicants was almost 3 to 1.²⁶

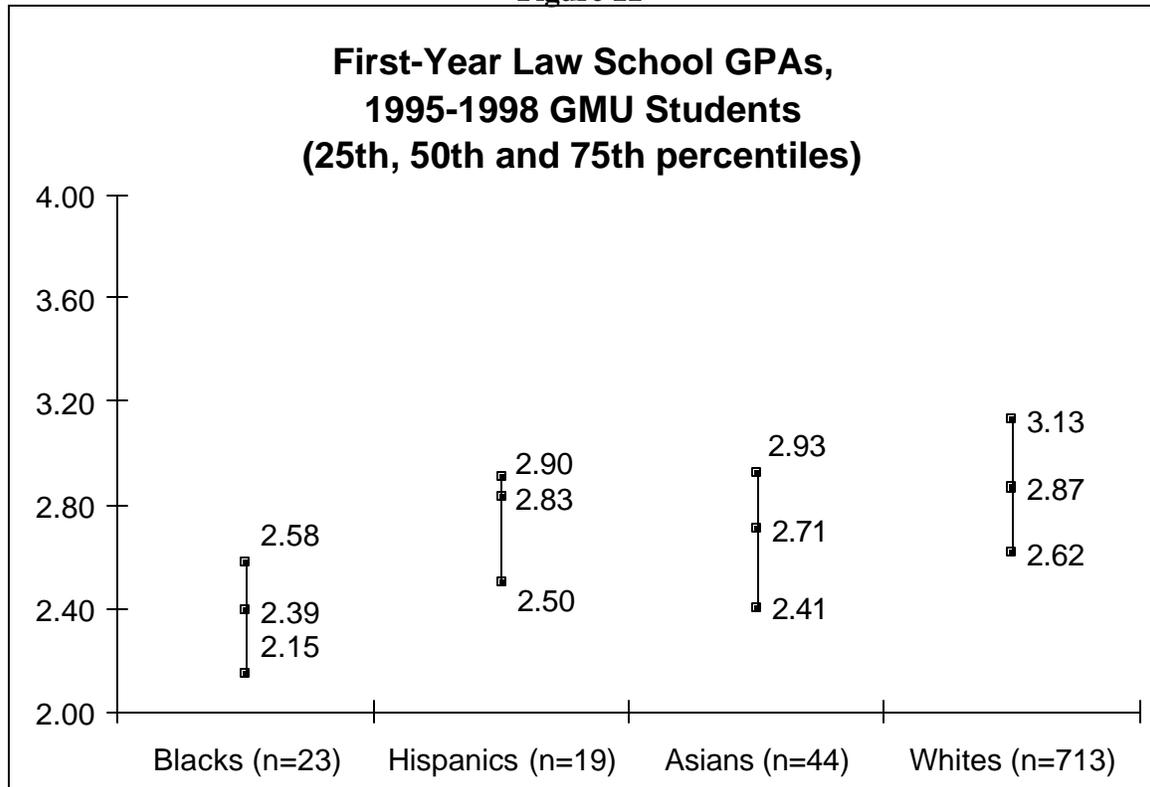
In 1999, however, there were no statistically significant odds ratios.

²⁶ Despite their statistical significance, the odds ratios for GMU in 1998 are small enough that they may be explained by other factors, such as quality of the undergraduate college or whether the student was from a favored county in the state of Virginia.

First-Year Law School GPAs

Figure 11 displays the first-year law school GPAs for enrollees from 1995 to 1998.

Figure 11



White students as a group had the highest average first-year GPAs, followed by Hispanic and then Asian first-year students. The gaps between white and Hispanic first-year GPAs are small. The median first-year GPA for white students is 0.04 of a point higher than that of first-year Hispanic students, but white GPAs are 0.12 of a point higher at the 25th percentile and 0.23 of a point higher at the 75th percentile.

The law school GPAs for Asian students are lower than those for Hispanic and white students. The Asian median first-year GPA is 0.16 of a point lower than the median first-year GPA for white students. It is also 0.12 of a point lower than the median Hispanic first-year GPA.

First-year GPAs for black students are significantly lower than those for the other three groups. The median first-year GPA for black students is almost a half-point lower than the white and Hispanic medians, and roughly a third of a point lower than the Asian median. The first-year GPA at the 75th percentile for black students is lower than the Asian median. Moreover, it is lower than the white GPA, and only slightly higher than the Hispanic GPA, at the 25th percentile. This means that 75 percent of black students in their first year of law school had lower GPAs than roughly half the Asian students and 75 percent of all Hispanic and white students.

University of Virginia School of Law

Applicants, Admittees, and Enrollees—1998

In 1998, 2714 individuals applied for admission to the University of Virginia School of Law. 642 were residents of Virginia. 2072 were nonresidents. Of these, 803 were admitted—34 percent of residents and 28 percent of nonresidents. 288 enrolled.²⁷ The overwhelming proportion of applicants, admittees, and enrollees was white.

University of Virginia School of Law applicants, 1998

- ◆ 9 percent black
- ◆ 4 percent Hispanic
- ◆ 10 percent Asian
- ◆ 77 percent white

University of Virginia School of Law admittees, 1998

- ◆ 8 percent black
- ◆ 2 percent Hispanic
- ◆ 10 percent Asian
- ◆ 80 percent white

University of Virginia School of Law admission rates, 1998

- ◆ 27 percent of black applicants
- ◆ 16 percent of Hispanic applicants
- ◆ 28 percent of Asian applicants
- ◆ 31 percent of white applicants

University of Virginia School of Law enrollees, 1998

- ◆ 8 percent black
- ◆ 2 percent Hispanic
- ◆ 7 percent Asian
- ◆ 83 percent white

Applicants, Admittees, and Enrollees—1999

In 1999, 2630 individuals applied for admission to the University of Virginia School of Law. 645 were residents of Virginia. 1985 were nonresidents. Of these, 771 were admitted—32 percent of residents and 28 percent of nonresidents. 285 enrolled. The overwhelming proportion of applicants, admittees, and enrollees was white.

²⁷ The University of Virginia School of Law divides applicants into three categories: “rejected,” “turned down offer,” and “accepted offer.” A few of those who accepted the UVA offer may have later changed their minds, but we will assume they enrolled.

University of Virginia School of Law applicants, 1999

- ◆ 9 percent black
- ◆ 5 percent Hispanic
- ◆ 10 percent Asian
- ◆ 77 percent white

University of Virginia School of Law admittees, 1999

- ◆ 9 percent black
- ◆ 3 percent Hispanic
- ◆ 8 percent Asian
- ◆ 80 percent white

University of Virginia School of Law admission rates, 1999

- ◆ 31 percent of black applicants
- ◆ 15 percent of Hispanic applicants
- ◆ 25 percent of Asian applicants
- ◆ 31 percent of white applicants

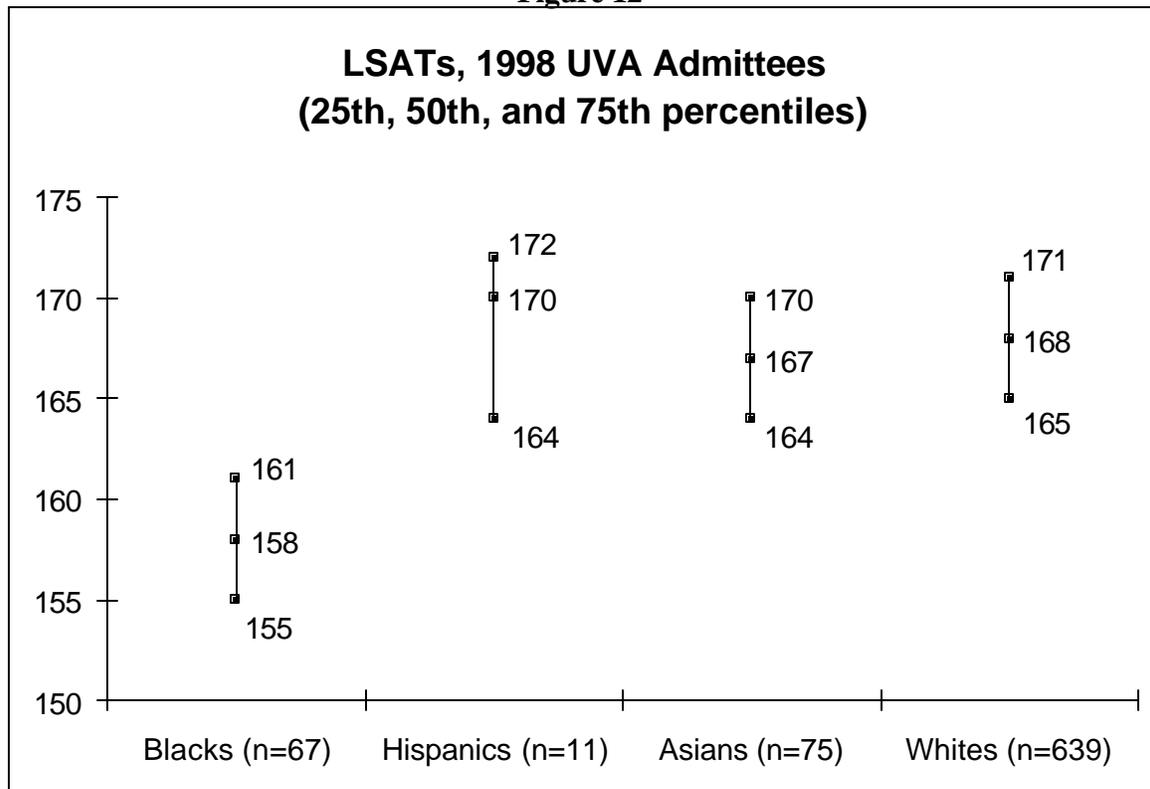
University of Virginia School of Law enrollees, 1999

- ◆ 11 percent black
- ◆ 1 percent Hispanic
- ◆ 5 percent Asian
- ◆ 83 percent white

Differences in LSAT Scores

Figures 12 and 13 show the range of LSAT scores for UVA law school admittees by racial and ethnic groups.

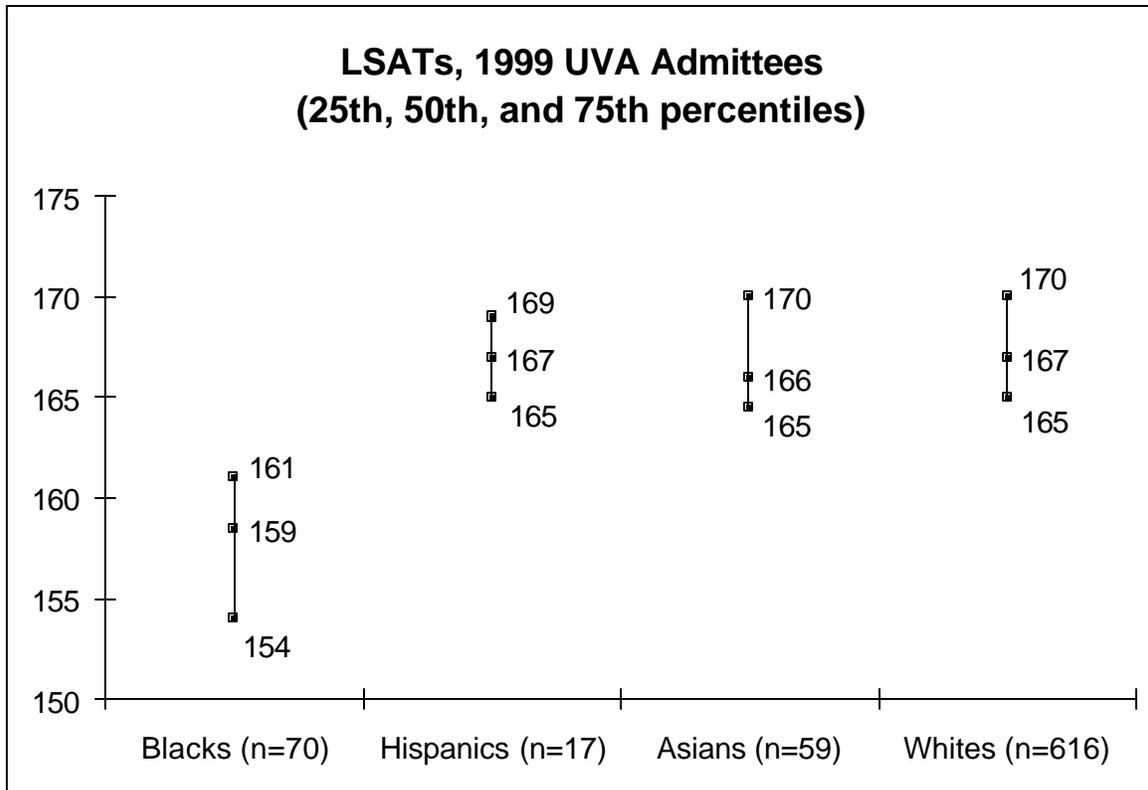
Figure 12



Hispanic, Asian, and white LSAT scores are roughly the same. The median LSAT score for Hispanic admittees is 170—2 points higher than the white median and 3 points higher than the Asian median. Hispanic, Asian, and white LSAT scores at the 75th percentile are within 2 points of each other, while Hispanic, Asian, and white scores at the 25th percentile differ by only a point or less.

LSAT scores for black admittees are substantially lower. The median black LSAT score is 10 points lower than the white median, 9 points lower than the Asian median, and 11 points lower than the Hispanic median. The LSAT score for black admittees at the 75th percentile is lower than the LSAT score for Hispanic, Asian, and white admittees at the 25th percentile. This means that 75 percent of black admittees were selected by UVA with LSAT scores lower than the scores for 75 percent of all other admittees.

Figure 13



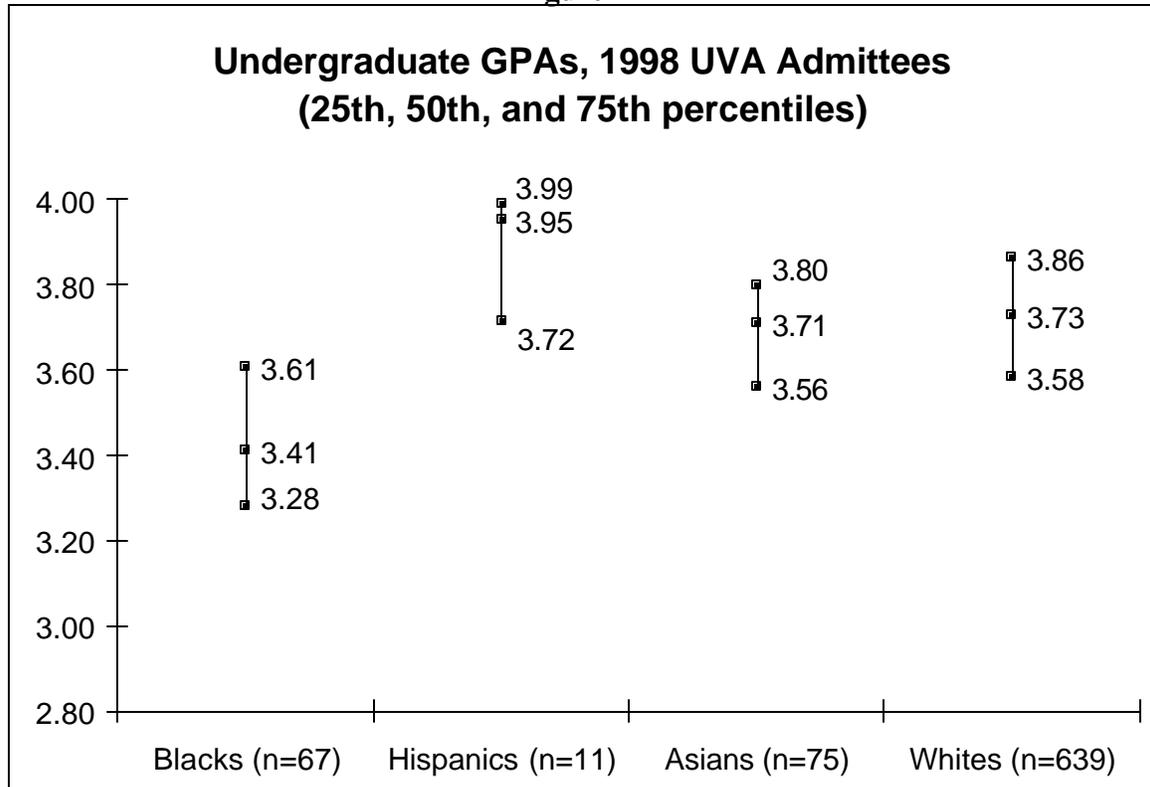
In 1999, Hispanic, Asian, and white scores, like those in 1998, are roughly the same. Hispanic and white admittees have the same median score of 167, while the Asian median is 1 point lower. At the 75th percentile, white and Asian scores are identical, while Hispanic scores are slightly lower. At the 25th percentile, the three groups have the same score of 165.

Scores for black admittees are substantially lower. The black admittee median is 8 points lower than the white and Hispanic medians and 7 points lower than the Asian median. Black scores at the 75th percentile are 4 points lower than white, Asian, and Hispanic scores at the 25th percentile. This means that 75 percent of black admittees had LSAT scores lower than the scores of 75 percent of white, Asian, and Hispanic admittees.

Differences in Undergraduate GPAs

In 1998, the undergraduate GPAs of Hispanic admittees are the highest. The Hispanic admittee median of 3.95 is roughly two-tenths of a point higher than the Asian and white admittee medians. In addition, it is higher than white and Asian GPAs at the 75th percentile.

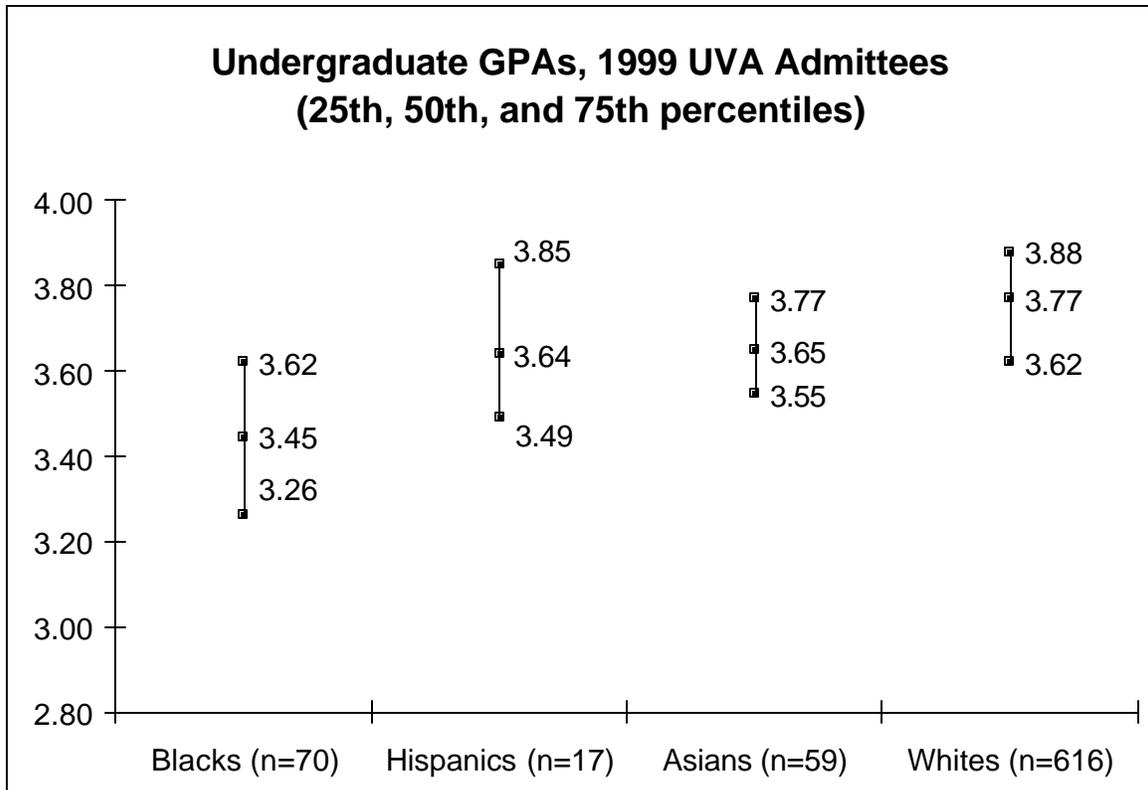
Figure 14



The gaps between black admittee GPAs and GPAs of Hispanic, Asian, and white admittees are greater. The median GPA of black admittees is a half-point lower than the median GPA for Hispanic admittees and is roughly a third of a point lower than the median GPA for Asian and white admittees. Furthermore, the median GPA of black admittees is slightly lower than white and Asian GPAs at the 25th percentiles, and is three-tenths of a point lower than Hispanic GPAs at that percentile. This means that half of the black admittees were selected with lower GPAs than at least 75 percent of Asians, Hispanics, and whites.

Differences in GPAs of black, Hispanic, Asian, and white admittees also show up in 1999. Asian and Hispanic scores are similar, while white scores are somewhat higher, and black scores are lower.

Figure 15



The white median of 3.77 is slightly higher than the Asian and Hispanic medians. White scores at the 75th percentile of 3.88 are roughly the same as Hispanic scores at that percentile, and slightly higher than Asian scores at the 75th percentile.

Black admittee GPAs are generally lower than those for white, Asian, and Hispanic admittees. Indeed, the black median is lower than white, Asian, and Hispanic GPAs at the 25th percentile, meaning that at least half the blacks admitted to UVA had lower GPAs than 75 percent of white, Asian, and Hispanic admittees.

Rejectees vs. Admittees

The University of Virginia School of Law rejected 49 Asian, 35 black, 19 Hispanic, and 323 white Virginia residents who applied in 1998 and 47 Asians, 45 blacks, 28 Hispanics, and 320 whites who were Virginia residents in 1999.

In 1998, 28 Asian, 4 Hispanic, and 190 white Virginia residents were rejected despite having higher LSAT scores than the median LSAT score for black admittees. 13 Asian, 5 Hispanic, and 118 white in-state applicants were rejected despite having higher GPAs compared with the average black admittee. Finally, UVA rejected 5 Asian, 1 Hispanic, and 70 white in-state applicants with higher LSATs *and* GPAs compared with the average black admittee.

In 1999, 21 in-state Asians, 7 Hispanics, and 152 whites were rejected despite having higher LSAT scores than the median LSAT score of black admittees. 12 Asians, 12 Hispanics,

and 109 white in-state applicants were rejected despite having higher GPAs compared with the average black admittee. Finally, UVA rejected 7 Asian, 3 Hispanic, and 47 white in-state applicants with higher LSATs *and* GPAs compared with the average black admittee.

Odds Ratios and the Probability of Admission

Multiple logistic regression analysis shows significant racial preference in law school admission at the University of Virginia. Table 11 displays the odds ratios for 1998 and 1999.

Table 11
University of Virginia School of Law, Odds Ratios

	<i>1998</i>	<i>1999</i>
Black to White	646.80**	730.80**
Hispanic to White	0.95	1.09
Asian to White	2.07*	1.86*
*p<0.01 **p<0.0001		

The odds ratios present substantial evidence of UVA awarding preferences to black over white applicants, controlling for other factors. Odds ratios favoring black over white applicants are extraordinarily high. Controlling for all other factors, the odds ratio of a black applicant being admitted over a white applicant was about 650 to 1 in 1998 and 730 to 1 in 1999.²⁸

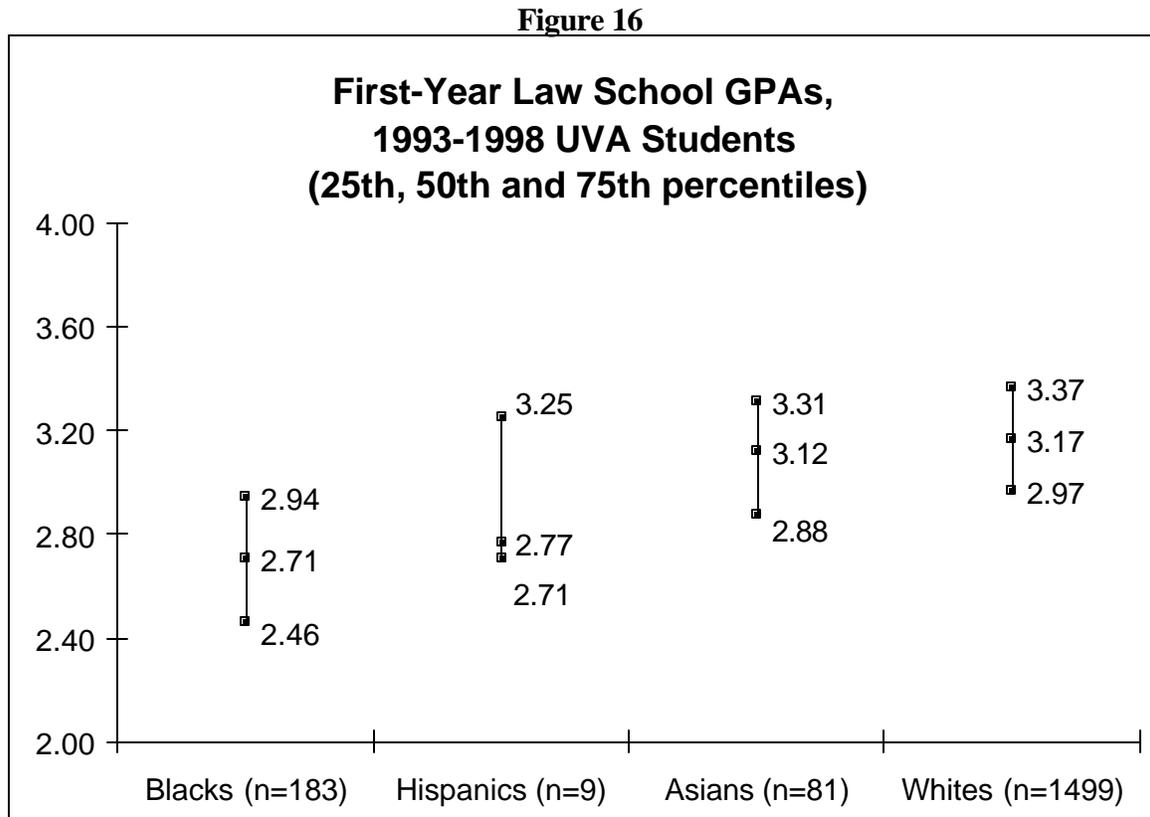
Asian applicants are somewhat favored over white applicants, controlling for all other factors. In 1998 and 1999, the relative odds ratio of an Asian applicant over a white applicant was approximately 2 to 1. This is considered to be a relatively small association between being Asian and being admitted over a white applicant. While statistically significant, the odds ratio is small enough that the relationship may be due to other factors, such as the quality of the undergraduate institution or whether the student lived in a preferred Virginia county.

Finally, the odds ratios of Hispanics to whites in 1998 and 1999 are small and not statistically significant.

²⁸ These black-white odds ratios are even higher than those found in the lawsuit brought against the University of Michigan School of Law regarding its discrimination in admissions. See footnote 11, *supra*.

First-Year Law School GPAs

Figure 16 displays the first-year law school GPAs at UVA from 1993 through 1998.



There are gaps in first-year law school GPAs among groups. The first-year GPAs for Asian and white students are roughly the same, but the first-year GPAs of black and Hispanic students are lower than those for Asians and whites. The median GPA for black students is 2.71, compared to 3.12 for Asians and 3.17 for whites. The GPA for black students at the 75th percentile is roughly the same as the GPA at the 25th percentile for Asians and whites, meaning that 75 percent of black students had lower grades on average than 75 percent of Asian and white students. The median GPA for Hispanic students is 2.77, which is over one-third of a grade-point lower than the median GPA for Asian and white students. It is also lower than the GPA for Asian and white students at the 25th percentile, meaning that the GPA for half the Hispanic students is lower than the first-year GPA of 75 percent of all Asian and white students. At the 75th percentile, however, Hispanic GPAs are only slightly lower than those for Asians and whites. And the 25th percentile GPA for Hispanics is the same as the median for blacks, meaning that half of all black students have a lower first-year GPA than 75 percent of all Hispanic students.

William & Mary School of Law

Applicants, Admittees, and Enrollees—1998

In 1998, 2005 individuals applied for admission to the William & Mary School of Law. 681 were residents of Virginia. 1324 were nonresidents. Of these, 669 were admitted—32 percent of residents and 34 percent of nonresidents. 195 enrolled. The overwhelming proportion of applicants, admittees, and enrollees was white.

William & Mary School of Law applicants, 1998

- ◆ 11 percent black
- ◆ 5 percent Hispanic
- ◆ 11 percent Asian
- ◆ 73 percent white

William & Mary School of Law admittees, 1998

- ◆ 10 percent black
- ◆ 3 percent Hispanic
- ◆ 8 percent Asian
- ◆ 79 percent white

William & Mary School of Law admission rates, 1998

- ◆ 29 percent of black applicants
- ◆ 17 percent of Hispanic applicants
- ◆ 26 percent of Asian applicants
- ◆ 36 percent of white applicants

William & Mary School of Law enrollees, 1998

- ◆ 13 percent black
- ◆ 1 percent Hispanic
- ◆ 7 percent Asian
- ◆ 79 percent white

Applicants, Admittees, and Enrollees—1999

In 1999, 2061 individuals applied for admission to the William & Mary School of Law. 679 were residents of Virginia. 1382 were nonresidents. Of these, 638 were admitted—31 percent of residents and 31 percent of nonresidents. 175 enrolled. The overwhelming proportion of applicants, admittees, and enrollees was white.

William & Mary School of Law applicants, 1999

- ◆ 9 percent black
- ◆ 5 percent Hispanic
- ◆ 9 percent Asian
- ◆ 77 percent white

William & Mary School of Law admittees, 1999

- ◆ 8 percent black

- ◆ 2 percent Hispanic
- ◆ 7 percent Asian
- ◆ 83 percent white

William & Mary School of Law admission rates, 1999

- ◆ 26 percent of black applicants
- ◆ 12 percent of Hispanic applicants
- ◆ 25 percent of Asian applicants
- ◆ 33 percent of white applicants

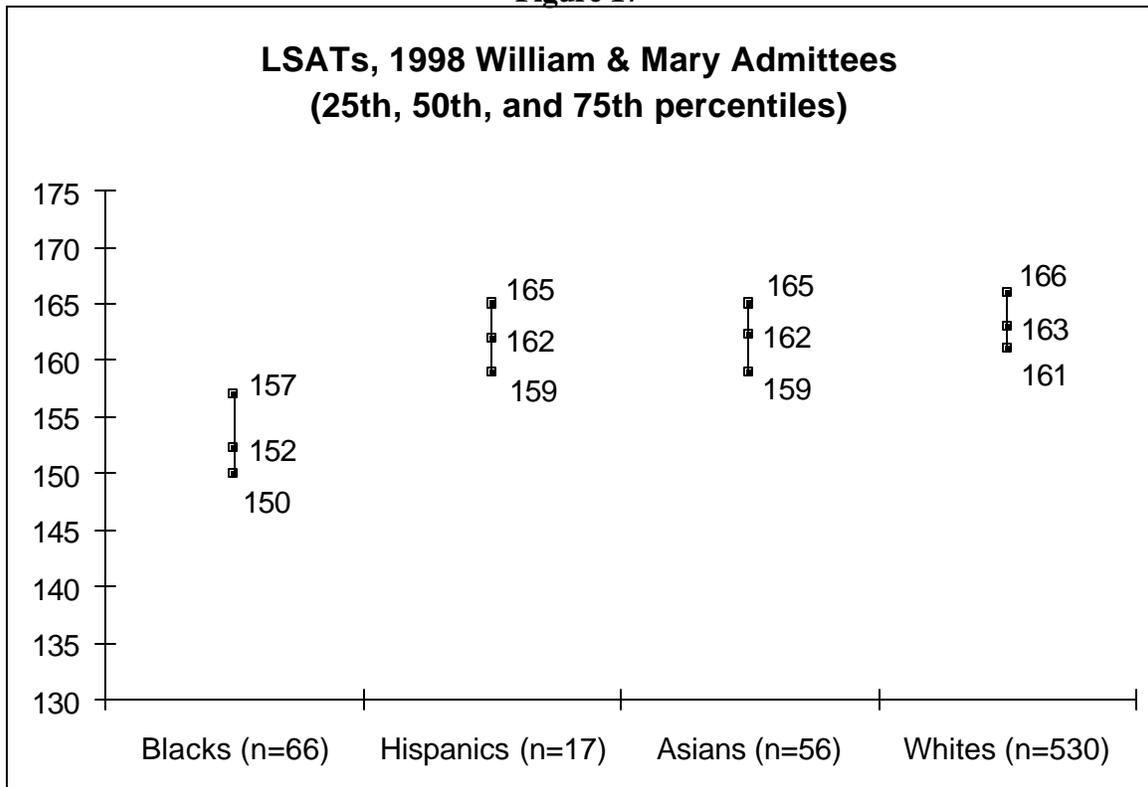
William & Mary School of Law enrollees, 1999

- ◆ 6 percent black
- ◆ 1 percent Hispanic
- ◆ 5 percent Asian
- ◆ 88 percent white

Differences in LSAT Scores

Figures 17 and 18 display the range of LSAT scores by racial and ethnic groups.

Figure 17

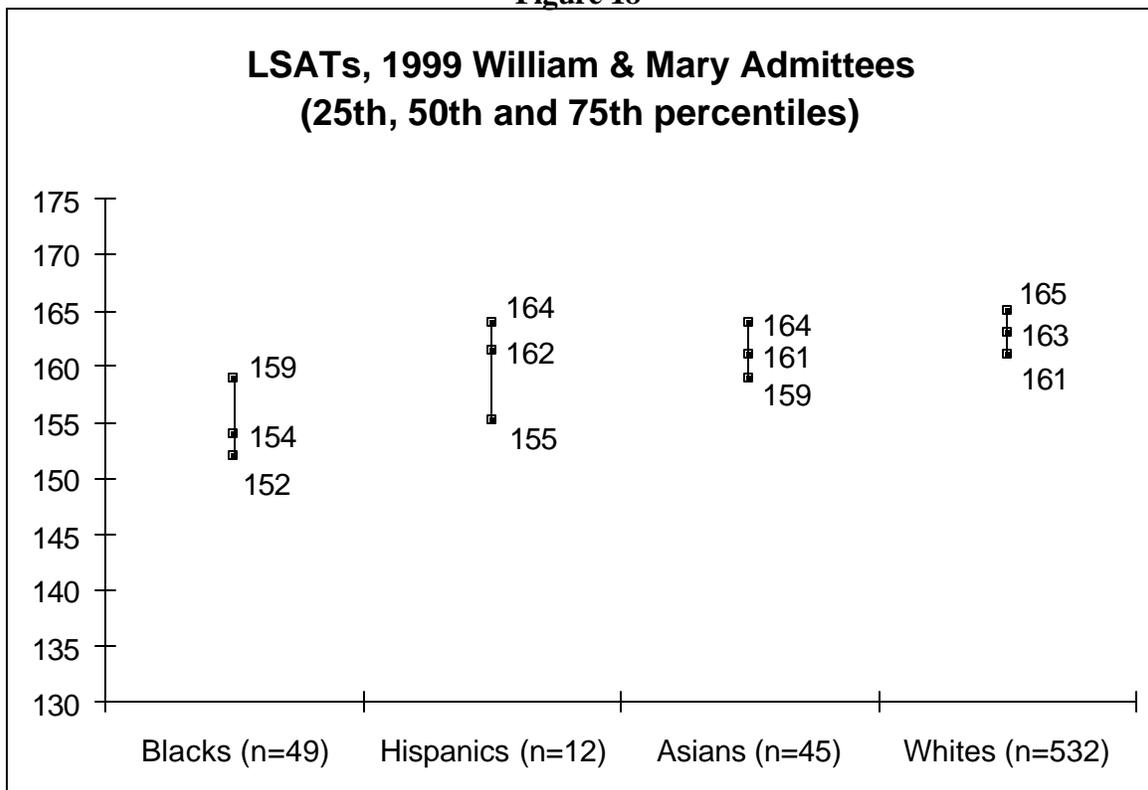


In 1998, Hispanic, Asian, and white LSAT scores were roughly the same. The white median was 1 point higher than the Hispanic and Asian medians, as were white scores

compared with Hispanic and Asian scores at the 75th percentile. White scores at the 25th percentile were 2 points higher than Asian and Hispanic scores at the same percentile.

Black scores were substantially lower. The black median in 1998 was 10 points lower than the Asian and Hispanic medians, and 11 points lower than the white median. Black LSAT scores at the 75th percentile were lower than Asian, Hispanic, and white scores at the 25th percentile. This means that 75 percent of black admittees had lower LSAT scores than 75 percent of Hispanic, Asian, and white admittees.

Figure 18



LSAT scores are similarly distributed in 1999. The median LSAT score for white admittees is 1 point higher than the Hispanic median and 2 points higher than the Asian median. Scores for white admittees at the 75th percentile are 1 point higher than scores for Asian and Hispanic admittees at the same percentile. A more substantial gap is found at the 25th percentile, where Hispanic scores at the 25th percentile are 4 points lower than Asian scores and 7 points lower than white scores at the same percentile.

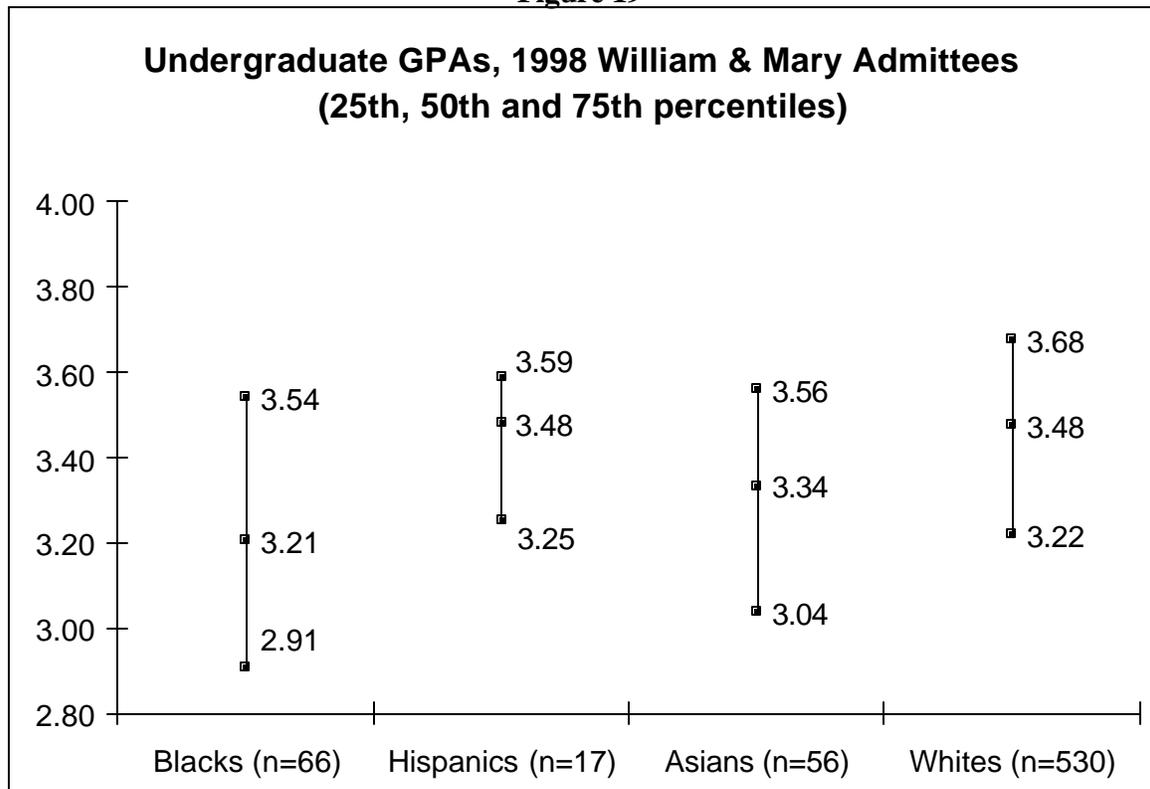
The median score for black admittees is lower than the medians for the other three groups. It is 9 points lower than the white median, 8 points lower than the Hispanic median, and 7 points lower than the Asian median. Scores for black admittees at the 75th percentile fall between the Hispanic median and Hispanic scores at the 25th percentile. They fall at or below scores at the 25th percentile for Asian and white admittees. This means that 75 percent of black admittees

had lower test scores than more than half of all Hispanic admittees and than 75 percent of Asian and white admittees.

Differences in Undergraduate GPAs

There are also group differences in undergraduate GPAs, although gaps between black admittees and the others are smaller.

Figure 19



In 1998, Hispanic and white undergraduate GPAs were roughly the same, while Hispanic GPAs were slightly lower than white GPAs at the 75th percentile, but slightly higher at the 25th percentile. The GPAs of Asian admittees were slightly lower than those of Hispanic and white admittees. At the 75th percentile, Asian admittees had roughly the same GPAs as Hispanic admittees and were 0.12 of a point lower compared to white admittees. The gap is somewhat larger at the 25th percentile (0.21 of a point lower than the Hispanic GPA and 0.18 of a point lower than the white GPA).

Black scores in 1998 are somewhat lower, especially at the median and at the 25th percentile. The median GPA for black admittees is 0.29 of a point lower than the Hispanic and white medians, and 0.12 lower than the Asian median. At the 75th percentile, the GPA of black admittees is roughly the same as those for Hispanic and Asian admittees and 0.14 of a point lower than the GPA of white admittees, while at the 25th percentile, the GPA for black admittees is roughly a third of a point lower than the GPAs for Hispanic and white admittees and 0.12 of a point lower than the GPA for Asians.

Figure 20

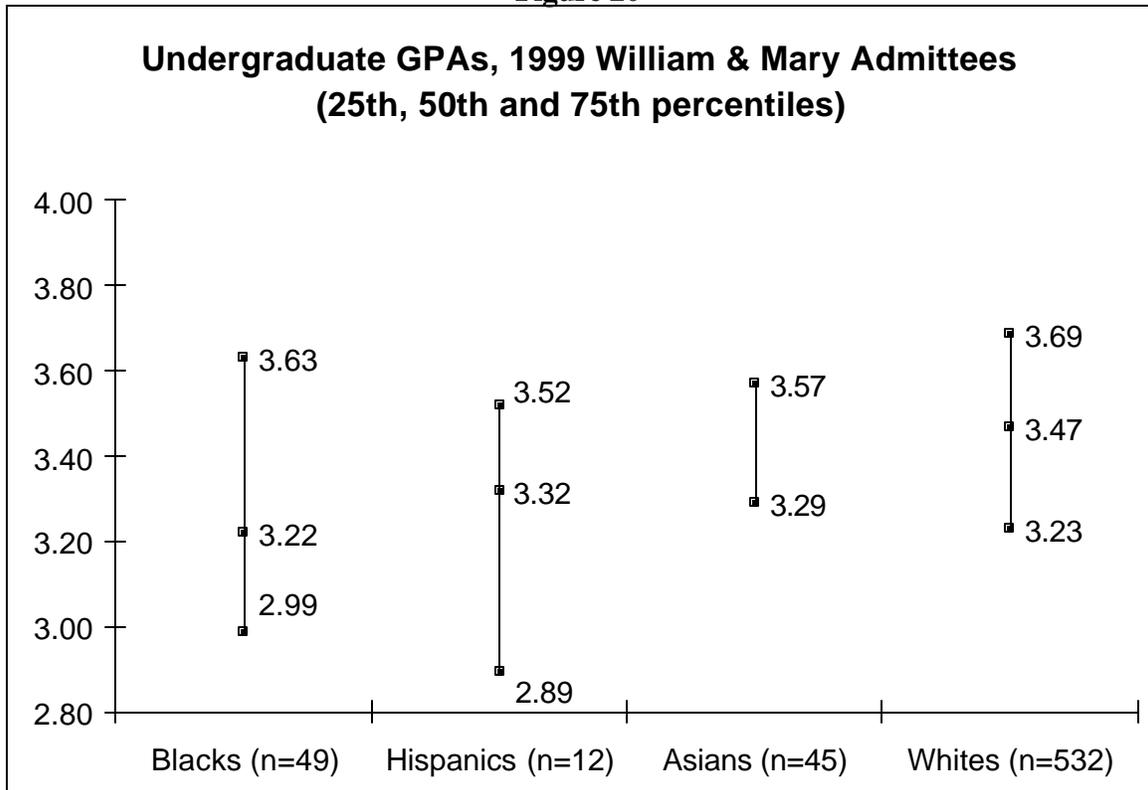


Figure 20 displays the range of GPAs for 1999 admittees. GPAs for white admittees are slightly higher than those for Asian, black, and Hispanic admittees. The median GPA for white admittees was roughly 0.25 of a point higher than the median for black admittees, 0.18 of a point higher than the median GPA for Asians, and 0.15 of a point higher than the median for Hispanic admittees. At the 75th percentile, gaps between groups are less than two-tenths of a point. Differences at the 25th percentile are somewhat larger—0.20 of a point between white and black admittees and 0.24 of a point between whites and Hispanics. The Asian score at the 25th percentile (3.29—same as the Asian median) is roughly the same as the score for whites at the same percentile.

Rejectees vs. Admittees

William & Mary School of Law rejected 39 Asian, 73 black, 15 Hispanic, and 338 white in-state applicants in 1998 and 35 Asian, 66 black, 23 Hispanic, and 348 white in-state applicants in 1999.

Among in-state applicants in 1998, 22 Asians, 7 Hispanics, and 226 whites were rejected despite higher LSAT scores than the median score for black admittees. 15 Asian, 6 Hispanic, and 144 white in-state applicants were rejected despite higher GPAs compared with the average black admittee. Finally, 9 Asian, 3 Hispanic, and 100 white in-state applicants were rejected by William & Mary despite having higher LSAT scores *and* undergraduate GPAs compared with the average black admittee.

Among in-state applicants in 1999, 19 Asians, 11 Hispanics, and 213 whites were rejected despite higher LSATs than the median score for black admittees. 14 Asians, 7 Hispanics, and 170 whites were rejected despite having higher GPAs compared with the average black admittee. Finally, 9 Asian, 4 Hispanic, and 110 white in-state applicants were rejected despite higher test scores *and* GPAs compared with the average black admittee.

Odds Ratios and the Probability of Admission

Multiple logistic regression analysis shows significant racial preferences in admission at the William & Mary School of Law. Table 12 displays the odds ratios for 1998 and 1999.

Table 12
William & Mary School of Law, Odds Ratios

	<i>1998</i>	<i>1999</i>
Black to White	351.29**	167.51**
Hispanic to White	1.81	2.47
Asian to White	2.24*	3.29**
*p≤0.01 **p≤0.0001		

The odds ratios present substantial evidence of William & Mary awarding preferences to black over white applicants, controlling for other factors. Odds ratios favoring black over white applicants are extremely high. Controlling for all other factors, the odds ratio of a black applicant being admitted over a white applicant was over 350 to 1 in 1998 and roughly 170 to 1 in 1999.

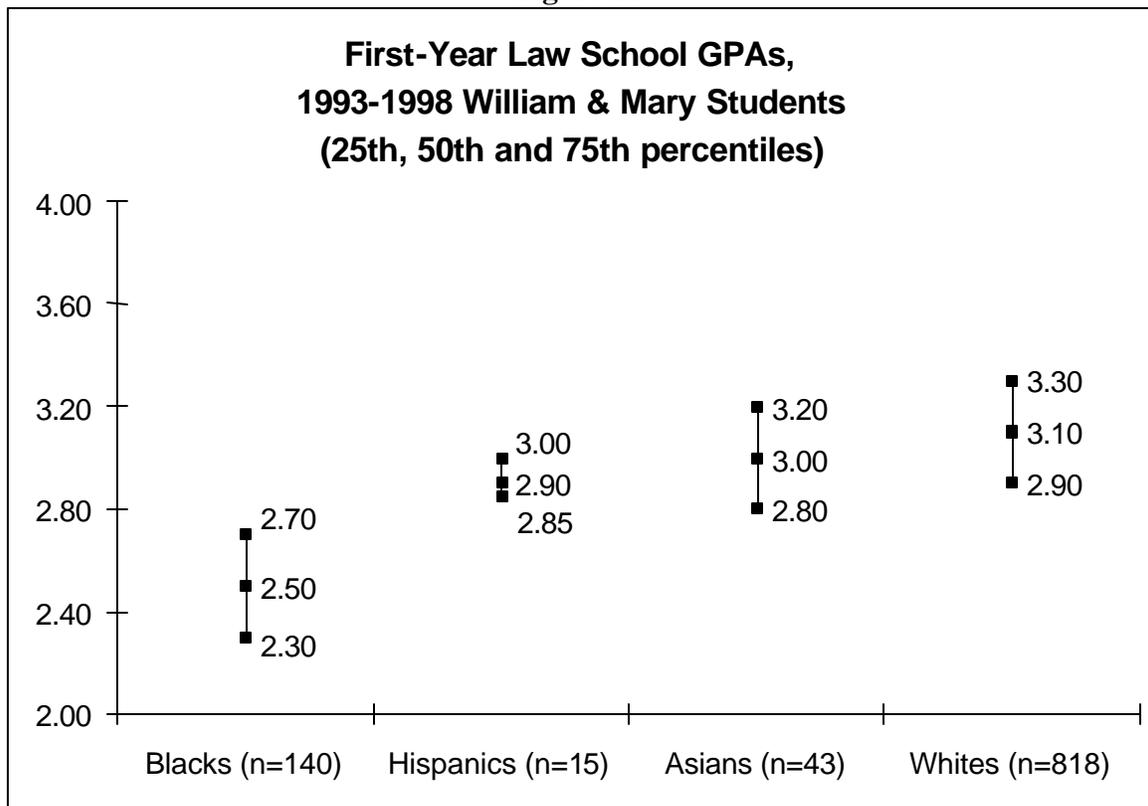
Asian applicants are somewhat favored over white applicants, controlling for all other factors. The relative odds ratios of an Asian applicant over a white applicant were approximately 2 to 1 in 1998 and 3 to 1 in 1999. This is considered to be a moderate relationship between being Asian and being admitted over a white applicant.

Finally, the odds ratios of Hispanics to whites in 1998 and 1999 are not statistically significant.

First-Year Law School GPAs

Figure 21 displays the first-year law school GPAs for William & Mary students from 1993 through 1998.

Figure 21



The first-year GPAs for Hispanic and Asian students are slightly lower than those of white students. The first-year GPAs of black students are lower than those for Hispanics and Asians. The median first-year GPA for black students is 0.40 of a point lower than the median GPA for Hispanic students, a half a point lower than the median GPA for Asian students, and 0.60 of a point lower than the white median. GPAs for black students at the 75th percentile are lower than the GPAs for Hispanic, Asian and white students at the 25th percentile, meaning that 75 percent of black students had first-year GPAs that were lower than those for 75 percent of all other groups.

Appendix: Multiple Logistic Regression Equations

George Mason University School of Law

Variable	1998		1999	
	<i>Unstand. Reg. Coef.</i>	<i>Odds Ratios</i>	<i>Unstand. Reg. Coef.</i>	<i>Odds Ratios</i>
GPA	2.6383**	13.9890**	1.9645**	7.1312**
LSAT	.4761**	1.6097**	.4884**	1.6298**
Female	-.2304	.7942	-.0437	.9573
In-State Resident	.9167**	2.5011**	.9950**	2.7046**
Black	1.0705*	2.9168*	.1209	1.1285
Asian	1.3673**	3.9248**	.5559	1.7436
Hispanic	.5493	1.7320	.0860	1.0898
Constant	-82.6931**		-82.5869**	

*p≤0.01

**p≤0.0001

University of Virginia School of Law

Variable	1998		1999	
	<i>Unstand. Reg. Coef.</i>	<i>Odds Ratios</i>	<i>Unstand. Reg. Coef.</i>	<i>Odds Ratios</i>
GPA	6.3339**	563.3331**	6.3565**	576.2204**
LSAT	.4131**	1.5115**	.4259**	1.5310**
Female	-.0361	.9646	.0596	1.0614
In-State Resident	2.2259**	9.2622**	1.9143**	6.7825**
Black	6.4720**	646.7991**	6.5941**	730.8031**
Asian	.7291**	2.0732**	.6201**	1.8591**
Hispanic	-.0465	.9545	.0907	1.0949
Constant	-92.2803**		-94.3546**	

*p≤0.01

**p≤0.0001

William & Mary School of Law

Variable	1998		1999	
	<i>Unstand. Reg. Coef.</i>	<i>Odds Ratios</i>	<i>Unstand. Reg. Coef.</i>	<i>Odds Ratios</i>
GPA	1.7962**	6.0265**	1.3095**	3.7045**
LSAT	.5256**	1.6915**	.5275**	1.6946**
Female	.0785	1.0817	.1391	1.1492
In-State Resident	.0667	1.0690	.3169	1.3728
Black	5.8616**	351.2917**	5.1210**	167.5069**
Asian	.8066*	2.2404*	1.1913**	3.2915**
Hispanic	.5934	1.8101	.9032	2.4674
Constant	-90.3975**		-89.4653**	

* $p \leq 0.01$

** $p \leq 0.0001$



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