

# **Does Affirmative Action Create Educational Mismatches in Law School?**



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# Mismatch Hypothesis



**A Student Will Learn More if Her Credentials Are Similar to Those of Her Median Classmate Compared to the Case Where Her Academic Credentials Are Significantly Below Those of Her Median Classmate**

# Testing Mismatch: Ideal



- **Use Experimental Data**
- **Compare Learning Outcomes of Persons in a Treatment Group Who Receive Admission Preferences to Persons in a Control Group Who Do Not Receive Preferences**
- **Use Randomization to Assure Some Other Confounding Factor Is Not Responsible for the Observed Learning Outcomes**

# Testing Mismatch: In Practice



- **Only Non-Experimental Data Is Available**
- **Non-Experimental Data Lacks Randomization**
- **Regression Analysis Can be Used To Control for Observed Differences Between the Treatment and Control Groups**
- **Accounting for Unobservable Differences Is Possible But More Challenging**

# The Bar Passage Study (BPS)



- **Non-Experimental Data Tracked 27,000 Law Students Enrolling in 1991 (2/3 of Enrollees)**
- **Three Follow-up Surveys (Two during law school and one post-law school)**
- **Bar Exam Outcomes Tracked for 3 years after law school.**

# Using The BPS To Test Mismatch



- Use the Variation in the Data Where Minority Students with the Same Observed Academic Credentials Attend Law Schools of Varying Selectivity (and Hence Experience Varying Mismatch)
- Mismatch Hypothesis Predicts that Students Attending More Selective Schools Will Learn Less Compared to Their Counterparts with the Same Credentials Attending less Selective Schools

# Issues With BPS



- Law School Attended Is Not Identified
- Selectivity of Law School Is Measured Coarsely and with Error
- Missing Information Needed to Control for Unobservable Differences Between the ‘Treatment’ and ‘Control’ Groups
- Problems Make Finding Mismatch Harder

# **This Paper and Previous Research**



- **This Paper Focuses on Outcome Measures that Directly Measure Learning While Previous Research Focused on Outcome Measures Related to the Production of Lawyers**
- **This Paper Attempts To Take Into Account Measurement Issues with Tier and Possible Unobservable Differences Between the Treatment Group and Control Group**



# Outcome Variables in Previous Research



- **Graduation:** ‘Success’ Is Graduating; ‘Failure’ Is Dropping Out
- **Lawyer:** ‘Success’ Is Graduating AND Passing the Bar; ‘Failure’ Is Not Graduating OR Not Passing the Bar

# Outcome Variables in This Paper



- **Pass Bar Ever:** ‘Success’ Is Eventually Passing the Bar; ‘Failure’ Is Failing the Bar
- **Pass Bar First Time:** ‘Success’ Is Passing the Bar on the First Attempt; ‘Failure’ Is Failing the Bar on the First Attempt

# Mean Academic Index Difference by Race



White	Black	Minority
+9	-145	-119

# Bar Passage Rates by Race



	<b>White</b>	<b>Black</b>	<b>Minority</b>
<b>Pass Bar First Time</b>	92%	61%	67%
<b>Pass Bar Ever</b>	97%	78%	82%

# Effect of Attending a Selective School on Bar Passage



<b>Tier ‘Treatment’</b>	<b>Top 2 v. Bottom 4</b>		<b>Top 2 v. Bottom 2 (Corrects For Tier Measurement Error)</b>	
	<b>Black</b>	<b>Minority</b>	<b>Black</b>	<b>Minority</b>
<b>Pass Bar First Time</b>	-.06*	-.025	-.14***	-.11***
<b>Pass Bar Ever</b>	-.04	-.023	-.09**	-.06**

# Effect of Attending a Selective School on Bar Passage



Tier 'Treatment'	Top 2 v. Bottom 2 (Sample Restricted to Students Who Got Admitted To Their First Choice School)		Top 2 v. Bottom 2 (IV Estimates)	
	Black	Minority	Blacks	Minority
Pass Bar First Time	-.27***	-.11***	-.78***	-.55**
Pass Bar Ever	-.12**	-.07**	-.41	-.39**

# Conclusions



- **Focus on Bar Passage Shows Evidence for Mismatch Effects**
- **Estimating the Magnitudes of Mismatch Effects Will Require Better Data**
- **Data Needed Includes Law School ID, State Location of Bar, Score on Bar, Record of Schools Applied to and Application Decisions.**