INCREASING DIVERSITY IN GRADUATE EDUCATION

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I. Introduction

Higher education has shifted from being thought of as facilitator of intellectual curiosity and insurer of democracy\(^1\) to a necessary pathway for getting a job.\(^2\) In contrast, professional schools have always been inextricably linked to the occupations which the degree unlocks. As such diversifying professional schools is akin to

\(^1\) For example, Thomas Jefferson in his famous “Bill for the More General Diffusion of Knowledge,” he wrote:

> Whereas it appeareth that however certain forms of government are better calculated than others to protect individuals in the free exercise of their natural rights, and are at the same time themselves better guarded against degeneracy, yet experience hath shown, that even under the best forms, those entrusted with power have, in time, and by slow operations, perverted it into tyranny; and it is believed that the most effectual means of preventing this would be, to illuminate, as far as practicable, the minds of the people at large, and more especially to give them knowledge of those facts, which history exhibiteth, that, possessed thereby of the experience of other ages and countries, they may be enabled to know ambition under all its shapes, and prompt to exert their natural powers to defeat its purposes.

Quoted in Roy J. Honeywell, THE EDUCATIONAL WORK OF THOMAS JEFFERSON 199 (Cambridge, Mass., 1931)

diversifying professional fields which can yield a myriad of positive impacts in the community. For example, professionals have more opportunities for socioeconomic mobility and leadership. Having a more prosperous citizenry drives up discretionary spending and creates a larger tax base to fund core services and education. In addition, data has shown that minority professionals are more likely to provide services to underserved communities.

Although diversifying professions is a laudable goal, achieving that goal has been exceedingly difficult. Stubborn gaps persist in all fields but perhaps are most concerning in the areas of medicine and law. Although African-Americans and Latino-Americans make up over a quarter of the U.S. population, they make-up less than 15 percent of physicians. While problematic on its own, this statistic is all the more troubling when coupled with studies that have shown that minorities are significantly more likely to receive inferior care, which in part contributes to vast

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3 See e.g., Lani Guinier, Admissions Rituals as Political Acts: Guardians at the Gates of our Democratic Ideals, 117 HARV. L. REV. 113 (2003) (discussing how admissions to selective colleges and graduate schools impact social mobility).

4 See e.g., Lydonna M. Marrast, et al., Minority Physicians’ Role in the Care of Underserved Patients Diversifying the Physician Workforce May Be Key in Addressing Health Disparities, 174(2) JAMA 289 (2014) (finding that minority physicians provide a “disproportionate share of care to underserved populations”); Andrea A. Curcio, A Better Bar: Why and How the Existing Bar Exam Should Change, 81 NEB. L. REV. 363, 388 (2002) (“Achieving a more diverse bench and bar not only improves public perceptions about the justice system. It also impacts the availability of legal services to underserved segments of our population.”).


6 See e.g., Kevin A. Schulman et al., The Effect of Race and Sex on Physicians’ Recommendations for Cardiac Catheterization, 340 NEW ENG. J. MED. 618, 620-21 (1999) (finding that black patients were less likely to be referred for catherization); In the Medicare setting, researchers found that black Medicare patients were treated less aggressively, even after controlling for income: whites were 22% more likely to be hospitalized for ischemic heart disease; 57% more likely to undergo coronary-artery bypass surgery; 49% more likely to undergo coronary angioplasty; 25% more likely to have a mammography; and 57% more likely to undergo hip-fracture repair. See Marian E. Gornick et al.,
disparities in health outcomes. These disparities not only reduce the quality of life for minorities but also significantly shorten lifespans. For instance, in 2009, the average life expectancy of black men and women in the United States was just 75 years-old, which is roughly the same as the average life expectancy of white men and women in 1979 — 30 years earlier. Because the literature suggests that minorities prefer and receive better care from physicians of the same race, increasing the supply of minority physician plays an integral role in eliminating health disparities.

Similarly, the legal field has struggled to increase the number of diverse practitioners. In the U.S., lawyers overwhelmingly make up the governing class and enjoy elevated social status. The profession of lawyering is supposed to be committed to the ideals of equality, justice, and fairness. Thus, when the lawyers do

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8 The life expectancy for white women and men in 2009 was 79 years. Thus, blacks on average die four years earlier than whites. See Lauren F. Friedman, *This Chart Showing The Gap Between Black And White Life Expectancy Should Be A National Embarrassment*, BUS. INSIDER (Jan 9, 2014).

9 See e.g., Salimah H. Meghani et al., *Patient-Provider Race-Concordance: Does It Matter in Improving Minority Patients’ Health Outcomes?*, 14 ETHNICITY & HEALTH 107 (2009); Frederick M. Chen et al., *Patients’ Beliefs About Racism, Preferences for Physician Race, and Satisfaction With Care*, 3 ANNALS FAM. MED. 138 (2005) (analyzing surveys showing that minorities who perceive racism in the healthcare system are more likely to prefer physicians of the same race); Thomas A. LaVeist & Amani Nuru-Jeter, *Is Doctor-Patient Race Concordance Associated With Greater Satisfaction With Care?*, 43 J. HEALTH & SOC. BEHAV. 296 (2002); Somnath Saha et al., *Do Patients Choose Physicians of Their Own Race?*, 19 HEALTH AFF. 76 (2000) (arguing that minority patients’ preferences for physicians of their own race should encourage medical schools to reassess their admissions policies to increase the supply of minority physicians).

not reflect the composition of the population, democracy itself appears tainted and unjust.11 After all a profession which purports to pursue justice cannot maintain credibility if it continues to tolerate injustice and underrepresentation within its ranks. Thus, persistent underrepresentation of minorities in the legal profession undermine notions of a fair and equal justice system.

Not completely ignorant to this fact, the legal profession has made some progress. In 1960, less than 1% of all lawyers were minorities.12 A decade later, in 1970, minorities represented approximately 1.3% of the legal workforce.13 By 1980, this percentage increased to 5% and then in 1990, to 7%.14 According to U.S. Census Bureau data, in 2000, minority representation in the legal profession reached 9.7% and then climbed to 13.1% at the beginning of this decade.15

Gradual progress can also be seen when disaggregating data by race, except for Native Americans. For example, in 1990, African-Americans accounted for 3.4% of attorneys, Latinos accounted for 2.5%, Asians for 1.4%, and Native Americans for 0.2%.16 By 2000, the representation of African-Americans, Latinos, and Asians rose to 3.9%, 3.3%, and 2.3% respectively, while remaining flat at 0.2% for Native

12 See Deborah L. Rhode, From Platitudes to Priorities: Diversity and Gender Equity in Law Firms, 24 GEO. J. LEGAL ETHICS 1041, 1045 (2011).
14 Id.
Americans. In 2010, the percentage of minority lawyers continued to rise to 4.3% for African-Americans, 3.4% for Latinos, and 3.4% for Asians.

Nevertheless, while some progress has clearly been made, minority representation still lags far behind minority representation in the general U.S. population, especially for African-Americans and Latino-Americans. The 2010 Census Data tabulated that 12.6% of the U.S. population was African-American, 16.3% was Latino-American, and 4.8% was Asian-American. Therefore, although minorities comprise over 33% of the U.S. population, they only comprise about 11% of the lawyers in this country. As a result, minorities continue to be grossly underrepresented in the legal profession.

II. Diversity in Professional Schools within TBR Institutions

Within the TBR System, there is one law school and one medical school. The Cecil C. Humphreys School of Law is a part of the University of Memphis. The Quillen College of Medicine is a part of the East Tennessee State University in Johnson City.

Approximately, 26% of the students at Memphis Law are minority students. In the 1990’s minority students comprised less than 15% of the student body at Memphis Law. Nationally about 25.2% of law students are minority students.

17 Id.
18 Id.
Thus, Memphis Law has made great strides in diversifying its student body and is currently exceeding the national average. While the minority population in the state is roughly 25%, Memphis is a minority-majority city with the minority population exceeding 60%. Thus, one could argue that Memphis Law should have a higher percentage of minority students. Nonetheless, it is quite evident that Memphis Law has made tremendous strides in recruiting minority students over the last decade.

In contrast, only approximately 15% of ETSU medical students are minority students. Nationally, in 2010, 6.3% of entering medical students were African-American, 8.2% were Latino American, 20.4% were Asian, and 2.8% were mixed race. Thus, ETSU’s medical class is less diverse than national averages. In addition, the minority population in the state of Tennessee is roughly 25%. Consequently, the diversity reflected in ETSU’s medical class falls short of reflecting the diversity of the state. However, it does reflect the population of Johnson City which has a minority population of roughly 15 percent.

III. Diversity Initiatives at Memphis Law and ETSU Med School

Memphis Law administers the Tennessee Institute for Pre-Law (TIP) program. The TIP program is an "admission by performance" program for Tennessee residents and border county residents who are not admitted through the regular admissions process, but who show potential for academic success in the study of law and bring

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diversity to the class. The TIP program seeks to matriculate students from diverse backgrounds and circumstances who are capable of successfully completing the law school curriculum.

The TIP program is a five-week program of classroom instruction that simulates the first-year law school curriculum. The program is held at the University of Memphis School of Law beginning in mid-June and ending in late July. Students who receive a C or better in their course work are offered admission. The TIP program is one of the many diversity initiatives at the law school. Other access initiatives include collaborating with the Memphis Bar Association to coordinate the Summer Law Internship Program (SLIP). In addition, Memphis Law also coordinates an annual Diversity & Pre-Law Day each February for high school students. High school students are introduced to the law school admissions process, given information about sources of financial aid, and provided with an opportunity to take a mock law school class. The event culminates with a speech by a nationally prominent keynote speaker. Past speakers include Hill Harper\(^{22}\) and Judy Smith\(^{23}\).

In addition to recruiting efforts, Memphis Law has a diversity committee to enhance the experience of current students. The diversity committee seeks to increase awareness of diversity related legal issues, encourage community engagement, and cultivate a diverse and inclusive law school environment. The

\(^{22}\) Hill Harper is an acclaimed actor and graduate of the Harvard Law School. He has written numerous books to empower young minority youth. He also is the founder of Manifest Your Destiny Foundation which runs summer programs for high school students.

\(^{23}\) Judy Smith is nationally recognized as crisis-management expert. Olivia Pope’s character in the hit Scandal is loosely based on Smith’s life.
diversity committee is comprised of students, staff, and faculty who engage in a
dialogue over the course of the year with each other, with the law school community,
and with the Memphis community.

Memphis Law has received numerous accolades for its diversity efforts including:

- Recognized as one of the Top 5 Best Regional Law Schools for Black
  Students, according to Lawyers of Color Magazine.
- Ranked as a Best Bargain Law School for Black Students by Lawyers of
  Color Magazine.
- Recipient of the 2015 Higher Education Excellence in Diversity Award
  (HEED) from "INSIGHT Into Diversity" magazine, the oldest and
  largest diversity-focused publication in higher education.
- In 2013, Memphis Law was recognized by the Council on Legal
  Education Opportunity (CLEO) at its 45th Anniversary Celebration and
  honored as a member of the inaugural group of "William A. Blakey
  Diversity Pipeline Architects" for its access and diversity efforts.

ETSU’s medical school does not engage in organized diversity initiatives.

IV. Recommendations: ETSU Medical School

- Begin a Pipeline Summer Institute Program. For example, the
  University of Pittsburg School of Medicine has two summer programs
  that are geared toward high school students and college student: The
Summer Premedical Academic Enrichment Program (SPAEP) Level I helps underrepresented high school seniors and college freshmen strengthen academic skills and focus their interest in a medical career. Program courses enhance learning and develop study skills in science, written English and public speaking. SPAEP Level II gives undergraduate juniors and seniors a mentored research experience and exposure to the hospital environment. Level II also helps prepare students for the medical school admissions process by offering training for the MCAT and interview situations. Both programs are seven weeks in length and offer housing, meals, travel and a stipend.24

- **Implement a Conditional Acceptance Program.** For example, Drexel has a pathway to medical school program. The Drexel Pathway to Medical School program is an early assurance, one-year non-thesis Master's Degree program at Drexel University College of Medicine. The program provides students who have completed traditional pre-medical coursework the opportunity to enhance their academic backgrounds and prepare themselves for the rigors of a medical school curriculum by taking graduate level courses comparable in content and rigor to those in the medical school curriculum. The early assurance is a conditional acceptance for matriculation into Drexel University College of Medicine following successful completion of the program.

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with achievement of the academic and professional benchmarks outlined in the program policies. The stated purpose of the pathway program is to promote diversity at Drexel University College of Medicine by providing opportunities to individuals who come from socially or economically disadvantaged backgrounds. 25

- **Pipeline Mentoring.** This program would seek to recruit undergraduates at ETSU by identifying successful undergraduates who are majoring in sciences and pair them with a medical student mentor and physician mentor or faculty mentor. The goal of the program would be to provide mentors to promising undergraduates. The mentors would be charged with helping the mentee navigate the path to medical school. Since undergraduates are already familiar with ETSU, hopefully they will see the benefits of staying at ETSU for medical school.

- **Diversity Recruiting.** ETSU should increase recruiting at colleges and universities with substantial minority populations.

- **Financial Incentives.** ETSU should fundraise to award loan-forgiveness grants to graduates who serve underserved rural and urban populations.

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25 [http://www.drexel.edu/medicine/Academics/Graduate-School/Drexel-Pathway-to-Medical-School/](http://www.drexel.edu/medicine/Academics/Graduate-School/Drexel-Pathway-to-Medical-School/)
V. Recommendations: Memphis Law

- *Strengthen Assessment of TIP Program.* Current efforts at Memphis Law have been successful at recruiting students. Thus, in addition to continuing those efforts, the law school should focus on fostering a better climate for diverse students. The first step is to collect data. Currently, the law school does not currently collect data about TIP students once they matriculate. The law school should collect and analyze data comparing the first-year, second-year, and third-year grade point averages of TIP students to other students. In addition, data with respect to graduation rates and bar passage should be collected and analyzed.

- *Assess Climate.* The law school has done very little to systematically understand and address feelings of isolation among minority law students. The law school should implement assessment inventories which measure feelings of belonging or comfort level of TIP students once they formally begin law school. The law school should also collect this data for the entire study body.

- *Formalize Mentoring of Minority, First-Generation, and Nontraditional Students within the Law School.* Many students of color, first-generation students, and nontraditional have trouble navigating law school. From how to approach professors to how to take a law school to whether they should try out for law review to course selection, the
questions that they have are endless and the people that they feel
comfortable asking are few and far between and not necessarily the
best sources of information. Thus, formalizing a mentoring
relationship facilitates an open line of communication with someone in
the building who is charged with helping steer the student towards
success and helping the student figure out what the path to success
looks like.

• Allocate Less Money to High School Students and More Money to
  Current Law Students. Unlike in the medical school context, potential
law students can major in anything under the sun. Thus, high school
students do not need to be told about the importance of taking science
and math courses and majoring in science related subject areas.
Consequently, there is not a tremendous need to invest resources in
high school students. Instead, there should be an increased focus in
making existing students more successful. Many minority students
struggle to pay for books and to pay for bar prep courses upon
graduating from law school. Thus, the law school should invest more
resources in ascertaining the hardships that minority law students
face and take steps to alleviate such hardships. For instance, offering
book stipends and bar course stipends.
VI. Appendix: Memphis Law TIP Student Data

Comparison of First-Year GPA for TIP Students in the c/o 2015

<table>
<thead>
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<th>LSAT</th>
<th>UGPA</th>
<th>LGPA (1st year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Avg.</td>
<td>153</td>
<td>3.24</td>
<td>2.79</td>
</tr>
<tr>
<td>White non-Hispanic</td>
<td>155</td>
<td>3.23</td>
<td>2.81</td>
</tr>
<tr>
<td>Black</td>
<td>147.5</td>
<td>3.31</td>
<td>2.75</td>
</tr>
<tr>
<td>TIP</td>
<td>146.25</td>
<td>3.31</td>
<td>2.66</td>
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Comparison of First-Year GPA for TIP Students in the c/o 2016.

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<th>LSAT</th>
<th>UGPA</th>
<th>LGPA (1L)</th>
</tr>
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<tbody>
<tr>
<td>Class Avg.</td>
<td>153</td>
<td>3.22</td>
<td>2.74</td>
</tr>
<tr>
<td>White non-Hispanic</td>
<td>154</td>
<td>3.24</td>
<td>2.82</td>
</tr>
<tr>
<td>Black</td>
<td>149</td>
<td>3.09</td>
<td>2.4</td>
</tr>
<tr>
<td>TIP</td>
<td>146</td>
<td>3.03</td>
<td>2.43</td>
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</tbody>
</table>
Comparison of First-Year GPA for TIP Students in the c/o 2017.

<table>
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<th>LSAT</th>
<th>UGPA</th>
<th>LGPA (1L)</th>
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<tbody>
<tr>
<td>Class Avg.</td>
<td>153</td>
<td>3.23</td>
<td>2.72</td>
</tr>
<tr>
<td>White (NH)</td>
<td>154</td>
<td>3.25</td>
<td>2.81</td>
</tr>
<tr>
<td>Black</td>
<td>147</td>
<td>3.2</td>
<td>2.4</td>
</tr>
<tr>
<td>TIP</td>
<td>145</td>
<td>3.05</td>
<td>2.13</td>
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Memphis Bar Passage Statistics by Race and TIP Status

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class</td>
<td>89% (122)</td>
<td>90% (109)</td>
<td>73% (121)</td>
</tr>
<tr>
<td>White</td>
<td>91% (109)</td>
<td>91% (93)</td>
<td>76% (99)</td>
</tr>
<tr>
<td>Black</td>
<td>71% (7)</td>
<td>90% (10)</td>
<td>50% (10)</td>
</tr>
<tr>
<td>Asians</td>
<td>100% (3)</td>
<td>0% (2)</td>
<td>100% (1)</td>
</tr>
<tr>
<td>Latinos</td>
<td>66% (3)</td>
<td>100% (2)</td>
<td>33% (3)</td>
</tr>
<tr>
<td>Am. Indian</td>
<td>n/a</td>
<td>0% (1)</td>
<td>n/a</td>
</tr>
<tr>
<td>TIP</td>
<td>unknown</td>
<td>86% (7)</td>
<td>62% (8)</td>
</tr>
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