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# RAZA ADMISSIONS AT THE UCLA SCHOOL OF LAW: AN UPDATE ON CURRENT POLICIES AND RECENT DEVELOPMENTS*

## I. INTRODUCTION

The struggle by Raza[1] law students at the University of California, Los Angeles (UCLA) to participate in the process of admitting students has been long, and generally, unsuccessful. This Article attempts to explain how past and present admissions policies at the UCLA School of Law have had a detrimental effect on the Raza student body. The first section describes the historical evolution of the admissions process at the law school. The second section discusses the decision by La Raza Law Students Association (LRLSA) in the spring of 1990 to reenter the admissions process after a four-year absence, while the third section assesses the results of LRLSA's return to the admissions process. The fourth section highlights some recent developments that may impact the admissions process at the UCLA School of Law; in closing, I address whether LRLSA should remain in the admissions process.

### A. *Historical Background of the Admissions Process and Policy*

In 1968, during the height of the civil rights movement, the UCLA School of Law responded to demands that it actively attempt to increase the number of students from traditionally underrepresented backgrounds by adopting an affirmative action admissions program.[2] These demands were based on the belief that the increase in minority enrollment would increase minority graduates who could then return to their respective communities to provide desperately needed legal representation.

The program was entitled the Legal Education Opportunity Program or LEOP. The LEOP consisted of two primary compo-

* A version of this Article was delivered at the UCLA School of Law on Feb. 6, 1993.

1. The author uses the term "Raza" to describe Latino students.

2. Esteban Lizardo, UCLA Law School's Faltering Commitment to the Latino Community: The New Admissions Process, Remarks at a protest rally at UCLA School of Law (Mar. 30, 1988), *in* 9 CHICANO L. REV. 73, 76 (1988).

nents. First, the program sought to address the admission and retention of disadvantaged people of color.[3] To accomplish these goals, the program created a separate financial aid process and mandatory faculty-led tutorial sessions. Second, the program called for student input into the admissions process. That is, minority law students would be allowed to make recommendations regarding applicants who should be admitted under LEOP.[4] The language in the LEOP guidelines suggested clearly that student recommendations would be considered.[5] Because the LEOP program sought to increase the number of minority students who came from disadvantaged backgrounds and displayed a desire to work as attorneys in underrepresented minority communities, minority law students were in a better position than the faculty or administration to identify applicants who had shown a sincere commitment to address the problems facing their communities.[6] Moreover, minority students could better judge what level of past academic performance, based on traditional academic indicators,[7] students of similar backgrounds needed to succeed in law school. Finally, minority students had a strong interest in forming a broad and diverse student body because these students would represent the law school minority community.

During 1976, the Faculty Admissions Task Force[8] made frequent efforts to reduce student involvement in the admissions process. The Task Force eliminated the provision regarding student recommendations on the ground that "it was 'administratively cumbersome' and it placed 'a great time burden' on the admissions process."[9] However, despite these attempts, the LEOP remained basically intact until 1978 when the Supreme Court decided the now infamous case, *Regents of the University of California v. Bakke*.[10]

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3. The author uses the term "people of color" to describe student populations which have also been described as underrepresented minorities, and most typically include Chicanos, Puerto Ricans, African-Americans, Pilipinos, and Native Americans.

4. Lizardo, *supra* note 2, at 76.

5. *Id.*

6. The author believes that this is the underlying rationale for the LEOP guidelines. Minority law students relied on the same rationale in their argument that student input was important under the admissions process that replaced LEOP. *Id.* at 77; Rogelio Flores, *The Struggle for Minority Admissions: The UCLA Experience*, 5 CHICANO L. REV. 1, 9 (1979).

7. Most national law schools accredited by the American Bar Association use the Law School Admissions Test (LSAT) and undergraduate grade point average (GPA) as indicators of the potential success of an applicant to law school.

8. The Faculty Admissions Task Force was a subcommittee of faculty and students charged with making recommendations to the Faculty for revision of the law school's admissions process.

9. Lizardo, *supra* note 2, at 76.

10. 438 U.S. 265 (1978) (holding that the minority admissions program of the medical school at the University of California, Davis, was unconstitutional).

Specifically, *Bakke* held that the quota system employed by the University of California, Davis Medical School was unconstitutional because it was based solely on race.[11] As a result of this decision, colleges and universities across the nation quickly amended their admissions policies to comply with the Supreme Court's new mandate.[12] In its haste to comply with *Bakke*, the UCLA law school replaced the LEOP with a new admissions process referred to as the "Diversity Program."

The Faculty Admissions Task Force presented the proposal for the new program in what has become known as the "Karst Report."[13] In the first passage, the summary of recommendations reads as follows:

> The Task Force recommends adoption of a system of admissions designed to produce students who will successfully complete their law studies and enter the legal profession, and who will reflect the social and cultural diversity of California and the Nation. A diverse student body will bring educational benefits to the Law School. It will also help the school to promote the objective of providing legal services to the underrepresented.[14]

Under the new admissions process, student applications fell under two distinct categories. Approximately 60% of the entering class would be selected primarily on the basis of GPA and LSAT scores, while the remaining 40% of the class would be selected on the basis of the applicant's entire record.[15] This individualized evaluation for the 40% group considered quantitative indicators as well as other factors such as race, ethnicity, non-English language ability, work experience, prior leadership positions, special achievements, rural background, family responsibilities, physical handicap or other disadvantages that have been overcome.[16]

This new admissions policy marked a clear change in the law school's commitment to addressing the needs of underrepresented communities. No longer did the law school seek to identify and recruit students of color who would upon graduation address the needs of underrepresented minority communities; in-

11. *Id.* at 319.
12. Lizardo, *supra* note 2, at 77.
13. Memorandum from the Admissions Task Force to the Faculty of UCLA School of Law (Nov. 21, 1978) (on file with the *Chicano-Latino Law Review*). This memorandum contains the proposals and recommendations which changed the criteria for admission to UCLA law school adopted by the Task Force in a 6-3 vote. The Karst Report is so known in recognition of its primary author and chairman of the Task Force, Professor Kenneth Karst, a leading authority in the field of constitutional law.
14. *Id.* at 1.
15. *Id.* at 17-18.
16. *Id.* at 10.

stead it sought students who would make the institution *look good* and who happened to be students of color.[17] For example, interviews and questionnaires were no longer mandatory for minority applicants.[18] LRLSA students still involved in reviewing Latino applicants could only do so on the basis of quantitative indicators. As a result, any applicant could be deemed "diverse" so long as that applicant possessed an unusual life experience or an interesting background.[19]

In light of the consequences of the proposed diversity program, minority students protested by holding a hunger strike which culminated in a rally. Nonetheless, the administration adopted the new diversity program.[20]

The fight to increase minority representation in the student body continued in 1981 when the Chairperson of the Admissions Committee proposed to modify the diversity program guidelines by eliminating student input from the admissions process and eliminating Asian ethnicity as a diversity factor.[21] The Committee eventually withdrew these proposed changes because of a protest by 250 students.[22] However, in March 1982, in a vote conducted by mail, the faculty adopted a policy to admit certain "clear cut" diversity applicants[23] without any student input. The problem with this policy, aside from its exclusion of student input, was that it allowed applicants who could compete for slots in the 60% regular admissions group to displace applicants who would be considered only under the diversity program guidelines.[24] The proposal passed despite the protest of twenty students who charged into the law school office.[25]

In March 1987, Dean Susan Westerberg Prager issued a memorandum to the minority student organizations regarding the law school's declining bar passage rate.[26] The memorandum attempted to show that the dwindling bar passage rate directly correlated with the admission of students of color to the law school.[27] In the face of harsh criticism by minority student leaders over the statistical data cited in the memorandum, Dean

17. Flores, *supra* note 6, at 10.
18. *Id.* at 9.
19. Lizardo, *supra* note 2, at 77.
20. *Id.* at 77-78.
21. *Id.* at 78.
22. *Id.*
23. *Id.* at n.12. A "clear cut" diversity applicant was one whose undergraduate record and LSAT score predicted a high likelihood of success in law school.
24. *Id.*
25. *Id.* at 78.
26. *Id.* (discussing Memorandum from Dean Susan Westerberg Prager to LRSLA, Asian-Pacific Law Students Association, and Black Law Students Association of UCLA School of Law (Mar. 4, 1987)).
27. *Id.*

Prager assured students that no immediate action would be taken.[28] However, mounting concern by the faculty and administration about the low bar passage rate led to policy changes during a meeting where retention and admissions were to be discussed.[29] The policy changes adopted at that meeting drastically altered the diversity program by effectively barring student input on any diversity candidate.[30] Students could no longer sit on faculty subcommittees and advocate for candidates recommended by minority student organizations, nor could any faculty member ever see the applicants' files; rather, admission decisions would be made solely by the Assistant Dean of Admissions in consultation with the Chairperson of the Faculty Admissions Committee.[31] The faculty justified these changes by claiming a need for consistency and administrative efficiency.[32]

On February 2, 1988, LRLSA decided to withdraw from the UCLA law school's admissions process.[33] This decision was a symbolic protest to the drastic changes in the admissions process. LRLSA decided that it could not legitimize the new admissions procedures.[34]

### B. *LRLSA's Decision to Reenter the Admissions Process*

In the spring of 1991, LRLSA officially decided to once again participate in the law school's admissions process.[35] However, LRLSA was very concerned about the message that reentering the admissions process would send to the administration. Many members believed that participating in the process would mean LRLSA was condoning the admissions policies adopted by the administration. These members viewed reentry into the ad-

28. *Id.*
29. *Id.* at 79.
30. Minutes from a meeting of the Faculty of UCLA School of Law 2 (May 1, 1987) (on file with the *Chicano-Latino Law Review*). The only items on the agenda were retention and admissions. Proposal 1, which stated that the Assistant Dean of Admissions in consultation with the Chair of the Admissions Committee would make admissions decisions, was adopted by secret ballot in a 23-15 vote. The proposal included an amendment giving the Assistant Dean the option, in consultation with the Chair of the Admissions Committee, to direct files to the Faculty Admissions Committee for their consideration.
31. Lizardo, *supra* note 2, at 79.
32. *Id.*
33. Memorandum from LRLSA to Dean Susan Westerberg Prager of UCLA School of Law 1 (Feb. 2, 1988) (on file with the *Chicano-Latino Law Review*). The memorandum explained that LRLSA, upon formal vote, rejected the administration's alteration of the admissions process, and could not, in good conscience, continue participating in a process containing "quick fix" methods for raising UCLA's bar passage rate.
34. *Id.*
35. Memorandum from the Admissions Chair of LRLSA to LRLSA's Admissions Subcommittee 1 (Feb. 27, 1992) (on file with the *Chicano-Latino Law Review*) (describing the organization's four-tier system of review).

missions process as disrespectful of the hard work expended by our predecessors, believing that the prior decision to withdraw from the process had been made only after much deliberation. After much debate, doubts about reentering the process were reconciled by two important factors. First, LRLSA genuinely distrusted the administration's past conduct in handling policy changes. Thus, LRLSA beleived it needed to participate in the process to monitor any proposed admissions policy changes. Second, LRLSA believed that the organization had an obligation to assist Raza applicants in their attempts to attend UCLA, or any other law school.[36] LRLSA understood that under the current admissions guidelines, its limited role would not affect the admission of many Raza applicants but it believed that helping a few was worth the effort.

During the 1991-92 academic year, LRLSA once again had an officer on its board to handle admissions matters. This officer served as chair of LRLSA's admissions subcommittee and as a member of the law school's admissions committee. The admissions officer is responsible for representing LRLSA with respect to admissions policies and for advocating on behalf of selected Raza applicants before the Dean of Admissions and the faculty chair of the law school's admissions committee. Furthermore, as chair of LRLSA's admissions subcommittee, the admissions officer is responsible for developing a procedure for evaluating Raza applicants that choose to have LRLSA review their application files.[37]

Although LRLSA retained several of the criteria previously used to evaluate Raza applicants, it also developed a structurally distinct process to incorporate new procedural changes in admissions review.[38] The new process of reviewing applications had to accommodate different objectives than those of the past. LRLSA no longer sought to participate in the admissions process solely to review applications, but more ambitiously, to anticipate and affect policies concerning the admission of Raza applicants. Therefore, LRLSA's system of review calls for its admissions officer to work closely with the admissions officers of other minority student organizations, the Dean of Admissions, and the Chair of the Admissions Committee.

36. *Id.*

37. The job description of the Admissions Chair is detailed in LRLSA's Constitution to be amended in the spring of 1994.

38. Memorandum from the Admissions Chair of LRLSA, *supra* note 35, at 3-5.

### C. *Results of LRLSA's Participation in 1991-92 Admissions*

A crucial condition in the decision to reenter the process was that LRLSA assess its effectiveness in the admissions process. Members of LRLSA worried that if their participation rendered only marginal results, the effort and time committed to the process would be better spent in other areas.

According to UCLA School of Law's admissions office, total applications for the 1991-92 academic year reached 7134. Of these, 696 were from Latino applicants. The entering class for 1992 totaled 294 students, 47 of whom were of Latino descent.[39] At first glance, having roughly 16% of the entering class comprised of Latino students appears to be a positive statistic. However, closer review of other data sheds light on the Latino class entering in 1992, and LRLSA's effectiveness in the process.

First, during 1990-91, when LRLSA did not participate in the admissions process, relatively identical numbers were achieved with respect to Latinos. During that application season, 599 of the 7200 applications were from Latino applicants. That year, the entering class consisted of 312 students, including 44 Latinos.[40] Thus, from 1991 to 1992, the number of Latinos entering UCLA School of Law did not change.

Second, it is worth noting that the total number of applicants for whom LRLSA advocated and then were eventually admitted to UCLA law school. Fourteen LRLSA members reviewed approximately 200 applications from Latino students during the 1991-92 application season. Of these files, LRLSA's admissions subcommittee selected seventeen applicants for high recommendations and on whose behalf LRLSA would advocate. Of these seventeen, five were accepted and four of these matriculated.[41] Thus, the net effect on the admissions process was negligible at best.

### D. *Recent Developments in Admissions on the University of California Campuses*

In the fall of 1992, the United States Office of Civil Rights (OCR) conducted an investigation of Boalt Hall's admissions

39. UCLA Law School Admission System—File Evaluation Process (1992) (on file with the *Chicano-Latino Law Review*). This document is a computer printout of information compiled by the UCLA Admissions Office and is made available to admissions committee members for their review of admitted applicants. Admitted applicants are categorized according to ethnicity.

40. These statistics were made available by the records division of the UCLA School of Law Admissions Office.

41. Memorandum from the Admissions Chair of LRLSA to Michael Rappaport, Dean of Admissions, UCLA School of Law (Apr. 16, 1992)(on file with the *Chicano-Latino Law Review*) (discussing the organization's high recommendations).

process on the ground that the law school illegally separated applications of minorities and non-minorities prior to review and for the purpose of establishing wait lists.[42] The OCR found that Boalt Hall's policies violated federal law in light of the *Bakke* decision.[43]

The investigation into Boalt Hall's admissions policy had been triggered by two complaints against the University of California, Berkeley. First, an Asian male claimed that Berkeley had instituted a quota system for admitting black and Latino students; he argued that only 33% of the freshmen class was white, compared with 60% of California's high school graduating class.[44] Second, ultra-conservative Congressman Dana Rohrbacher of Huntington Beach accused Boalt Hall's admissions process of illegally denying admission to Asians and others as a result of quotas which allowed minorities with lower academic indicators to be admitted.[45] In response to the findings of the OCR, the Dean of Boalt Hall agreed to create an internal admissions task force to consider whether their admissions process was indeed violating federal law.

The OCR initiated similar investigations of the undergraduate admissions policies at four UC campuses, including UCLA and Berkeley.[46] However, these investigations were made public in the waning days of the Bush administration. It is possible that these investigations will not receive the same priority or attention under the Clinton administration. However, the concern of many people of color is that the investigation into the admissions process at Boalt Hall will prompt the administration at UCLA law school to react hastily and attempt to once again modify the admissions process.

## II. CONCLUSION

In retrospect, the decision to reenter the admissions process has had a detrimental effect on the Raza law student community. First, the gradual and consistent erosion of student input in the admissions process has trivialized the valuable role students of color once held. Currently, the status of student input is merely advisory. Thus, LRLSA spends valuable time and effort evaluating Raza applications knowing that the Dean of Admissions need not consider any of its recommendations. This effectively drains

42. Louis Freedberg, *U.S. Probing Admissions at 4 UC Campuses*, S.F. CHRON., Oct. 9, 1992, at A1.
43. *Id.*
44. *Id.*
45. *Id.*
46. *Id.*

the organization of valuable energy that can be directed at other equally pressing issues facing the Raza community.

Second, the centralization of power in the Dean of Admissions to determine the admission of the entire student body, aside from its contrariness to basic notions of fairness and due process, has drastically undermined the law school's original intent to improve legal representation in minority communities. Using efficiency as the justification, the centralization of decision-making in the admissions process gives one person unfettered discretion to admit diversity students using whatever criteria deemed important by that person. This type of decision-making process is also contrary to the tenets of the Karst Report, because admissions decisions now turn on predictive indicators of success in law school and race, exclusively. Economic, academic, and social disadvantages a student has overcome are no longer considered eventhough these factors are significant in helping to explain less competitive grades or LSAT scores.

The Administration uses this new criteria because this process is not likely to have an adverse effect on the law school's bar passage rate; meanwhile, UCLA can maintain a minority presence in the student body. However, the current diversity admissions process does not serve the Latino community well; diversity slots previously filled by students of color with truly disadvantaged backgrounds are now being filled by students of color with strong quantitative indicators and who would presumably qualify for admission under the regular process.

Although the present admissions process is flawed, it would be worse to withdraw from the process once again. In fact, it is essential that LRLSA continue, or begin, to exert pressure on the administration regarding its concerns. To do this, however, LRLSA's admissions subcommittee should modify its efforts. It should minimize the focus on reviewing Raza applicants and increase its efforts to change admissions policies. LRLSA's impact on admissions decisions is insignificant. It should focus on changing policy and advocating only for the few Raza applicants who possess a sincere commitment to addressing the issues facing our communities and whose academic predictive indicators alone will not gain their admission.

Finally, in light of the recent investigation of Boalt Hall's admissions process, the admissions practices employed by UCLA School of Law need to be reconsidered for compliance with federal law. Claims of reverse discrimination seem imminent and make it necessary for the Dean of Admissions to consider race in conjunction with the socio-economic profile of the minority applicant during evaluation. It is not difficult to imagine claims of

reverse discrimination by those who feel they are displaced by minority applicants who posses similar social and economic upbringings. Thus, it is increasingly difficult to justify admitting minority applicants from "privileged"[47] backgrounds on the premise of diversifying the law student community.

However, it would be sound and legal to give special consideration to a minority applicant who can be considered "truly diverse."[48] The admission of Raza applicants possessing uniquely diverse and disadvantaged backgrounds will not only ensure that scarce diversity admissions slots are filled by the most deserving, but also protect against legal attacks. Raza applicants who are less privileged warrant the assistance of the diversity process because their experiences clearly distinguish them from non-minority, as well as privileged, minority applicants.

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47. The author uses the term "privilege" in the context of admissions criteria. An applicant may be considered privileged for the following factors: upper- or middle-class upbringing, private or parochial education, well-educated or professional parents, etc. Of course, this brief list is illustrative not exhaustive.

48. "Truly diverse" is used as a descriptive term in the context of admissions review to identify an applicant as unique. With regard to Raza applicants, the author believes that a "truly diverse" applicant is one having one or more of the following characteristics: had parents who received little or no formal education, spoke English as a second language, is a single parent, worked during high school or college, participated in campus or community activities, had previous gang involvement, etc. This list is also meant to be illustrative and not exhaustive or exclusive.

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