

Errata from “A Systemic Analysis of Affirmative Action In American Law Schools”

Although there has been a good deal of dispute about the methods and interpretations used in “Systemic Analysis” (which I address in “Reply to Critics” and “Mismeasuring the Mismatch”, both available on my home page), I think there is general consensus that the actual results I report are essentially accurate. Nearly all of the important results in the study have been replicated by other researchers. Nonetheless, some errors do remain, and I collect them here. I’ve indicated those cases where readers have pointed out errors, and I encourage other readers who believe they have found errors to bring them to my attention.

Aside from the last reported error here (on page 476, which incorrectly restates an earlier conclusion), none of these errors has a substantive impact on my conclusions; in most cases the corrections strengthen the basic arguments of *Systemic Analysis*. In all cases, however, the errors are regrettable and the corrections enlightening. Thanks to those who have helped me compile this list.

Page 416. In Table 3.2, the reported number of schools in Group 1 and Group 2 is reversed. There are sixteen law schools in Group 1, and fourteen law schools in Group 2. I am grateful to Dr. Edward Johnson of the Bureau of Labor Statistics for this correction.

Page 428. The parenthetical statement on this page (explaining that one standard deviation in LSAT scores is ten points) is somewhat misleading. The table I am discussing, Table 5.2, uses LSAT scores that are standardized within each of the schools in the dataset (standardized values are prefaced with a “Z”, hence “ZLSAT”). Within an individual law school, the range of LSAT scores is much narrower than in the overall test-taking population, so a one-standard deviation change in LSAT scores within a school might only represent two or three points. Of course, this heightens, rather than diminishes, the relevance of LSAT scores in predicting law school grades. My coauthor Patrick Anderson found this anomaly.

Page 428, Table 5.2 This table examines the degree to which incoming credentials and race predict performance in the first semester of law school, using data for Fall 1995 grades of first-year students at twenty law schools around the country.

The data for one of these twenty schools – School #12 in the dataset – is somewhat anomalous. LSAT and UGPA are not particularly predictive of grades at this school, and there is no particular correlation between grades and race. White GPAs are lower, on average, than non-white GPAs. Table 5.2, run without this school, has a higher R^2 and generally stronger coefficients (see table on page 4). In short, I am suspicious about the quality of data received from this school. While I would probably keep School 12 in my Table 5.2 if I were writing the article now (just to be conservative), there is good reason to exclude the data.

I am indebted to Professor Jim Lindgren of Northwestern Law School for pointing out these anomalies in School #12's data.

There has also been some debate about how persons not reporting race in the 1995 National Survey Data should be treated – this is discussed in footnote 175 of Systemic Analysis, as well as the commentaries by Chambers et al., Ayres & Brooks, and myself in the May 2005 Stanford reply issue. Professor Lindgren was the first to point out this issue as well.

Tables 5.6 and 6.1. In the regressions for these tables, I incorrectly coded American Indians as Hispanics, leaving Hispanics in the residual category with whites. The tables on page 5 show the original and corrected values. Note that this change brings the black variable closer to, but still short of, statistical significance in predicting graduation and bar performance. I am indebted to Dr. Edward Johnson of the Bureau of Labor Statistics for pointing out the coding error.

Also, as readers of my “Reply” in the May 2005 Stanford Law Review will note, it is clear that the relationship between law school grades and the two outcomes (graduation and bar passage) modeled in these regressions is somewhat curvilinear. Since black grades are concentrated near the bottom of the distribution, a curvilinear model might well show some black overperformance.

Page 448. The most significant error in the article occurs in my attempt here to parse the various factors contributing to lower first-time bar passage rates among black law graduates. There are two sorts of error. First, the numbers refer to blacks for whom the BPS had not just data on bar outcomes, but data on LSAT and UGPA that would permit the calculation of an academic index. If we include blacks who are missing information on LSAT and/or UGPA, then there are a total of 1368 (rather than 1348) blacks in the BPS who took the bar, and 536 (rather than 516) failed at least once. My second error was to double-count some blacks who can be plausibly attributed to more than one of the four “explanations” of bar failure – producing, as a result, a total of 569 blacks in the four categories (when I am attempting to explain 516 outcomes).

Using data on the 516 cases for which we have complete data, my corrected allocations of black law graduates across the four categories are as follows:

--Eighteen percent (18%) of the failures were among students with academic indices below 470, who would probably not have been admitted to law school with their cohort under a race-blind regime;

--Thirty-four percent (34%) of the failures can be attributed to the mismatch effect; that is, these are failures among students with indices of 470 or higher that are in excess of the white failure rate in the same academic index range;

--Twenty-seven percent (27%) of the failures can be attributed to the lower average index scores of the black law graduates, compared to white law graduates, among those with academic index scores of 470 or higher;

--Nineteen percent (19%) of the failures would have occurred had black law graduates had the same index distribution as white law graduates, and had failed at the same rate.

The substantive conclusion I draw from this analysis is unchanged from the article. The greater difficulties blacks have on the bar, compared with whites, are mostly

attributable to the effects of racial preference policies (categories one and two of the four above), and not the lower average credentials of blacks (category three). In the BPS data, the first-time bar passage rate is 91.9% for whites, and 61.4% for blacks. I estimate that in a race-neutral regime, the black bar passage rate would be 79.5% for the cohort studied by the BPS. This number can be derived from the above statistics:

$100\% - [(27+19)/19] * 8.1 = 79.5$, where 8.1 is the white rate of first-time failure, and the term $[(27+19)/19]$ reflects the higher rate of black failure in a race-neutral regime, measured by combining the bottom two of the four factors listed above. This is the same black bar passage rate used in Table 8.2.

I am grateful to Associate Dean Stephen Ellmann of New York Law School for pointing out that the numbers in the article did not add up.

Page 458. The “0.137 coefficient” cited in the text should read “0.134 coefficient.”

Page 476. In the last line of text in this page, I write “In a world where 74% -- rather than 45% -- of black law students graduate and pass the bar on their first attempt....” The “74%” figure is an editing error which should read “64% to 70%”, the numbers used two pages earlier (p. 474) to describe the same idea.

Table 5.2 with and without School 12:

Factor	Original Regression		Without School 12	
	Std. coefficient	p-value	Std. coefficient	p-value
ZLSAT	0.38	<.0001	0.42	< .0001
ZUGPA	0.21	<.0001	0.22	< .0001
Asian	-0.007	.61	- 0.02	.24
Black	-0.007	.63	- 0.02	.30
Hispanic	-0.011	.43	- 0.02	.20
Other Race	-0.021	.14	- 0.02	.11
Male	0.018	.20	0.02	.16
	Adj. R ² : .19		Adj. R ² : .23	

Table 5.6: Relative Power of Alternate Predictors of Law School Graduation, 1991-1996

Factor	Original Regression		Corrected Regression	
	Std. Coefficient	χ^2 p-value	Std. Coefficient	χ^2 p-value
Law School GPA (1 st -year)	0.764	< .0001	0.766	< .0001
Law School Eliteness	0.218	< .0001	0.218	< .0001
Part-time	-0.128	< .0001	-0.127	< .0001
Family Income	0.037	.02	0.040	.01
Male	-0.027	.10	- 0.02	.10
Black	0.014	.13	- 0.02	.09
Asian	0.004	.77	- 0.006	.69
Other Nonwhite	-0.007	.67	- 0.0002	.98
Hispanic	0.009	.55	- 0.02	.28
Somers's D	.645		.646	

Table 6.1: Relative Power of Alternate Predictors of Bar Passage, 1991-1996

Factor	Original Regression		Corrected Regression	
	Std. Coefficient	χ^2 p-value	Std. Coefficient	χ^2 p-value
Law School GPA (1 st -year)	0.76	< .0001	0.75	< .0001
LSAT	0.28	< .0001	0.27	< .0001
Law School Tier	0.17	< .0001	0.18	< .0001
Undergraduate GPA	0.11	< .0001	0.11	.01
Male	.05	.007	.05	.10
Asian	- 0.02	.29	- 0.02	.18
Black	- 0.01	.46	- 0.02	.20
Other Nonwhite	- 0.01	.49	- 0.02	.18
Hispanic	- 0.004	.78	- 0.03	.06
Somers's D	.763		.763	