

Diversity in Legal Education and The Legal Profession: A Symposium Honoring Indiana Chief Justice Randall Shepard

50 More Years of CLEO Scholars: The Past, The Present, and a Vision For the Future

Michael Hunter Schwartz

Recommended Citation

Michael Hunter Schwartz, *50 More Years of CLEO Scholars: The Past, The Present, and a Vision For the Future*, 48 Val. U. L. Rev. 621 (2014).

Available at: <http://scholar.valpo.edu/vulr/vol48/iss2/12>

This Article is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Valparaiso University Law Review by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.



50 MORE YEARS OF CLEO SCHOLARS: THE PAST, THE PRESENT, AND A VISION FOR THE FUTURE

Michael Hunter Schwartz*

I. INTRODUCTION

I have worked at multiple law schools at which minority law students have matriculated in percentages significantly lower than the minority population percentage in the region in which the law schools were located, and, not surprisingly, people of color are grossly underrepresented in the profession.¹ Moreover, even today, at least one

* Dean and Professor, University of Arkansas at Little Rock, William H. Bowen School of Law. Academic Curriculum Consultant, Council on Legal Education Opportunity (2011–2012). The author thanks his research assistants at Washburn University School of Law, Kelsey Fowler and Scott Abbott; his colleague at the Bowen Law School, Melissa Serfass; and Bowen student Bill Godbold. I would also like to thank the staff of the Valparaiso University Law Review for their masterful edits of this Article. All errors belong exclusively to the author.

¹ Western State University College of Law's total minority enrollment in 2005 was 35%. LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS i, 794 (Wendy Margolis et al. eds., 2007 ed. 2006) [hereinafter ABA-LSAC 2007 OFFICIAL GUIDE] (publishing data collected in 2005). A majority of Orange County, California, where Western State is located, is comprised of minorities. *About Western State*, W. ST. C. L., <http://www.wsulaw.edu/prospective-students/about-us.aspx> (last visited Jan. 29, 2014); Joel Rubin, *O.C. Whites a Majority No Longer*, L.A. TIMES (Sept. 30, 2004), <http://articles.latimes.com/2004/sep/30/local/me-census30>. Charleston School of Law's total minority enrollment in 2006 was 7.7%. LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS i, 190 (Wendy Margolis et al. eds., 2008 ed. 2007) [hereinafter ABA-LSAC 2008 OFFICIAL GUIDE] (publishing data collected in 2006). Charleston's non-white population was about 42% of the total population in 2005. *Charleston, SC*, U.S. BEACON, <http://www.usbeacon.com/South-Carolina/Charleston.html> (last visited Jan. 29, 2014). Washburn University School of Law's total minority enrollment in 2011 was 13.8%. LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS i, 798 (2013 ed. 2012) [hereinafter ABA-LSAC 2013 OFFICIAL GUIDE] (publishing data collected in 2011). Topeka's non-white population was 23.8% as of the 2010 census. U.S. Dep't of Commerce, *State & County QuickFacts: Topeka (city), Kansas*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/20/2071000.html> (last modified June 27, 2013). The University of Arkansas at Little Rock, William H. Bowen School of Law's total minority enrollment in 2011 was 18.7%. ABA-LSAC 2013 OFFICIAL GUIDE, *supra*, at 98. A majority of Little Rock, like Orange County, is composed of majority ethnicities, according to the 2010 census. U.S. Dep't of Commerce, *State & County QuickFacts: Little Rock (city), Arkansas*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/05/0541000.html> (last modified June 27, 2013). Western State University's data is only available in the ABA-LSAC Guide beginning in 2005. Charleston School of Law's data is likewise only available beginning in 2006. The University of Arkansas at Little Rock's data is from 2011, as that is the most recent volume of the ABA-LSAC Guide that the ABA has published.

622 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48]

full generation of students and graduates since law schools declared themselves integrated,² law students of color who do go to law school underperform in comparison to their white peers.³ I see both issues as a failure of legal education in general and by me in particular. In other words, in my twenty-plus years in legal education, which have included more than ten years as an academic support professional and five years working with the Council on Legal Education Opportunity (“CLEO”), I have not achieved two of my core goals: helping students from underrepresented populations succeed in law school and diversifying the profession.

There have been some notable successes. The National CLEO program has served thousands of law school graduates,⁴ and Indiana’s CLEO program (“ICLEO”), founded “at the urging of former Chief Justice Randall T. Shepard”⁵ whose lifetime of service we celebrate with this symposium,⁶ has served hundreds of law school graduates.⁷

While these accomplishments are significant, they are insufficient. For example, ICLEO’s law school graduation rate, according to its

² See Michael H. Cardozo, *Racial Discrimination in Legal Education, 1950 to 1963*, 43 J. LEGAL EDUC. 79, 79, 84 (1993) (highlighting the American Association of Law Schools’ (“AALS”) actions in prohibiting racial discrimination in admissions by member schools and their effectiveness, but implying that it was not until the next decade and the implementation of affirmative action that the “evil result[s]” of racial discrimination could finally be laid to rest).

³ See Jesse Rothstein & Albert H. Yoon, *Affirmative Action in Law School Admissions: What Do Racial Preferences Do?*, 75 U. CHI. L. REV. 649, 688–90 (2008) (comparing first-year class rank with percentile score, and graduation rate with percentile score, for black and white students); see also Dorothy A. Brown, *Taking Grutter Seriously: Getting Beyond the Numbers*, 43 HOUS. L. REV. 1, 29 (2006) (“[S]tudies confirm that severely underrepresented groups are more likely to underperform or think about dropping out of college, regardless of racial background and gender.” (quoting Expert Report of Patricia Gurin for University of Michigan app. B, *Gratz v. Bollinger*, 539 U.S. 244 (2003) (No. 02-516) & *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241), available at <http://www.vpcomm.umich.edu/admissions/legal/expert/gurintoc.html>)).

⁴ See *infra* text accompanying note 52 (stating that over 8000 students have completed the ICLEO program).

⁵ *Indiana CLEO: About*, COURTS.IN.GOV, <http://www.in.gov/judiciary/cleo/2403.htm> (last visited Oct. 8, 2013); see Andrew R. Klein, *Justice Shepard and Diversity in the Legal Profession: The Legacy of ICLEO*, 48 VAL. U. L. REV. 599, 602–03 (2014) (discussing the history of ICLEO and how Justice Randall Shepard pushed for its creation in 1997).

⁶ See generally Kevin Brown, *Tribute to Randall Shepard*, 48 VAL. U. L. REV. 585 (2014) (commemorating the career of Indiana Supreme Court Justice Randall Shepard, who founded the ICLEO program); María Pabón López, *The ICLEO Mentoring Legacy of Chief Justice Randall Shepard: An Essay*, 48 VAL. U. L. REV. 611 (2014) (discussing Justice Randall Shepard’s achievements, including the creation of ICLEO and mentoring many legal professionals throughout Indiana).

⁷ *Indiana CLEO: About*, *supra* note 5.

website, is roughly 75%,⁸ whereas the graduation rate for Indiana law students appears to be around 91%.⁹ As explained below, the national CLEO program has not developed robust evidence of its long-term effectiveness.¹⁰ In other words, this Article argues that, while the goals of CLEO and ICLEO are salutary and the efforts undertaken through both programs often heroic, we can do more and do better.

What minority law students need is their own POSSE. In rough terms, the undergraduate-focused program of the CLEO program is the POSSE program.¹¹ Founded in 1989, the Posse Foundation selects, through a careful and thoughtful process, minority and economically disadvantaged students who demonstrate motivation, leadership ability, and collaboration skills but who otherwise would not have been admitted to prestigious colleges and universities.¹² The Foundation POSSE arranges students' admission, ensures the students have the skills and knowledge they need to succeed, and creates a role for the students in their own college educational process.¹³

The next step in CLEO's evolution should be a fusion of the best aspects of CLEO and POSSE. Part II of this Article describes the history, current practices, and assessment of the CLEO summer institute program.¹⁴ Part III describes the history and components of the undergraduate POSSE program.¹⁵ Part IV articulates a vision for a law school-focused fusion of the best aspects of the existing CLEO program

⁸ *Id.*

⁹ The average attrition rate for all students at the four Indiana law schools is 8.93%. This figure is based on an average of the attrition rates reported by the four law schools in the 2011 edition of the *ABA-LSAC Official Guide to ABA-Approved Law Schools* and includes both academic and non-academic departures from the law schools. See LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, *ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS* 381, 385, 549, 781 (2011 ed. 2010) [hereinafter *ABA-LSAC 2011 OFFICIAL GUIDE*] (outlining attrition rates from Indiana's four law schools). However, there is evidence that the graduation gap between the graduation rates of white and non-white law students may be much less significant, except for students who score in the lowest percentile among LSAT takers admitted to law schools. See Rothstein & Yoon, *supra* note 3, at 690 fig. 6, 692.

¹⁰ See *infra* Part II.C (reporting the results of three ICLEO assessments).

¹¹ See *infra* Part III.A (describing the background of the POSSE Program).

¹² See *infra* text accompanying notes 103–05 (describing POSSE's selection process for incoming students).

¹³ See *infra* Part III.B (describing the components of the POSSE Program).

¹⁴ See *infra* Part II (discussing how CLEO operates and assessing its effectiveness).

¹⁵ See *infra* Part III (explaining the POSSE program and reviewing assessments of the program's effectiveness).

624 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48]

and of the POSSE program and justifies the proposed vision.¹⁶ Part V concludes that CLEO should pilot the new model.¹⁷

II. THE COUNCIL ON LEGAL EDUCATION OPPORTUNITY

The national CLEO program was developed to help minority students reach law school and then to become successful once admitted.¹⁸ Part II.A discusses the history and origin of the CLEO program.¹⁹ Part II.B explains how the program currently operates.²⁰ Part II.C assesses the effectiveness of CLEO's current procedures.²¹

A. History

In 1960, less than 1% of lawyers in the United States were African-American,²² and, before 1968, only about 200 African-American students graduated from law school each year.²³ In the 1950s and 1960s, some law schools tried to increase the number of minority students by implementing admission programs for minority students.²⁴ However, these programs failed to provide the students with adequate support, and too many of the students dropped out of law school or failed.²⁵ In at least some contexts, and perhaps many, these students encountered disrespect from their peers and even some of their professors; some believed that they had gained admission based on a set of less demanding standards than the rest of the students.²⁶

¹⁶ See *infra* Part IV (combining the procedures from CLEO and POSSE to propose an improved CLEO program for the future).

¹⁷ See *infra* Part V (recommending that CLEO adopt a proposal based on the POSSE program to improve its procedures).

¹⁸ See *infra* Part II.A (explaining the purpose of the CLEO program).

¹⁹ See *infra* Part II.A (providing a detailed history of the CLEO program).

²⁰ See *infra* Part II.B (describing the procedures of the CLEO program).

²¹ See *infra* Part II.C (reporting the results of three assessments of the CLEO program).

²² William C. Kidder, *The Struggle for Access from Sweatt to Grutter: A History of African American, Latino, and American Indian Law School Admissions, 1950-2000*, 19 HARV. BLACK LETTER L.J. 1, 6 (2003).

²³ *Id.* at 7. Almost 40% of these students attended predominantly black law schools. *Id.*

²⁴ Alfred A. Slocum, *CLEO: Anatomy of Success*, 22 HOW. L.J. 335, 336-37 (1979). In the early 1960s, law schools such as New York University, Emory University, and the University of Denver had all created programs to increase the number of minority students attending their law school. *Id.* at 337 n.9.

²⁵ Dana N. Thompson Dorsey, *Accessing the Legal Playing Field: Examining the Race-Conscious Affirmative Action Legal Debate Through the Eyes of the Council of Legal Education Opportunity (CLEO) Program*, 16 TEX. WESLEYAN L. REV. 645, 651 (2010).

²⁶ Kathy L. Cerminara, *Remembering Arthur: Some Suggestions for Law School Academic Support Programs*, 21 T. MARSHALL L. REV. 249, 256 (1996); see Slocum, *supra* note 24, at 338 (discussing the disagreement among institutions on "correct" admissions procedures).

In response to the startlingly low number of minorities in the legal profession and the challenges minority students face in trying to gain access to a law school education, CLEO was founded in 1968 by the American Bar Association (“ABA”) Fund for Education and Justice.²⁷ The ABA created CLEO to increase opportunities for low-income and minority students to attend law school.²⁸ When CLEO was created, its bylaws stated the goal of the organization was “to expand and enhance the opportunity to study and practice law for members of disadvantaged groups—chiefly Negroes, American Indians, and Ibero-Americans.”²⁹ CLEO set a goal of assisting 300 minority students to become lawyers by 1973.³⁰

To achieve this goal of 300 new lawyers, CLEO implemented summer institutes as its primary tool to assist minority students preparing for law school.³¹ Each institute was located in one of seven regions around the country and lasted six weeks.³² Students usually attended a summer institute just before beginning law school.³³ The summer institutes served two purposes.³⁴ First, the institutes served to strengthen the skills required in law school by helping to prepare CLEO graduates to succeed in law school.³⁵ The summer institutes also helped prepare the students for the intense workload of law school by having them take courses from the first-year curriculum taught by current law school faculty members.³⁶ Second, the summer institutes served as a recruiting tool for host law schools by allowing the schools to evaluate students who did not qualify for admission, based on their LSAT scores and undergraduate GPAs, but who excelled in the summer institute.³⁷ In

²⁷ Thompson Dorsey, *supra* note 25, at 651–52; *What Is CLEO*, CLEO, <http://www.cleoscholars.com/index.cfm?fuseaction=Page.viewPage&pageId=482> (last visited Sept. 20, 2013). The ABA partnered with many other organizations including the AALS, the Law School Admission Council (“LSAC”), the National Bar Association (“NBA”), and LaRaza National Lawyers Association. Cerminara, *supra* note 26, at 262; Thompson Dorsey, *supra* note 25, at 651.

²⁸ *What Is CLEO*, *supra* note 27.

²⁹ Thompson Dorsey, *supra* note 25, at 652.

³⁰ *Id.*

³¹ *Id.*

³² Cerminara, *supra* note 26, at 262–63. The purpose of regional institutes was to serve students across the nation; the belief was that each institute could better address the needs of the particular students in its region. Slocum, *supra* note 24, at 352.

³³ Thompson Dorsey, *supra* note 25, at 652–53.

³⁴ *See infra* text accompanying notes 35–37 (discussing the two purposes of the summer institute).

³⁵ Kenneth J. Burns, Jr., *C.L.E.O.: Friend of Disadvantaged Minority Law Students*, A.B.A. J., Dec. 1975, at 1483, 1484.

³⁶ Slocum, *supra* note 24, at 347–48.

³⁷ *Id.* at 344, 357.

626 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48]

addition to academic support, students in the CLEO program were provided financial support.³⁸ CLEO students were able to attend the summer institute at no charge and were given money to cover other expenses during the summer.³⁹ These students also received financial support throughout their law school careers.⁴⁰

During its first three years, 722 CLEO graduates began law school, and 80% of those students remained in law school after their first year.⁴¹ This retention rate was higher than the then-national average of 77% for all law students.⁴² Even with its successes, CLEO faced serious funding obstacles.⁴³ Because CLEO relied on funding from agencies in the federal government, funding was a “year-to-year” ordeal and often was not resolved until the last minute.⁴⁴ In 1995, the program lost all federal funding for the summer institutes and student stipends.⁴⁵ In response to the loss of governmental funding, CLEO began relying on financial support from private donors, law schools, and partner associations, as well as from corporations and law firms.⁴⁶

In reaction to losing its federal funding, CLEO reworked its programs and created the Thurgood Marshall Legal Educational Opportunity Program.⁴⁷ In 1998, Congress passed the Higher Education Amendments Act and included funding for the Thurgood Marshall Legal Educational Opportunity Program.⁴⁸ The federal statute that authorizes the program proclaims that the funding is “designed to provide low-income, minority, or disadvantaged college students with the information, preparation, and financial assistance to gain access to and complete law school study.”⁴⁹ The funding provided for the Thurgood Marshall Program supports a variety of pre-law programs that help prepare students for law school throughout their undergraduate education.⁵⁰ CLEO also “provides placement assistance, academic

³⁸ See Thompson Dorsey, *supra* note 25, at 654 (indicating the financial support that CLEO provided to students).

³⁹ *Id.*

⁴⁰ *Id.* Students were given a living stipend of \$1500 a year and the accepting schools provided financial assistance in the way of loans, grants, and other programs to lessen the cost to CLEO students. *Id.*

⁴¹ Burns, *supra* note 35, at 1484–85.

⁴² *Id.* at 1484.

⁴³ See *id.* at 1485 (discussing CLEO’s funding issues).

⁴⁴ *Id.*; Thompson Dorsey, *supra* note 25, at 667.

⁴⁵ Thompson Dorsey, *supra* note 25, at 669.

⁴⁶ *Id.*

⁴⁷ *Id.* at 670.

⁴⁸ *Id.*

⁴⁹ 20 U.S.C. § 1136(a) (2006).

⁵⁰ Thompson Dorsey, *supra* note 25, at 672–73.

support and counseling, financial assistance, bar prep orientation, online tutoring programs and weekend seminars and workshops.”⁵¹ Over the course of the CLEO program, more than 8000 students have completed law school and become members of the legal profession.⁵²

B. Current Program

Over the years, the program has undergone a series of iterations, although, for the most part, the program still consists of a combination of portions of first-year courses; academic support; visits to courts, other legal institutions, and law firms; and networking opportunities.⁵³ The current program is outlined in the paragraphs that follow.

The program’s current Academic Curriculum Consultant is Professor Rory Bahadur of Washburn University School of Law, one of only twenty-six law professors featured in *What the Best Law Teachers Do*.⁵⁴ Professor Bahadur teaches torts, civil procedure, federal courts, and maritime and admiralty law and previously directed the academic support program and taught torts at the St. Thomas University School of Law in Ft. Lauderdale, Florida.⁵⁵ His excellence as a teacher is also reflected in his multiple Professor of the Year awards at both law schools at which he has taught.⁵⁶

Each CLEO student is placed in a small, structured study group consisting of four to six students and an upper-division student mentor selected by CLEO and trained by CLEO’s Academic Curriculum Consultant.⁵⁷ Each mentor reviews a sixty-page training manual, undergoes a lengthy training experience, and then is supervised by personnel at the host law school.⁵⁸ The leaders are trained not to teach doctrine but, rather, to guide groups to adopt best practices for studying law; they learn active-learning teaching methodologies with an emphasis on cooperative learning.⁵⁹ The students stay together for the entire summer, but the groups end with the end of the summer institutes as the

⁵¹ *What Is CLEO*, *supra* note 27.

⁵² *Id.*

⁵³ Telephone Interview with Professor Rory Bahadur, CLEO Academic Curriculum Consultant (Aug. 17, 2013).

⁵⁴ *Meet Faculty & Staff: Rory D. Bahadur*, WASHBURN UNIV. SCH. L., <http://washburnlaw.edu/profiles/bahadur-rory.html> (last visited Oct. 9, 2013). *See generally* MICHAEL HUNTER SCHWARTZ ET AL., *WHAT THE BEST LAW TEACHERS DO* (2013) (featuring twenty-six law professors, including Professor Bahadur).

⁵⁵ *Meet Faculty & Staff: Rory D. Bahadur*, *supra* note 54.

⁵⁶ *Id.*

⁵⁷ Telephone Interview with Professor Rory Bahadur, *supra* note 53.

⁵⁸ *Id.*

⁵⁹ *Id.*

628 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48]

members of each group disperse to a wide variety of law schools all over the country.⁶⁰

CLEO faculty provide workshops that train students to be expert, self-regulated learners,⁶¹ to adopt best practices for taking notes and learning from Socratic-style law school instruction, to read cases effectively, to outline their courses systematically, and to perform effective legal analysis.⁶² In 2013, the law schools hosting the two CLEO summer institutes were Ole Miss and Georgia State. This author taught the first session at each law school; Dr. Dorothy Evensen, a reading education expert at Penn State University who has extensively studied best practices in case reading by law students and lawyers,⁶³ taught sessions focused on case reading; and Professor Bahadur taught the second sessions.⁶⁴

The CLEO students also complete Core Grammar for Lawyers,⁶⁵ a software program/website designed to develop entering students' skills and knowledge regarding "the grammar and punctuation skills that are prerequisites to successful legal writing."⁶⁶ Core Grammar for Lawyers consists of: "a [p]re-[t]est of general and law-specific grammar skills; online [l]essons on each tested topic; interactive practice [e]xercises following each [l]esson; an [i]ndex of [g]rammar [r]ules for students to use as a reference; and [p]ost-[t]ests to confirm mastery."⁶⁷ Finally, Professor Bahadur offers model active-learning exercises and training to the faculty at the host law schools.⁶⁸

C. Assessment

This section reports the results of three assessments of the CLEO program, one conducted in 2006 by Keeling & Associates, LLC, and those conducted by this author after the summer 2011 and summer 2012 six-week summer institutes.

⁶⁰ *Id.*

⁶¹ *Id.*; see *infra* text accompanying notes 128–29 (explaining the characteristics of self-regulated learners and their achievements).

⁶² Telephone Interview with Professor Rory Bahadur, *supra* note 53. See generally MICHAEL HUNTER SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS (2008) (explaining expert learning and how law students should use it during law school).

⁶³ Dorothy H. Evensen, PENN STATE U., <http://www.ed.psu.edu/educ/faculty-cvs/dhd2.pdf> (last visited Oct. 9, 2013).

⁶⁴ Telephone Interview with Professor Rory Bahadur, *supra* note 53.

⁶⁵ See *Welcome*, CORE GRAMMAR FOR LAW., <http://www.coregrammarforlawyers.com/> (last visited Oct. 9, 2013) (providing law students an online learning tool to improve their legal writing).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Telephone Interview with Professor Rory Bahadur, *supra* note 53.

Keeling & Associates used a combination of surveys and structured interviews in its assessment.⁶⁹ CLEO students who participated in summer 2006 institutes at Thomas Jefferson and William Mitchell law schools completed surveys, and students at William Mitchell also participated in individual interviews.⁷⁰ The students reported that their overall experience was positive, and their sense of self-efficacy for law school increased.⁷¹ However, students did not report significant gains in critical-thinking skills, and there was only a small positive improvement on some administered critical-thinking scales.⁷²

This author's studies of the effectiveness of the 2011 and 2012 CLEO program, administered as CLEO's Academic Curriculum Consultant, also included an effort to assess students' self-assessment of the degree to which the students developed selected skills critical to success in law school. Students responded to Likert-scale questions asking whether the students strongly agreed, agreed, disagreed, or strongly disagreed with a series of twenty assertions. The questions asked them whether they developed skills such as: spotting issues, writing law school essay exams, outlining rules into elements, identifying issues and holdings in cases, and predicting courts' decisions.⁷³ At least 95% of the students either agreed or strongly agreed that they had developed skill sets relating to case reading, case briefing, deconstructing rules into lists of elements, writing law school essays, and spotting issues.⁷⁴ The author also administered a pre- and post-test that assessed students' self-regulated learning skills and knowledge of law-related civics, such as court hierarchies and binding and persuasive authority.⁷⁵ On the pre-test, students at the two sites averaged 58% correct whereas, on the post-test, students averaged 74% correct.⁷⁶ Finally, on Core Grammar for Lawyers, 91% of the students at Ole Miss improved their scores and did so by an average of 20%.⁷⁷

Finally, CLEO alums have enjoyed great success. CLEO reports that its alums "are represented in every area of society, including: private

⁶⁹ Keeling & Assocs., LLC, Presentation for the Council on Legal Education Opportunity 4 (Sept. 11, 2006) (on file with author) (presenting a PowerPoint presentation by Keeling & Associates based on surveys and interviews conducted by Keeling & Associates at William Mitchell and Thomas Jefferson summer institutes).

⁷⁰ *Id.* at 5.

⁷¹ *Id.* at 13.

⁷² *Id.* at 11-12.

⁷³ MICHAEL HUNTER SCHWARTZ, REPORT ON 2011 CLEO SUMMER INSTITUTE 6 (2011) (on file with the author).

⁷⁴ *Id.* at 7-8.

⁷⁵ *See id.* at 5 (listing the results of the pre- and post-test).

⁷⁶ *Id.*

⁷⁷ *Id.* at 6.

630 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48]

law firms and corporations, law schools, federal and state judiciaries, and legislatures across the country.”⁷⁸

While these results are promising, the achievements of former CLEO scholars are exciting and the skills CLEO scholars learn are almost certainly critical to law school success, there is no evidence suggesting that CLEO scholars succeed in law school at greater rates than like peers who do not participate in CLEO or even that the program produces transfer. In other words, evidence does not suggest that CLEO scholars consistently use what they learn in CLEO summer institutes once they get to law school. The POSSE program has developed such data about its programming.

III. THE POSSE PROGRAM

The POSSE program helps diverse high school students attend undergraduate universities and guides them throughout their college career.⁷⁹ Part III.A explains the history of the POSSE program and how it was created.⁸⁰ Part III.B provides an overview of the current procedures of the POSSE program.⁸¹

A. Background

Deborah Bial, the President and Founder of the Posse Foundation, created the organization in 1989 to help diverse high school students attend college and succeed there.⁸² In 1988, Bial encountered a former student, who recounted that he had started but had not completed college; the student explained, “I never would have dropped out of college if I had my posse with me.”⁸³ The very next year, Bial established the Posse Foundation and selected the organization’s first group of five students to launch the program.⁸⁴ Since then, the program has sent over 4000 diverse students to colleges and secured \$577 million in scholarship assistance from partner universities, which the program has awarded to

⁷⁸ *What Is CLEO*, *supra* note 27.

⁷⁹ *See infra* Part III.A (discussing the purpose and goals of the POSSE program).

⁸⁰ *See infra* Part III.A (reviewing the history of the POSSE program).

⁸¹ *See infra* Part III.B (explaining how the POSSE program helps students throughout their college career).

⁸² *See* Tina Rosenberg, *Beyond SATs, Finding Success in Numbers*, N.Y. TIMES (Feb. 15, 2012 9:09 AM), <http://opinionator.blogs.nytimes.com/2012/02/15/beyond-sats-finding-success-in-numbers/> (discussing the Posse Foundation and how it helps under qualified students to succeed at college).

⁸³ *Id.* (internal quotation marks omitted).

⁸⁴ *Id.*

POSSE scholars.⁸⁵ POSSE data reveals that its students graduate at a rate of over 90%.⁸⁶ This statistic compares impressively with the 2006 national average, where the graduation rate of students at private undergraduate institutions was approximately 60%.⁸⁷

Prospective students first show up on POSSE's radar by recommendation from one of the student's high school officials, such as a guidance counselor.⁸⁸ Potential recruits then move on to an interview process, beginning with a group interview with POSSE officials and other prospective POSSE scholars, matched to possibly be a part of the same POSSE group.⁸⁹ This group interview sometimes requires the prospective students to complete a cooperative group project.⁹⁰ Approximately two-thirds of the recommended students proceed to an individual interview, and even fewer continue on to another individual interview with POSSE officials and admissions officials from the undergraduate institution selected to partner with the organization for that particular group.⁹¹

The first university to partner with POSSE was Vanderbilt University in 1989, which accepted the first group of five POSSE students.⁹² That pioneer group of students graduated four years later, having achieved great success at the university.⁹³ In 2008, POSSE sponsored its first group of students focused on science disciplines;⁹⁴ up until that point, POSSE focused on students interested in liberal arts disciplines.⁹⁵ In 2012, POSSE expanded the program further by announcing that it would sponsor its first group comprised of multicultural military veterans.⁹⁶ POSSE launched this program for

⁸⁵ *Mission + History + Goals*, POSSE FOUNDATION, INC., <http://www.possefoundation.org/about-posse/our-history-mission> (last visited Oct. 9, 2013).

⁸⁶ *Id.*

⁸⁷ Jonathan D. Glater, *In Search of Standouts Who May Not Stand Out Enough*, N.Y. TIMES (May 24, 2006), <http://www.nytimes.com/2006/05/24/education/24posse.html?pagewanted=all&r=1&>.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Mission + History + Goals*, *supra* note 85.

⁹³ *Id.*

⁹⁴ James Sullivan, *Arm-in-Arm to Success: Students Bond, Pursue Scientific Studies with Help of Posse Foundation on the Brandeis Campus*, BOS. GLOBE, May 18, 2012, available at 2012 WLNR 10498561.

⁹⁵ *Id.*

⁹⁶ *Posse Launches Veterans Program with Vassar as First Partner*, POSSE FOUNDATION, INC. (APR. 10, 2012), <http://www.possefoundation.org/news-events/detail/posse-launches-veterans-program-with-vassar-as-first-partner>.

632 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48

veterans in partnership with Vassar College, and POSSE financially supports veteran POSSE students in combination with funds from the G.I. Bill.⁹⁷ The idea is attractive to colleges and universities because:

The concept of a Posse works for both students and college campuses, . . . [it] is rooted in the belief that a small, diverse group of talented students—a Posse—carefully selected and trained, can serve as a catalyst for increased individual and community development. Identified for their leadership ability and overall motivation to succeed, Posse Scholars head campus organizations, encourage dialogue and programs that foster an inclusive campus environment and achieve academic success.⁹⁸

POSSE programs have been housed at top universities, such as Cornell, Northwestern, Pennsylvania, Texas, USC, UCLA, UC Berkeley, and Vanderbilt, and at top liberal arts schools, including Carleton, Colby, Grinnell, Oberlin, St. Olaf, and Vassar.⁹⁹

B. *Components of the Program*

The program operates by taking groups of ten students from predominately urban areas and sending them to partner undergraduate universities together to act as a support system for one another.¹⁰⁰ To provide academic, social, and other meaningful forms of support to participating students, POSSE facilitates the students meeting during their senior year of high school, the interim summer before beginning college, and during the students' entire undergraduate career.¹⁰¹ POSSE consists of five components that focus on the students it directly serves:

⁹⁷ *Id.*

⁹⁸ *Posse Scholars Are Catalysts for Change on Campus: Impact on Campus*, POSSE FOUNDATION, INC., <http://www.possefoundation.org/our-scholars> (last visited Sept. 25, 2013).

⁹⁹ *Partner Colleges + Universities*, POSSE FOUNDATION, INC., <http://www.possefoundation.org/our-university-partners/participating-schools/> (last visited Aug. 18, 2013).

¹⁰⁰ See Sullivan, *supra* note 94 (describing a student's experience as part of a ten-person support group within POSSE).

¹⁰¹ See Rosenberg, *supra* note 82 (describing the characteristics of the POSSE that contributes to the success of the program, including remaining connected while in college).

(1) recruitment and selection; (2) pre-college training; (3) full scholarships; (4) campus support; and (5) career support.¹⁰²

The goal of the selection process is to identify students who have leadership potential, collaboration skills, and the motivation, positive attitude, and drive to learn that are critical to success.¹⁰³ Registered nominations from from one of nine large cities throughout the country nominate candidates.¹⁰⁴ Nominated students go through the taxing individual and group interviews described above, after which the POSSE foundation and college or university partner administrators select the POSSE that will attend a particular college or university.¹⁰⁵

POSSE devotes considerable resources to helping POSSEs succeed, even before the POSSEs get to their designated colleges or universities.¹⁰⁶ POSSE group members meet with POSSE personnel for two hours each week during the students' senior year to receive training in four areas: (1) "[t]eam building and group support;" (2) "cross-cultural communication;" (3) "leadership and becoming an active agent of change;" and (4) academic success.¹⁰⁷

Each POSSE student receives a four-year, full tuition scholarship.¹⁰⁸ Once a POSSE gets to campus, the host college or university provides a faculty mentor who meets with each POSSE once per week and meets with each student in the POSSE every two weeks during the first two years of college.¹⁰⁹ POSSE personnel visit each campus four times throughout the year and, most interestingly, facilitate an annual retreat among the POSSE, other members of the student body, and members of

¹⁰² *Program Components: A Unique Method that Works*, POSSE FOUNDATION, INC., <http://www.possefoundation.org/about-posse/program-components> (last visited Aug. 18, 2013).

¹⁰³ *Recruitment: Dynamic Assessment Process*, POSSE FOUNDATION, INC., <http://www.possefoundation.org/about-posse/program-components/recruitment> (last visited Aug. 18, 2013).

¹⁰⁴ *Nomination Process*, POSSE FOUNDATION, INC., <http://www.possefoundation.org/about-posse/program-components/recruitment/nomination-process> (last visited Aug. 18, 2013).

¹⁰⁵ *Recruitment: Dynamic Assessment Process*, *supra* note 103.

¹⁰⁶ *See Pre-Collegiate Training: Preparing Posses to Succeed*, THE POSSE FOUNDATION, INC., <http://www.possefoundation.org/about-posse/program-components/precollegiate-training> (last visited Oct. 9, 2013) (explaining the time POSSE devotes to students before they enter college).

¹⁰⁷ *Id.*

¹⁰⁸ *Nomination Process*, *supra* note 104.

¹⁰⁹ *Campus Program: Supporting Scholars on Campus*, THE POSSE FOUNDATION, INC., <http://www.possefoundation.org/about-posse/program-components/campus-program> (last visited Aug. 18, 2013).

the faculty and administration; the group meets to discuss and address a campus issue raised by the POSSE scholars.¹¹⁰

Finally, POSSE scholars gain access to summer internships while they are attending college.¹¹¹ Many of these internships include explicit mentoring, opportunities for scholars to develop their career-relevant skills, and feedback on their performance.¹¹² Some scholars qualify for grants so they feel comfortable eschewing paid opportunities.¹¹³ Thus far, POSSE has partnered with more than 150 employers.¹¹⁴ Taken together, these components offer new possibilities for the future of the CLEO program.

IV. VISION: A HYBRID OF CLEO AND POSSE

Both the CLEO model and the POSSE programs are successful and creative. Together, they offer a blueprint for the future. This Part offers a vision for a revised, reinvigorated CLEO program that builds on CLEO's successes while taking advantage of some of the great ideas developed by the Posse Foundation.¹¹⁵ The revised CLEO program would consist of the following thirteen components, each of which is explained and justified below:

1. Selection Process
2. Training in Expert, Self-Regulated Learning
3. Core Grammar for Lawyers
4. Collaboration Skills Training and Team Building Work
5. Each Group Should Go Together to a Host Law School and Stay Together as a Group Throughout the Students' Law School Careers
6. Assigned Small Group Peer Mentors Trained in Facilitating Cooperative Law School Learning Groups
7. Assigned Faculty Mentors
8. An Assigned Practitioner Mentor for Each Member of Each POSSE
9. Scholarships
10. Summer Internships or Jobs

¹¹⁰ *Id.*

¹¹¹ *The Nation's Top Companies and Organizations Believe in POSSE: Internship Program*, THE POSSE FOUNDATION, INC., <http://www.possefoundation.org/our-career-program> (last visited Aug. 18, 2013).

¹¹² *Id.*

¹¹³ *See id.* (describing the POSSE Internship Program).

¹¹⁴ *Id.*

¹¹⁵ *See infra* Parts IV.A-M (combining aspects of both CLEO and POSSE to propose a new model program).

11. Annual Retreats with Members of Law Schools' Faculty, Students, and Administration
12. Honors Program
13. Bar Pass Programming¹¹⁶

Some of these ideas could be offered in modified form because of cost factors with a goal of operating a fully-funded program in five years.

A. *Selection Process*

Ideally, the selection process would be quite similar to the process used by the Posse Foundation.¹¹⁷ Prospective students for the new program would be nominated by a college official, such as a professor or guidance counselor.¹¹⁸ Criteria would include potential for success in law school, demonstrated commitment to community leadership, and collaboration skills.¹¹⁹ Select nominees would move on to an interview process, beginning with a group interview with CLEO officials and other prospective candidates.¹²⁰ Group members would be matched to possibly be a part of the same law school group.¹²¹ The group interview would require the prospective students to complete a cooperative group project.¹²² Students who successfully negotiate the first interview would proceed to a first individual interview.¹²³ The best of the best would continue on to an individual interview with CLEO officials and admissions officials from the law school selected to partner with CLEO for that particular group.¹²⁴

B. *Training in Expert, Self-Regulated Learning*

Each POSSE member will receive a free copy of *Expert Learning for Law Students* or another law school success-focused text at the same time

¹¹⁶ See *infra* Parts IV.A-M (explaining the proposed revisions to the CLEO program).

¹¹⁷ See *supra* text accompanying notes 88-91 (discussing POSSE's selection process for choosing students).

¹¹⁸ See *supra* text accompanying note 88 (explaining that POSSE requires a school official to nominate students).

¹¹⁹ See *supra* text accompanying note 103 (listing POSSE's criteria for selecting students for the program).

¹²⁰ See *supra* text accompanying notes 89-91 (reviewing POSSE's interview process).

¹²¹ See *supra* text accompanying note 89 (explaining how the POSSE program matches and includes students in the same group).

¹²² See *supra* text accompanying note 90 (explaining that POSSE sometimes requires students to participate in a group project).

¹²³ See *supra* text accompanying note 91 (describing the secondary level of POSSE interviews).

¹²⁴ See *supra* text accompanying note 91 (discussing the interviews with officials from CLEO and the partner university).

636 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48]

he receives notice of both his inclusion in the CLEO program and admission to the particular law school that will host the student's CLEO group.¹²⁵ The second edition of *Expert Learning for Law Students* alone, at one time or another, has been adopted as a text at more than thirty law schools,¹²⁶ used as a required text by CLEO, and many law schools to their students.¹²⁷

The core purpose of having students read *Expert Learning for Law Students* is to begin the students' development of self-regulated learning skills. Self-regulated learning is a phased learning process validated as a characteristic of successful students in a wide variety of educational settings.¹²⁸ Expert self-regulated learners engage in a cyclical process that plans how they will learn by, among other things, setting mastery learning goals and thoughtfully choosing learning strategies; implementing their chosen strategies while self-monitoring for comprehension and focused attention; and then reflecting on their chosen processes and planning how they will perform even better on future, similar tasks.¹²⁹

The book's recommendations are grounded in studies comparing the behaviors of more successful and less successful students.¹³⁰ For example, a recent study found that law students who set mastery learning goals ("I will study until I get it") achieve higher grades than

¹²⁵ See *infra* text accompanying notes 128–29 (discussing *Expert Learning for Law Students*).

¹²⁶ See Report on Adoptions of *Expert Learning for Law Students* (2d edition) (on file with the author).

¹²⁷ See, e.g., *1L Survival Guide*, BOS. UNIV. SCH. L., <http://lawlibraryguides.bu.edu/1Lguide> (last visited Oct. 10, 2013) (recommending students read *Expert Learning for Law Students* to achieve law school success); *Guide for First-Year Law Students*, PACE L. LIBR., <http://libraryguides.law.pace.edu/content.php?pid=43147&sid=318188> (last visited Oct. 10, 2013) (providing a guide for first-year law students that includes reading *Expert Learning for Law Students*); *Miami Law Summer Reading*, U. MIAMI SCH. L., <http://www.law.miami.edu/admitted/pdf/2013/summer-reading-list.pdf> (last visited Oct. 10, 2013) (recommending *Expert Learning for Law Students* to incoming law students); *Other Resources*, PENN L., <https://www.law.upenn.edu/academics/support/resources.php> (last visited Oct. 10, 2013) (listing *Expert Learning for Law Students* as an additional resource for students); Marsha Stacey, *Tips for Writing Law School Exams*, PRAIRIE L. BLOG (Nov. 28, 2012, 1:31 PM) http://blogs.usd.edu/PrairieLaw/entry/tips_for_writing_law_school (recommending *Expert Learning for Law Students* to improve writing for law school exams); *Ten Tips for Preparing for Your First Year of Law School*, W. NEW ENGL. U. SCH. L., <http://www1.law.wne.edu/prospective/index.cfm?selection=doc.9435> (last visited Oct. 10, 2013) (suggesting students read *Expert Learning for Law Students* before their first semester).

¹²⁸ Michael Hunter Schwartz, *Teaching Law Students to Be Self-Regulated Learners*, 2003 MICH. ST. U. DCL L. REV. 447, 474.

¹²⁹ *Id.* at 455–61.

¹³⁰ See *infra* text accompanying notes 131–33 (explaining the results of a study comparing successful and unsuccessful students).

students who set grade goals, and students who set grade goals achieve higher grades than students who set goals to complete their assigned readings and other tasks.¹³¹ Similarly, law students who engage in a distinct set of case reading practices consistently outperform their peers who do not.¹³² Most of the other recommendations in the book are also grounded in educational research.¹³³

However, reading the book alone or even attending workshops focused on training students in the skills may not result in students transferring their new skills to their regular law school coursework. Overwhelmingly, experts agree that the most effective way to develop these skills in students is to have the students learn the skills in or outside one of their regular courses and then receive additional training and reinforcement in the context of one of their regular courses.¹³⁴ The authenticity of the learning experience and the practice and feedback on the students' use of the skills helps embed the new skills into the students' regular practices.¹³⁵ Accordingly, during the summer, the students should take a one- or two-unit law school class for credit that reinforces the expert learning skills the students are learning.

C. Core Grammar for Lawyers

The data from the 2011 CLEO summer institute, reported above, justifies the inclusion of Core Grammar for Lawyers in the program.¹³⁶ Moreover, the summer institute's experience with Core Grammar for Lawyers is not unique; Professor Aaron R. Harmon of the University of North Carolina School of Law reports that:

“Since I started using *Core Grammar*, many issues I was forced to correct over and over in previous years have simply vanished. The Learning Management System provides a one-stop location for managing student progress and improvement. As someone who prefers to emphasize logic over grammar, I have been especially

¹³¹ Leah M. Christensen, *Enhancing Law School Success: A Study of Goal Orientations, Academic Achievement and the Declining Self-Efficacy of Our Law Students*, 33 L. & PSYCHOL. REV. 57, 67 (2009).

¹³² Leah M. Christensen, *Legal Reading and Success in Law School: An Empirical Study*, 30 SEATTLE U. L. REV. 603, 604 (2007).

¹³³ For a detailed discussion of the research underpinnings of *Expert Learning for Law Students*, see generally Schwartz, *supra* note 128.

¹³⁴ *Id.* at 499–501.

¹³⁵ *Id.*

¹³⁶ See *supra* text accompanying note 77 (indicating that 91% of students improved their scores after completing Core Grammar for Lawyers).

pleased to be able to focus more on the mechanics of student arguments, knowing their grammar needs are being met. My students increased their scores 20 points between their pre-tests and post-tests, and the dividends have been paying off all year long.”¹³⁷

D. *Collaboration Skills Training and Team Building*

Students in the new CLEO program should receive explicit team building and collaboration training. One of the keys to the success of POSSE is that the group of students view themselves as part of a team.¹³⁸ Moreover, there is an increasing recognition that lawyers need teamwork and collaboration skills to be successful as lawyers, and law schools should be teaching—but generally do not teach—students those skills.¹³⁹

Professor Vernellia Randall explains the importance of training law students in the communication skills necessary to work effectively in cooperative learning environments:

To work cooperatively to achieve mutual goals, students must (1) get to know and trust each other, (2) communicate accurately and unambiguously, (3) accept and support each other, and (4) resolve conflicts constructively. We are not born instinctively knowing how to interact effectively with others. These skills do not magically appear when students need them. Consequently, the professor must teach the skills.¹⁴⁰

The CLEO students in the new program will need to have team-building exercises to develop group cohesion and communication skills training to ensure the groups function optimally.

¹³⁷ Ruth Ann McKinney & Katie Rose Guest Pryal, *Core Grammar for Lawyers*, CAROLINA ACAD. PRESS, <http://www.cap-press.com/books/2280/Core-Grammar-for-Lawyers> (last visited Aug. 18, 2013).

¹³⁸ See *supra* text accompanying notes 98, 100 (explaining how POSSE groups work together to succeed).

¹³⁹ See Dianne Molvig, *Pace of Change: Are Law Schools Keeping Up?*, WIS. LAW., Aug. 2012, at 12, 17–18 (reporting that Professor William Henderson of Indiana University Maurer School of Law said that law schools should focus on teaching new skill sets to their students, such as collaboration, teamwork, and communication).

¹⁴⁰ Vernellia R. Randall, *Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools*, 16 T.M. COOLEY L. REV. 201, 255 (1999) (footnote omitted).

E. *Each Group Should Go Together to a Host Law School and Stay Together as a Group Throughout the Students' Law School Careers*

CLEO groups of students should go together to a law school as a group and work together as a group throughout their law school careers. Professor Randall explains the powerful effect of cooperative learning on student outcomes:

Cooperative Learning Produces Higher Achievement. Researchers have conducted hundreds of studies on the comparative effect of competitive, individualistic, and cooperative efforts in promoting achievement. In general, the studies show that students in Cooperative Learning environments have higher achievement than students within a competitive environment or individualistic environment. Cooperative Learning is more effective in developing higher-level reasoning. Students generate more new ideas and solutions, and are better able to transfer what they learned from one situation to another. . . . Cooperative Learning has also proved effective in small as well as large classes.¹⁴¹

According to the cooperative learning literature, cooperative learning is unlikely to succeed unless students feel responsible for each other—a concept known as positive interdependence.¹⁴² As Randall explains:

With clearly perceived positive interdependence, each student feels that she or he is part of a team and is responsible for the other group members. Students believe that they “sink or swim together.” Students have two responsibilities: to learn the assigned materials and skills, and to ensure that all members of their group have learned the material and skills. Positive interdependence promotes each group member’s efforts for group success; and a situation in which each group member has a unique contribution to the joint effort because of his or her resources, role, or task responsibilities.¹⁴³

¹⁴¹ *Id.* at 218–19 (footnotes omitted).

¹⁴² *Id.* at 245.

¹⁴³ *Id.*

640 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48

By keeping the groups together throughout their law school careers, the students are likely to deeply and personally invest in each other's success.

F. *Assigned Small Group Peer Mentors Trained in Facilitating Cooperative Law School Learning Groups*

At least for the first year of law school, the inclusion of an upper-division law student as a peer mentor can help ensure the success of the group.¹⁴⁴ Peer mentors can provide academic and social support while also serving as role models and helping groups develop communication and collaboration skills.¹⁴⁵ CLEO's experience with using study group facilitators—a practice this author has deployed at three different law schools with considerable success—can help facilitate the cohesiveness and effectiveness of the group. Group members may be hesitant, at least initially, to confront their new fellow group members or may not be attuned to the fact that certain members of the group are dominating group discussions while other voices are going unheard.

G. *Assigned Faculty Mentors*

There is no reason not to emulate the POSSE program's use of faculty mentors.¹⁴⁶ Faculty mentors can address problems in learning as they arise, intervene if groups experience communication issues, provide skill-specific training, serve as role models, and otherwise communicate to the students that the law school has made a significant investment in the group's and each member's law school success. On the other hand, failing to assign a faculty mentor might suggest that the law school is not invested in the success of the program; this omission may be critical because there is evidence that at least African-American students do not receive the same level of faculty mentoring as their white peers.¹⁴⁷

¹⁴⁴ See *supra* text accompanying note 57 (explaining that POSSE provides an upper level law student as a mentor for incoming first-year students).

¹⁴⁵ See Meera E. Deo & Kimberly A. Griffin, *The Social Capital Benefits of Peer-Mentoring Relationships in Law School*, 38 OHIO N.U. L. REV. 305, 321–25 (2011) (explaining the benefits of peer mentors).

¹⁴⁶ See *supra* text accompanying note 109 (explaining the role of a POSSE faculty mentor).

¹⁴⁷ Judith G. Greenberg, *Erasing Race from Legal Education*, 28 U. MICH. J.L. REFORM 51, 78 (1994).

H. An assigned Practitioner Mentor for Each Member of Each POSSE

In *Fostering Professionalism Through Mentoring*,¹⁴⁸ Professor Neil Hamilton and Assistant Dean Lisa Montpetit Brabbit of St. Thomas University School of Law argue that practitioner mentoring of law students can and should have four functions: (1) career mentoring; (2) psychosocial mentoring; (3) role model mentoring; and (4) professionalism mentoring.¹⁴⁹ Mentoring, which has been studied extensively in the business context, is associated with a number of positive outcomes for mentees, including promotion, compensation, career opportunities, and job satisfaction.¹⁵⁰ Studies of lawyers suggest that having a mentor has equally positive effects on lawyers' experiences; lawyers report that having a mentor improved not only their careers but also their skill sets as lawyers.¹⁵¹ If law schools and CLEO want to produce great lawyers, practitioner mentors need to be a part of the program.

Ideally, each student in the new CLEO program will have the opportunity to select a mentor who practices in an area of law she is contemplating as a career possibility. The Mentoring Externship Program at St. Thomas presents an ideal for these mentoring relationships; all 1L St. Thomas students write and submit to their mentors a personal ethics mission, in which they integrate the principles of professionalism; engage in or at least watch two lawyering activities with the mentor; and discuss two or more agreed-upon lawyering-related topics with their mentors during the year.¹⁵²

I. Scholarships

There is nearly universal agreement that legal education is too expensive,¹⁵³ although considerable disagreement exists as to the

¹⁴⁸ Neil Hamilton & Lisa Montpetit Brabbit, *Fostering Professionalism Through Mentoring*, 57 J. LEGAL EDUC. 102 (2007).

¹⁴⁹ *Id.* at 106-09.

¹⁵⁰ *Id.* at 110.

¹⁵¹ *Id.* at 111.

¹⁵² *Id.* at 122-24.

¹⁵³ However, it is a mistake to make global assertions about the cost of a legal education. For example, the Law School Transparency website includes a graphic that suggests that the average tuition cost in 2011 was more than \$20,000 at public law schools for residents, nearly \$35,000 for non-residents attending public law schools, and nearly \$40,000 for private law schools. *Tuition Tracker*, L. SCH. TRANSPARENCY, <http://www.lawschooltransparency.com/reform/projects/Tuition-Tracker/> (last visited Aug. 18, 2013). Tuition for the Fall 2011 semester for *all* students attending the University of Arkansas at Little Rock, William H. Bowen School of Law, where this author works, is less than \$14,000 per year. ABA-LSAC 2013 OFFICIAL GUIDE, *supra* note 1, at 56. All non-residents receive a

642 VALPARAISO UNIVERSITY LAW REVIEW [Vol. 48]

causes.¹⁵⁴ Regardless, no student in the new CLEO program should have the cost of legal education influence her choice to attend law school, her ability to fully engage in the program rather than work, or her career choices upon graduation. However, it may take time to raise the funds necessary to offer full scholarships. Consequently, in the early years of the overhauled program, CLEO will have to weigh tuition cost to the students in the program as one factor in deciding whether to select a particular law school partner for the new program.

J. *Summer Internships or Jobs*

Internships are a critical component of the POSSE program;¹⁵⁵ however, they are even more important for law students because undergraduate students may go on to graduate school, but, for nearly all law students, the degree is the students' last higher education degree after which they expect to enter the workforce. This need is even more pronounced because of the decline in jobs in the legal field since 2008.¹⁵⁶

K. *Annual Retreats with Members of Law Schools' Faculty, Students, and Administration*

POSSE's annual retreats among faculty, staff, administrators, POSSEs, and other students¹⁵⁷ is also worth emulating. This idea succeeds on two different levels. First, it seems likely that these discussions would yield valuable information that the law schools can use to improve the law school experiences of future students of color and economically disadvantaged students. Second, by treating students as experts in a particular field, the law schools send the message that the students' learning experiences are collaborative and that the law schools are committed to their success, a result that will increase the likelihood

scholarship that reduces their tuition to the same rates paid by Arkansas residents. *Scholarships*, WILLIAM H. BOWEN SCH. L., <http://ualr.edu/law/financial-aid/scholarships> (last visited Aug. 18, 2013).

¹⁵⁴ See Eric Kelderman, *Law-School Cost Is Pushed up by Quest for Prestige, Not Accreditation*, GAO Survey Finds, CHRON. HIGHER EDUC. (Oct. 26, 2009), <http://chronicle.com/article/Competition-Not/48940/> (noting that most law schools surveyed attribute increase in costs to other factors).

¹⁵⁵ *Career Program: Cultivating a Diverse Workforce*, POSSE FOUNDATION, INC., <http://www.possefoundation.org/about-posse/program-components/career-program> (last visited Aug. 18, 2013).

¹⁵⁶ See Joshua Wright, *The Decline of Lawyers and Legal Support Jobs (At Least in the U.S.)*, ECON. MODELING SPECIALISTS INT'L (Aug. 5, 2010), <http://www.economicmodeling.com/2010/08/05/the-decline-of-legal-jobs-at-least-in-the-u-s/> (reporting, in 2010, the loss of nearly 43,000 jobs nationally since 2008).

¹⁵⁷ *Campus Program: Supporting Scholars on Campus*, *supra* note 109.

that CLEO students feel good about their experiences and invest themselves in their learning process.

L. Honors Program

When law teachers have high expectations for their students, and when they regularly manifest respect for their students, their students learn more and learn better.¹⁵⁸ High teacher expectations are vital to student success.¹⁵⁹ Positive teacher expectations create an environment conducive to student excellence, and low expectations can demotivate students, causing students to choose not to strive for excellence.¹⁶⁰ Demotivation challenges the success of students in all academic environments, and law students are no exception.¹⁶¹ By placing the CLEO students in some form of an honors program, the law schools will be manifesting their belief that the students are capable of extraordinary achievement, a belief likely to pay off in terms of student performance.

M. Bar Pass Programming

It is becoming increasingly clear that law school bar pass programs can have a significant and positive impact on law school's overall bar pass rates.¹⁶² For example, a careful statistical study of the effects of the University of Richmond School of Law's bar pass program found that "the bar support program . . . led to a dramatic improvement for those students most at risk of failing the examination: the bottom half of the graduating class."¹⁶³ More importantly, no student support effort, CLEO included, can claim that its program has been successful unless nearly all graduates pass the bar exam on the first try and the rest of the students eventually pass. Consequently, bar pass support necessarily must be a part of the vision for the new CLEO program.

¹⁵⁸ See SCHWARTZ ET AL, *supra* note 54, at 76-122 (analyzing the steps law professors take to create respectful relationships with their students in and out of the classroom).

¹⁵⁹ B. Glesner Fines, *The Impact of Expectations on Teaching and Learning*, 38 GONZ. L. REV. 89, 97 (2002-2003).

¹⁶⁰ *Id.* at 91.

¹⁶¹ *Id.* at 90.

¹⁶² See Linda Jellum & Emmeline Paulette Reeves, *Cool Data on a Hot Issue: Empirical Evidence that a Law School Bar Support Program Enhances Bar Performance*, 5 NEV. L.J. 646, 647-48 (2005) (indicating that law school bar pass programs have increased bar passage rates).

¹⁶³ *Id.* at 648; see Derek Alphan, Tanya Washington, & Vincent Eagan, *Yes We Can, Pass the Bar. University of the District of Columbia, David A. Clarke School of Law Bar Passage Initiatives and Bar Pass Rates – From the Titanic to the Queen Mary!*, 14 UDC L. REV. 9, 11-12 (2011) (determining students who participated in University of the District of Columbia's bar pass program passed the bar at a rate that was nearly 15% higher than those who did not).

V. CONCLUSION

The need for diversifying the legal profession has continued largely unabated. Even in the current climate, law schools retain the duty to improve the profession by working with CLEO to create a new model. The new model, based on a hybrid of the existing CLEO summer institutes and POSSE, will only succeed if it has a transformative effect on the students it serves.¹⁶⁴ Based on the success of CLEO and POSSE, the model proposed in this Article is likely to have that effect.

Of course, new ideas, like the ideas proposed in this paper, which are grounded in educational research and sound hypotheses as to what should work, always carry risk. Consequently, in the first three or four years of the program, CLEO should select two or three law schools to pilot the program. Once CLEO develops evidence that graduates of the program succeed in law school, pass the bar exam, and then find jobs, expansion efforts can begin in earnest.

¹⁶⁴ See *supra* Part IV (proposing a new model that combines attributes of both CLEO and POSSE).