Spring 5-2018

The Underrepresentation of Racial and Ethnic Minorities in Legal Occupations

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THE UNDERREPRESENTATION OF RACIAL AND ETHNIC MINORITIES IN LEGAL OCCUPATIONS

by

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A Thesis Submitted in Partial Fulfillment
of the Requirements for a Degree with Honors
(Economics)

The Honors College

University of Maine

May 2018

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ABSTRACT

For the purpose of this research, minorities are defined as both racial and ethnic categories that are numerically inferior than the majority racial or ethnic group. Historical social inferiority is an arguable consequence of numerical inferiority, but is not included in this research's definition of a minority. In this research, we see how women are numerically inferior in certain legal occupations, however gender/sex is also incorporated within the broader category of racial and ethnic minorities.

Current literature utilizing census bureau data, goes into some detail about the underrepresentation of racial and ethnic minority lawyers. However, this research project reaches greater depth concerning the representation of racial/ethnic groups as lawyers in addition to other legal occupations such as: judges, paralegals, legal support workers, legal assistants, and judicial clerks. The goal is to see how racial and ethnic representation has changed over time spanning back almost forty years. Variables such as age, race, average earnings, regional placement, and sex/gender are used in this paper to see how they influence occupational representation. The American Community Survey(ACS) and decennial census provide data to be collected and studied from the Integrated Public Use Microdata Series(IPUMS) website.

Major findings from this research indicate that the portion of both minority and White populations seeking undergraduate or higher education attainment levels are growing at equal speeds. All races are increasing educational attainment beyond high school, but the percentage of employed minorities compared to their total population is greater than for Whites. It would make sense, then that legal occupations might also be

rapidly increasing diversity; however, this is not the case. The representation of minorities in most U.S. states have stayed unchanging for the last 36 years. When looking at the ten most common jobs according to the census, minority representation tends to increase as average earnings decrease, meaning that despite the increase in educational attainment, average incomes of minorities are not increasing. Moreover, minorities compose only 13.25% of all legal occupations but 21.88% of all other occupations. When compared to strictly professional occupations, legal occupations continue to lack in diversity. One factor that might be causing this underrepresentation problem is how minorities tend to choose degrees in undergrad and graduate school that do not correlate to what those employed in legal occupations are choosing. Lastly, the data showed age and sex/gender variables have very different effects depending on which occupation within the legal field is being studied, and also which race is being affected.

ACKNOWLEDGEMENTS

I want to give a warm thank you to my advisor Philip Trostel for his mentorship, and constant availability throughout this incredible year long journey. His wide-ranging knowledge of education economics to Stata data analysis proved invaluable as I repeatedly came to him for guidance and support. A good advisor encourages creativity while offering constructive feedback. He was exactly that for me. And to my honors thesis committee, I extend a tremendous thank you for reading my drafts and being a phenomenal support system during this year. I appreciate your guidance and helpful suggestions to improve my work. I picked you all to be on my committee because I greatly value your thoughts and opinions.

I also wanted to extend a huge thank you to my colleague Jordan Anthony for being like a second advisor to me. To my friends Briana Littlefield, and Taylor Lange for also being mentors in the world of economics. You never stopped believing in me! Another big thanks to my coworker and friend Taylor Tyrrell who was a great resource to me as we both continued on the honors thesis journey together. We would often give each other pep talks which seems to have paid off on this race to the finish.

Lastly, I want to share my thanks with everyone who made an impact on me at my internship at Maine Law where my idea of this thesis was founded. During my stay, I recognized and appreciated how rare it was to be surrounded with most of its law interns being of color. Each person's story of how they were affected by the legal system, motivated me to continue to further my education with pride. This summer program definitely met its goal to boost the representation of minorities in legal occupations, and to promote a more representative justice system.

TABLE OF CONTENTS

LIST OF TABLES AND FIGURES

INTRODUCTION

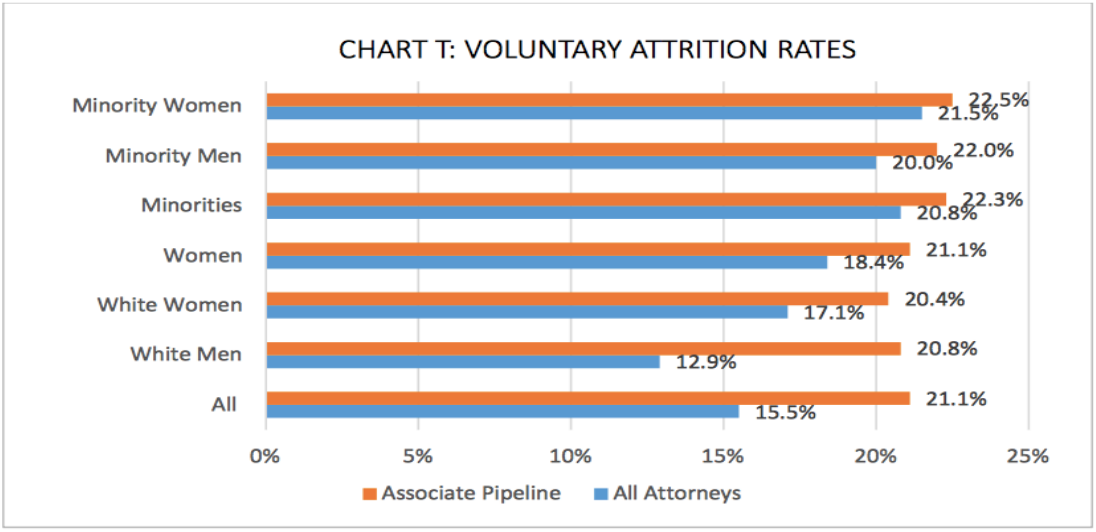
Diversity has been at the forefront of my attention ever since I was a young girl. Being raised in a rural town in Central Maine was not easy. Being one of only three black females in the entire school from kindergarten to the last day of my senior year of high school affected my perception about what equal representation should be. Attending the Maine Law Scholars Program during the summer of 2017 was a culture shock. This program was specifically geared toward minorities/first generation students, and it was the first time where I was in the racial majority of a classroom. Not only was there abundant diversity in classroom settings, but also the current Maine Law School Dean, Danielle Conway, is a black woman. This experience inspired me to do research into this major issue of underrepresentation of minorities. I wanted to know the degree to which our institutions are pushing for more representation by traditionally underrepresented demographic groups. In hopes to boost female representation, there were college scholarships available for women who wanted to pursue an engineering degree in my hometown community. However, I was curious to know if after more encouragement in recent years, did scholarships of this kind positively affect the level of representation of traditionally underrepresented groups? Are we getting better or worse? Is there significant change in any direction?

In November of 2017, I attended the 13th Annual Black Pre-Law Conference at NYU Law School. For those learning about, and fighting against the struggle of underrepresentation of minorities in legal occupations, this was the perfect event. One conference speaker said, “We need more, young black lawyers to enter this profession.

This is what it is all about. Law opens the door for so many different opportunities." NYU recognizes the limited number of incoming minority students to law schools each year, and wants to break the pattern. Many conference panelists attributed minority underrepresentation in legal occupations to lack of connections, and lack of confidence that comes from longstanding adversity. How can a person have confidence to enter the law profession if they don't see very many like themselves doing those jobs?

Conway Ekpo, a minority attorney from Morgan Stanley based in New York, said that attrition rates of minorities and women explains why this category of people are not being equally represented. He explained that racial bias, prejudice, and racism are behind those high rates of attrition. This conversation piqued my interest to personally find these reported attrition rates of minorities leaving law firms. The New York Bar Association's "Diversity Benchmarking Report 2015" shows minority women attorneys leaving firms at a rate of 21.5%, while White men leave at the lowest rate of 12.9%.

Figure 1) Voluntary Law Firm Attrition Rates New York Bar Association



Source: http://documents.nycbar.org/files/BenchmarkingReport2016.pdf

The report reads, “While signatory firms are more diverse at every level than they were when the City Bar first began tracking diversity benchmarking data, the 2015 data indicates that overall representation of minority attorneys has stalled in recent years. Voluntary attrition continues to disproportionately impact minority and women attorneys” (New York Bar Association, 2015). With minorities and other underrepresented groups already less represented in law firms, high attrition rates are even more of a negative shock to their numbers. According to NALP(National Association for Law Placement), “35 percent of lawyers at major U.S. law firms are women while about 15 percent are minorities.” The NALP conducted a representative study of almost 84 law firms nationwide and found for unmet performance standards, “Minorities were somewhat more likely than all other associates to have left for this reason 30. 3%” (NALP, 2015). I do not believe this is a coincidence.

Gani Afolabi, another conference panelist and second year NYU law student, said that stereotypes are what bar minorities from being more competitive in work and educational environments. Afolabi mentions the book, “Whistling Vivaldi: And Other Clues to How Stereotypes Affect Us” written by Claude Steele. This text describes how historically pervasive discrimination has evolved into modern-day stereotypes which are very damaging. Steele’s psychology research suggests that the mere exposure to stereotypes about a certain group of people can actually lead those individuals to unconsciously underperform. Steele noticed how at almost every SAT level, minority high school students had grades lower than White students with corresponding SAT scores. These threats of stereotypes underlie this greater problem of underrepresentation in legal occupations. “It is a threat that, like the swimming pool restriction, is tied to an

identity. It is present in any situation to which the stereotype is relevant. And this means that it follows members of the stereotype group into these situations like a balloon over their heads. It can be very hard to shake" (Steele, 2010).

Paula Edgar, President of the Metropolitan Bar Association, reminded the young men and women at the conference to break free of the stereotypical image of older White men practicing law. Edgar told a story about how someone was shocked to find she was a lawyer clearly because of her race. This story was a reminder of how stereotypes are very common in today's society. To fight against stereotype threats, the conference sold empowering black T-shirts that read in large red letters "I am what a lawyer looks like" or "I am what a law student looks like" which was perfectly suited for this conversation. This conference was the foundation of my thesis, and where I was reminded to never give up.

LITERATURE OVERVIEW

Starting in 2000, The Census Bureau has allowed respondents to write their own ethnicities in addition to identifying with any of the basic nine race categories. These nine major race categories include White American, Black/African American, American Indian/Alaska Native, Chinese, Japanese, Native Hawaiian/Other Pacific Islander, some other race, two major races, and three or more major races. Oddly left out, Hispanics/Latinos are considered an ethnicity rather than a race. Ethnicity is actually derived from the "Greek word ethnos, meaning a nation. Ethnicity is a multi-faceted quality that refers to the group to which people belong, and/or are perceived to belong, as a result of certain shared characteristics, including geographical and ancestral origins, but particularly cultural traditions and languages" (R. Bhopal, 2004). The reason why Hispanic/Latino is not a racial category in the census survey is because over half of those who identify as this ethnicity *also* identify as being White, and the rest identify as being some other race, two major races, or three major races. This thesis research is, however, based on the critical assumption that the Hispanics/Latinos who labeled themselves as White identify with being more White than Hispanic/Latino. The Hispanics/Latinos who do not identify as being mostly White, would then label themselves as some other race, two major races, or three major races.

Figure 2) Hispanic/Latino Americans by Race 2010

Race	Population	% of all Hispanic and Latino Americans
White	26,735,713	53
Some other race	18,503,103	36.7
Two or more Races	3,042,592	5.9
Black	1,243,471	2.5
American/Alaskan Native	685,150	1.4
Asian	209,128	0.4
NativeHawiian/Pacific Islander	58,437	0.1
Total	50,477,594	100

Source:https://web.archive.org/web/201104292https://web.archive.org/web/20110429214029/http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf

Conceptions about race have changed considerably over time. Many find problematic the social construction and purpose of separately categorizing individuals into different races when these individuals are not inherently biologically different. Thousands of years ago, those living in incredibly hot environments adapted to have increasingly darker skin to protect against harmful sun damage. Instead of being inherently created differently, this was a critical adaptation (Smithsonian, 2016). Since then, we know race has been used to socially isolate and discriminate against those who look different from the racial majority regardless of whether those very differences were obtained through adaptation. Race is a particularly heated and contentious topic that should be handled with utmost care and respect. Politically accurate words used to label races have changed continuously over the course of time. Unfortunately, these newfound labels are restraining and often times frustrating for those who do not identify solely as one race or one ethnicity.

The scholarly paper “Defining and Observing Minorities: An Objective Assessment” written by Gustave Goldmann, comments on the difficulty of defining minority groups. He says, “The term ‘minorities’ carries with it a myriad of complex dimensions, each of which address a particular aspect of the majority-minority dichotomy

and each of which is very dependent on the context in which the observations are made. What constitutes a minority? Is it a group of people who are numerically inferior to another in a given society? Is it a group of people who do not share equally in the political, economic or social structures within a given society? Is it a group of people who are visibly different from the other members of the society in which they coexist? In some measure it is all of the above, rendering the term and its associated analytical concepts difficult to define and the subjects difficult to observe" (Goldmann, 2001). The racial majority and minority dynamic is now changing according to Census predictions, and by 2043 White Non-Hispanics will no longer make up the racial majority of the general U.S. population. The Non-Hispanic White population are currently still a majority in 46/50 states in this country, but their proportion of the population decreases every year as diversity increases.

There has been a fair amount of research already conducted and written concerning the representations of minorities in legal occupations. Deborah L. Rhode, Stanford Law Professor and writer of "In the Interest of Justice: Reforming the Legal Profession" introduces her book about areas of weakness in the legal profession. One of the biggest weakness is the lack of diversity in legal professions, "Women were only 3% of bar takers in 1960 and went up to 45% in 1990's; minorities increased from 1 to 20 percent" (Rhode, 2003). As racial and gender equality becomes more possible, the differences in levels of achievement for people are now more attributed to ability or freedom of choice, which is not necessarily the case. The underrepresentation problem in this country cannot be simply explained by lack of ability, or individuals less represented from choice. Termed the "Diversity Crisis", Rhode explains, "The black woman partner

of a Chicago firm sees patterns when she is mistaken for a stenographer at every deposition she attends. For lawyers with these experiences, the problem has less to do with intentional discrimination than with unconscious stereotypes, unacknowledged preferences, and workplace policies that are neutral in form but not in practice" (Rhode, 2003).

Another source, "Implicit Bias and the Legal Professions: Diversity Crisis: a Call for Self-Reflection" by Nicole E. Negowetti, a Harvard Law Professor, explains the lack of diversity in the hiring process of lawyers and judges. The underrepresentation of minorities and other groups might be attributed to implicit bias. These biases are the attitudes and stereotypes which unconsciously affect human behavior. Negowetti lists statistics about the profession to illustrate her point; "On the federal bench as of April 2015, two-thirds of judges are male and nearly three quarters are White. Although larger numbers of persons of color are attending the top twenty-five law schools, a much smaller percentage join large law firms and an even smaller percentage are made partner. Women constitute about a third of the lawyers [employed by major law firms] but under a fifth of partners. Attritions rates are almost twice as high among female associates as among comparable male associates" (Negowetti, 2015). Despite our country preaching messages for diversity, minorities and other traditionally underrepresented groups are still facing barriers to entry in legal occupations. This suggests that low minority representation and high attrition rates might be explained by implicit bias. People are no longer explicitly discriminating against these underrepresented groups, and yet there is still a major underrepresentation problem.

On the U.S. Census Bureau website, there are basic statistics about the representation of individuals in legal occupations. The data reads, "2010 Census Bureau information shows that the average total number of licensed lawyers in the nation hovers around 1,040,000 people. Out of that relative total in 2010, 85% of those lawyers are White, 4.4% were Black, 5.8% Hispanic, 4.7% Asian, and less than 1% Native American. Not to mention the total minority enrollment in law schools across the country represents a little over a quarter at 28%" (Census Bureau 2010). In 2017, the numbers show judicial law clerks as 14,000, Judges/Magistrates/and other judicial workers 66,000, paralegals and legal assistants 424,000, and Miscellaneous legal support workers at 186,000. This is a helpful measure to see how numerous the legal field is in terms of the U.S. population. Figure 3 below is a table showing the representation of total employed, race, and gender within the five categories of legal occupations.

Figure 3) 2017 Household Data Annual Averages: BLS

Occupation	Total Employed	Women	White	Black/African American	Asian	Hispanic
Legal occupations	1,827,000	52.80%	86.60%	6.90%	4.30%	8.60%
Lawyers	1,137,000	37.40%	88.60%	5.60%	4.40%	4.80%
Judical law clerks	14,000	--	--	--	--	--
Judges, magistrates, other jud.	66,000	28.10%	87.30%	12.70%	0.00%	7.00%
Paralegals	424,000	86.30%	82.90%	7.70%	4.80%	17.50%
Miscellaneous	186,000	80.20%	83.70%	10.80%	3.00%	12.90%

Source: https://www.bls.gov/cps/cpsaat11.pdf

Beyond statistics provided from the Census Bureau, the American Bar Association has a more theoretical approach when explaining the underrepresentation of minorities in legal occupations. "Diversity in the Legal Profession: The Next Steps", written by the American Bar Association(ABA), stresses the need to fight for as much diversity as possible. "Why is diversity important? The Democracy Rationale: Lawyers

and Judges have a unique responsibility for sustaining a political system with broad participation by its citizens. A diverse bar and bench create greater trust in the mechanisms of government and the rule of law" (ABA, 2010). This paper also advocates that the cost of a legal education is extremely expensive in America, and this monetary barrier discourages poor and working-class people from further schooling. Minorities, first generation, women, people with disabilities, and so on are disproportionately affected by the huge "debt burden" associated with specialized labor. Therefore, the cost of taking part in the legal system should be a major area of concern for those who are trying to fix underrepresentation problems. Lastly, the ABA says another way to fix underrepresentation concerns is for those in the legal system or currently studying at law school to be involved in "pipeline activities" encouraging legal participation. They must aim "to keep diverse students in school, facilitate the involvement of student's families, and help all students improve academic performance to pursue higher education" (ABA, 2010).

This research was increasingly propelled and motivated by The Society of American Law Teachers, who write about the disadvantageous pipeline from early education to higher education for minorities and other underrepresented groups in "Racial Discrimination in the Legal Profession." The paper goes on to say that educational problems begin surfacing as early as three years old and continues past high school. "The United States offers significantly lower quality elementary and secondary education to poor people, including, disproportionately, racial minorities" (Etchison et al, 2014). Racial segregation in terms of housing locations places minority students in moderately funded public schools in poor areas with weak faculty. In *Public Finance and Public*

Policy Jonathan Gruber from MIT says, "It is true that segregation remains a significant problem in the U.S. educational system. Although white students are only 60% of student population, the typical white student attends a school that is 78% white. Thirty-eight percent of black students and 39% of Latino students attend immensely segregated schools, where 90-100% of students are from minorities. And in 76% of these intensely segregated minority schools, the majority of students are poor" (Gruber, 2013).

Not only is poor quality of education a potential factor causing the underrepresentation of minorities, The Society of American Law Teachers explains the "shut out rate" for minorities from law school is significantly higher than for Whites. Despite comparable LSAT scores, minorities are "shut out" from law school admittance at a much higher rate than Whites. Unfortunately, LSAT scores are one of many obstacles for minorities, "The examinations used by most states for licensing to practice law have dramatic racial disparities in passage rates. The only national study of bar passage rates established that, for first time test takers, Whites passed at 91.9%, Asian Americans at 80.76%, Mexican Americans at 75.88%, Puerto Rican 69.53%, Native Americans at 66.36%, and Blacks at 61.40%" (Etchison et al, 2014).

This collected information about racial adversity in the legal profession describes why the fight for diversity in legal occupations is not over. This is because "as lawyers occupy critical leadership positions and engage in policymaking impacting all communities (lawyers represent 100% of judges, 58% of U.S. Senators, 37% of U.S. Representatives, 40% of Governors, 50% of Presidents, and 11% of CEO's of major corporations), the underrepresentation of racial minorities in this pathway to these types of positions undermines meaningful participation of racial minorities in governance"

(Etchison et al, 2014). As we can see, legal occupations are a pipeline to other areas of government that affect so many people. We can't underestimate the significance of equal representation for minorities. Some may believe that minorities will never be equally represented or overrepresented in work fields, which is a misconception. There are plenty of statistics that show minorities dominating in transportation, storage, and distribution managers (34%), community and social service occupations (34%), logisticians (36%), tax examiners/collectors/revenue agents (37%), food service managers (39%), sports announcers (40%), clinical laboratory technologists and technicians (40%), healthcare support occupations (48%), nursing, psychiatric, and home health aides (56%) (Etchison et al, 2014). The fight for equal minority representation in many professional fields is not over.

ABOUT THE DATA

The American Community Survey (ACS) was initially created by the Census Bureau in 1996 for the purpose of revamping decennial census surveys. Researchers wanted to improve the effectiveness of the decennial census data by increasing response rates, choosing a better amount of questions, and collecting information on an annual basis (Gauthier, Jason, 2018). The ACS is a smaller annual version of the decennial census which produced its first nationally representative data in 2005. The introduction of the ACS allowed the decennial census to become more efficient, accurate, and reduce costs. This thesis research uses both ACS and decennial census survey information, particularly examining surveys from 1980 to 2016. Years prior to 1980 are excluded from this research because the data samples are too small within the legal occupations to make accurate comparisons. Using the Integrated Public Use Microdata Series (IPUMS) website, a researcher can form a unique combination of variables from different sample years and download them as a .dta file to be uploaded in Stata (data analysis and statistical software tool). After uploading a personalized data extraction to Stata, labels need to be generated for "sub variables," for instance, Black or Asian, within the broader category of variables such as race or education attainment. For this particular research, 8 broader variables were picked from the IPUMS website, the smaller "sub variables" were labeled, and the data analysis began. The 8 broader variables include: state code, sex, age, race, Hispanic, education attainment, employment status, and occupation.

Figure 4 is a sample summary showing the total number of respondents in these two survey types. The decennial census survey is much larger in comparison to the ACS.

Figure 4) Sample Summary 1980-1990

Year	Total # of people	Type of Survey
1980	11,343,120	Census
1990	12,501,406	Census
2000	14,081,466	Census
2010	15,057,480	Census
2016	3,156,487	ACS

Source: Author's calculations using ACS and Decennial Census

The sheer number of people in the survey might seem daunting. However, this research uses Stata to modify sample data to exclude certain individuals beyond the scope of the research. For example, individuals under 16 and over 80 years old were removed from the data pool. This sample restriction drops these 600,000 old and young people in order to differentiate between the general and the work-age population. Restricting the sample even more, individuals who report being unemployed are also dropped.

There is no possible way for the U.S. Census Bureau to conduct a survey to which 100% of the U.S. population will respond. Rather, the bureau creates a survey that is *representative* of the entire U.S. population where enough individuals in a sample can accurately describe the distribution of people as a whole. Therefore, the numbers exhibited in Stata do not reflect the direct amount of people in this country. For example, Figure 4 does not suggest that in 1980 there were only 11,343,120 people in the U.S.

GUIDE TO UNDERSTANDING THE RESEARCH

For the purposes of this research, minorities are categorized as racial groups that do not comprise a majority percentage of the population. According to Figure 5, minorities would be considered as non-white racial categories such as Blacks, American Indian/Alaska Native, Chinese, Japanese, Other Asian/Pacific Islander, Other Race, Two Major Races, and Three or More Major Races. Before drawing any conclusions about the representation of these racial categories in legal occupations, the research focused on quantifying the U.S. work-age population. In order to determine whether minorities are underrepresented in legal occupations, there needs to be a comparison between legal occupations to the total work-age population. For example, if Asians made up 7% of U.S. workforce then they would be overrepresented in cases where their percentage of the population within another context is greater than 7%. They would be equally represented at exactly 7% and underrepresented at any number less than 7%.

Figure 5) Racial Percentages of Work-Age Population Over Time

Year	White	Black	A. Indian/Alaska Native	Chinese	Japanese	Other Asian/Pacific Islander	Other Race	Two Major Races	Three or More Major Races
1980	87.74%	9.68%	0.52%	0.40%	0.39%	0.96%	0.31%	--	--
1990	84.67%	8.61%	0.70%	0.66%	0.37%	1.75%	3.24%	--	--
2000	80.11%	9.15%	0.80%	0.84%	0.28%	2.41%	4.45%	1.84%	0.13%
2010	80.41%	8.60%	0.72%	1.10%	0.28%	3.32%	3.96%	1.48%	0.12%
2016	78.12%	9.07%	0.85%	1.41%	0.27%	4.15%	3.88%	1.99%	0.27%

Source: Author's calculations using ACS and Decennial Census

Figure 5 illustrates how the percentage of Whites in work-age population is decreasing as time progresses in this country. From 1980 to 2016 Whites decrease about 9.62%. American Indian/Native, Chinese, Other Asian/Pacific Islander, and Two Major

Races are steadily increasing. Blacks, Japanese, and Other Race have been in flux. These fluctuations are significant, for the increasing percentage of minorities in both the work-age population and legal occupations does not necessarily signal the underrepresentation issue has been resolved.

The underrepresentation of minorities in legal occupations is often considered to be a result of low employment rates and low educational attainment. However, this is not necessarily true. Although there is an attainment gap where Whites have 8.57% more of their population receiving higher education in 2016, minorities are still increasing the amount of education attainment and employment at the same rate as Whites. As shown by the table below, Whites increased education attainment beyond high school by 23.33 percentage points from 1980 to 2016. This means that in 2016, 61.81% of all Whites are seeking post-high school education. Additionally, 23% more minorities attended undergraduate and graduate level education in the last 36 years.

Figure 6) Post High School Education Attainment Percentages

Year	Whites	Minorities
1980	38.48%	29.95%
2016	61.81%	53.24%

Source: Author's calculations using ACS and Decennial Census

In terms of employment, the data does not suggest minorities are less employed as a percentage of their population, compared to the portion of total Whites who are employed. Figure 7 states in 1980, 44.76% of all Whites and 55.70% of all minorities were employed. In 2016, those numbers increased where now 47.28% of all Whites and 57.92% of all minorities are employed. Minorities actually had a 10.64% larger employment proportion than Whites in 2016. Therefore, general employment rates and

educational attainment do not necessarily explain why minorities are underrepresented in legal occupations in comparison to the work-age population.

Figure 7) Total Employment Percentages for Whites and Minorities

Year	Whites	Minorities
1980	44.76%	55.70%
2016	47.28%	57.92%

Source: Author's calculations using ACS and Decennial Census

On the other hand, there is a sizeable decline in the representation of minorities within legal occupations relative to the proportion of minorities in all other occupations. Figure 8 confirms how every minority group increased representation when moving from legal occupations to all occupations shown in Figure 9. The only racial category that did not experience as significant a change was Japanese. This is most likely due to the fact that the Japanese population is already only .33% within legal occupations. Whites, on the other hand, are overrepresented in the legal field compared to their representation in all other occupations.

Figure 8) Year 2016 Data within Legal Field (lawyers/judges/magistrates/other judicial workers, paralegals/legal assistants, legal support workers, judicial clerks)

Race	% in legal occupations
White	86.75%
Black	5.20%
A. Indian/Alaska Native	0.38%
Chinese	1.35%
Japanese	0.33%
Other Asian/Pacific Islander	2.70%
Other Race/Two or More/Three or More Major Races	3.31%

Source: Author's calculations using ACS

Figure 9) Year 2016 Data for all Other Occupations:

Race	% in all other occupations
White	78.12%
Black	9.07%
A. Indian/Alaska Native	0.85%
Chinese	1.41%
Japanese	0.27%
Other Asian/Pacific Islander	4.15%
Other Race/Two or More/Three or More Major Races	6.14%

Source: Author's calculations using ACS

In addition to discerning whether educational attainment and employment levels played a role in causing the underrepresentation of minorities in legal occupations, college degree selection might be also a potentially interesting explanatory factor. Are minorities choosing degrees that do not lend themselves to being transferred into the legal field? This research used Stata to download a degree field variable from 2009 to 2016. The next step would be to take each occupation within the legal field and examine what the most predominant majors were for that occupation, and then to compare each occupation with the degrees minorities tend to select. The research revealed that for lawyers/judges, judicial law clerks, paralegal/legal assistants, and legal support workers, the top college degree field choices were; social sciences, business, English, and psychology. By contrast, minorities' top six-degree field choices were: business, engineering, medical, social sciences, education admin./teaching, and biology/life sciences. This shows that minority degree field choices do not necessarily adequately correspond with people currently in legal occupations.

REPRESENTATION WITHIN THE UNITED STATES FROM 1980-2016

To serve as a frame of reference, this topic investigated how the representation of minorities has evolved over time in the United States. For most cases in each state, Whites are overrepresented because their percentages in the legal field are much higher compared to their percentage in the work-age population.

In 1980 this was no different; the data showed that lawyers had the lowest amount of diversity within each state. Figure 10 below shows that in the District of Columbia, the percentage of White lawyers is significantly higher than the percentage within the work-age population. 86% of lawyers are white, and 35% of the work-age population is white. This confirms the overrepresentation of Whites as well as the lack of minorities working as lawyers. The District of Columbia makes for a good example because the larger group of 478 lawyers in that area provides a more accurate sample. D.C. is also an interesting case because minority representation is high in the work-age population, yet minorities are still very underrepresented as lawyers.

Figure 10) 1980 Representation of Race District of Columbia Lawyers

Race	% as lawyers	% within general work-age population
White	86.61%	35.10%
Black	12.13%	62.89%
A. Indian/Alaska Native	0.42%	0.10%
Chinese	0.21%	0.43%
Japanese	0.42%	0.13%
Other Asian/Pacific Islander	0.21%	0.85%
Other Race/Two or More/Three or More Major Races	0.21%	0.50%

Source: Author's calculations using Decennial Census

Most importantly, despite Blacks/African Americans being a whopping 62.89% of the population in D.C., they only represent 12.13% of lawyers in that region.

Figure 11 presents data from the State of Illinois; this data is similar to that of D.C. in that it constitutes a larger and more accurate sample size within the category of legal occupations. However, this figure shows a different perspective in which all races are more equivalently represented in comparison to both the legal field and the general work-age population. In this figure, Whites are around 85% of the population both in legal occupations and work-age population with minorities filling in the rest. Because there is not an overrepresentation of minorities in the work-age population like the District of Columbia example, people may believe there are no barriers for these groups to enter legal occupations. An overrepresentation of minorities within the work-age state population more easily highlights the low representation in legal occupations. Illinois and many other states, have a tendency to mask the problem that is more readily noticed in states where minorities are a larger portion within the state work-age population.

Figure 11) 1980 Representation of Race Illinois Legal Assistants

Race	% as legal assistant	% within general work-age population
White	85.38%	86.94%
Black	14.62%	10.93%
A. Indian/Alaska Native	--	0.16%
Chinese	--	0.28%
Japanese	--	0.19%
Other Asian/Pacific Islander	--	1.20%
Other Race/Two or More/Three or More Major Races	--	0.30%

Source: Author's calculations using Decennial Census

Next, the research points toward a comparison between 1980 and 2016. How are those same occupations affected over the course of 36 years for each state? Comparing Figure 10 (1980) to Figure 12 (2016) for lawyers/judges in D.C., it is evident that the minority representation as lawyers/judges going up from 13.4% to 22.01% as White representation as lawyers/judges goes down from 86% to 77%. After 1980, the

percentage of White representation as a general work-age population within the District of Columbia grew from 35% to 58% White.

Figure 12) 2016 Representation of Race District of Columbia Lawyers/Judges

Race	% as lawyers/judges	% within general work-age population
White	77.99%	58.37%
Black	11.48%	30.21%
A. Indian/Alaska Native	--	0.16%
Chinese	1.44%	0.88%
Japanese	--	0.33%
Other Asian/Pacific Islander	4.78%	4.17%
Other Race/Two or More/Three or More Major Races	4.31%	4.31%

Source: Author's calculations using ACS

Again, comparing Figure 11 (1980) to Figure 13 (2016) we see that the representation has redistributed among minorities, but the overall White proportion in both legal occupation and general work-age population in Illinois has not changed considerably.

Figure 13) 2016 Representation of Race Illinois Legal Assistants/Paralegals

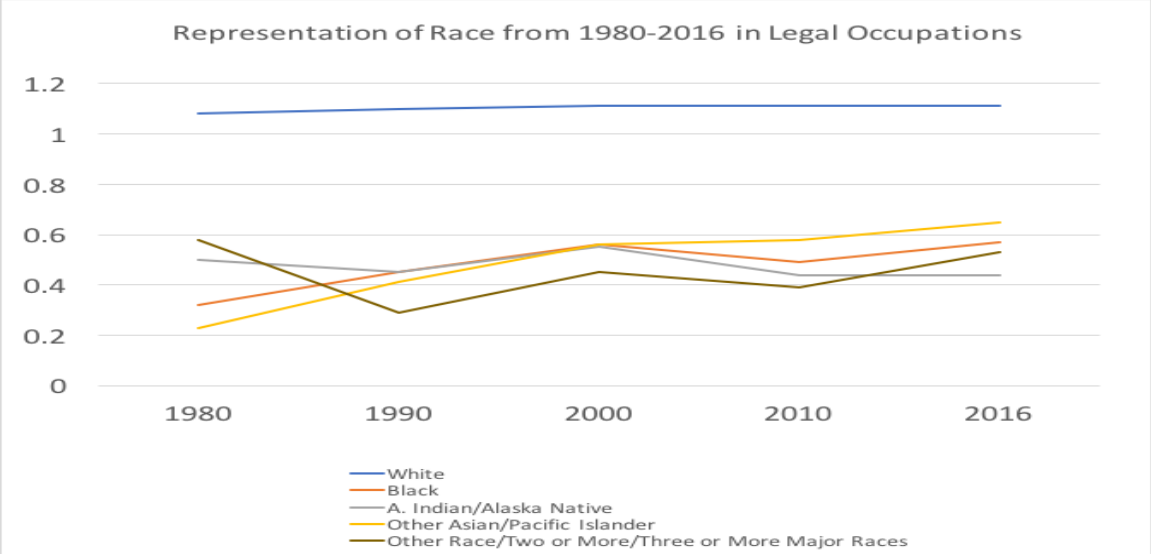
Race	% as legal assistant/paralegal	% within general work-age population
White	82.98%	80.50%
Black	7.09%	0.53%
A. Indian/Alaska Native	--	0.22%
Chinese	--	0.99%
Japanese		0.17%
Other Asian/Pacific Islander	1.42%	3.84%
Other Race/Two or More/Three or More Major Races	8.52%	5.75%

Source: Author's calculations using ACS

One would think the representation within legal occupations would be generally more equal for all races as the United States has become gradually more diverse and nondiscriminatory. Nonetheless, for most states Whites were always a much larger percentage within the legal field compared to the general work-age population. Summarizing the data, in 1980 Whites were overrepresented as lawyers in 48/50 states.

In that same year, Whites were overrepresented as judges in 39 out of 50 states. For legal assistants in 1980, Whites were overrepresented in 38/50 states. Fast-forwarding to 2016 once again, overall lawyers/judges were overrepresented in 49/50 states, and for legal assistants/paralegals Whites were overrepresented in all 50 states. Figures 14 and 15 exhibit the representation of races in legal occupations collectively as a country from 1980 to 2016. In 1980, 1990, 2000, and 2010 the decennial census has been used to calculate this information. The ACS is only used to calculate 2016 data. The vertical axis is a ratio of the race proportion within legal occupations divided by the race proportion in the work-age population. Values of 1.0 represent the population within legal occupations are equal to the work-age population.

Figure 14) Representation of Races from 1980-2016 in Legal Occupations



Source: Author's calculations using ACS and Decennial Census

Figure 15) Ratio of Race in Legal Occupations Compared to the Work-Age Population

Year	White	Black	A. Indian/Alaska Native	Other Asian/Pacific Islander	Other Race/Two or More/Three or More Major Races
1980	1.08	0.32	0.5	0.23	0.58
1990	1.1	0.45	0.45	0.41	0.29
2000	1.11	0.56	0.55	0.56	0.45
2010	1.11	0.49	0.44	0.58	0.39
2016	1.11	0.57	0.44	0.65	0.53

Source: Author's calculations using ACS and Decennial Census

Figure 15 demonstrates that Blacks have almost doubled their ratio within legal occupations as Other Asian/Pacific Islanders have tripled. Whites have been extremely steady over the course of time; American Indian/Alaska Natives, in addition to Other Race/Two or More/Three or More Major Races, has been fluctuating back and forth within legal occupations.

DIVERSITY COMPARISONS

A brief comparison between other occupations and the legal field provides yet another frame of reference concerning the representation of minorities in different contexts. In addition to attaining data pertaining to the changes in diversity within legal occupations over time, would there also be examples of minorities significantly more represented in occupations unrelated to the legal field? Do the occupations where minorities are more or less represented have something in common? Will there be a noticeable difference between the representation of minorities in professional degrees compared to other jobs? The research below strives to answer these questions.

Using Figure 5 on page 15 to evaluate the representation of minorities in legal occupations in 2016 reveals that Whites in the work-age population of this country are 78.12%, Blacks/African Americans at 9.07%, American Indian /Alaskan Native .85%, Chinese 1.41%, Japanese .27%, Asian/Pacific Islander 4.15%, Other race/Two or more races/Three or more 6.14%. Any increase or decrease in those percentages shows an underrepresentation or overrepresentation.

To start, Figure 16 lists the top ten most populated jobs compared to all other occupations in 2016. This research studied the most populated jobs in America to confirm whether these occupations with larger groups of people would be more diverse on average as compared to the smaller sector of legal occupations. In comparison to the total amount of reported occupations in the ACS, these were the jobs that were reported most frequently in 2016. If there were a comparison between this representative sample and the actual total number of individuals within these occupations, these would still prove to be

among the most represented jobs. This is because there are enough people reported in the ACS to have an accurate explanatory power for the U.S. population as a whole.

Figure 16) Most Common Occupations in 2016

Occupation	% of total employment
Miscellaneous Managers	1.62%
Elem/Middle school teachers	1.53%
Secretaries/Admin teachers	1.44%
Cashiers	1.42%
Retail Salesperson	1.35%
Drivers/Sales worker	1.31%
Registered Nurse	1.17%
Customer Service Rep.	1.00%
Laborer/Freight/Stock Movers	0.90%
Stock Clerks/Order Fillers	0.65%

Source: Author's calculations using ACS and Decennial Census

Collectively analyzing Figures 17, 18, and 19 illustrates that miscellaneous managers, elementary/middle school teachers, and secretaries/administrative teachers all have a similar racial distribution. Upon viewing miscellaneous managers, funeral service managers, and postmasters and mail superintendents in Figure 17 it is clear that minorities are underrepresented as a total with 15.91% when they should be 23.56% in comparison to the work-age population. Whites being 84% of managers means they are overrepresented in comparison. Continuing on with elementary/middle school teachers in Figure 18, minorities are slightly less represented at a total of 13.51%. However, African Americans increase to 7.30% as almost every other minority decreases representation. Figure 19 shows the percentage of secretaries and administrative assistants where minorities comprise a total 15.24%. Blacks/African Americans are the most represented

for minorities at 7.19% with the next highest represented minority group being Asian/Pacific Islander at 2.23%.

Figure 17) 2016 Miscellaneous Managers

Race	% as Micellaneous Mangers	Ratio of Managers to Work Age Pop
White	84.09%	1.08
Black	5.68%	0.63
A. Indian/Alaska Native	0.79%	0.93
Chinese	1.59%	1.13
Japanese	0.37%	1.37
Other Asian/Pacific Islander	3.95%	0.95
Other Race/Two or More/Three Major Races	3.52%	0.57

Source: Author's calculations using ACS

Figure 18) 2016 Elem/Middle School Teachers

Race	% as Elem/Middle School Teachers	Ratio of Elem/Middle School Teachers to Work Age Pop
White	86.49%	1.11
Black	7.30%	0.80
A. Indian/Alaska Native	0.61%	0.72
Chinese	0.70%	0.50
Japanese	0.29%	1.07
Other Asian/Pacific Islander	1.70%	0.41
Other Race/Two or More/Three Major Races	2.92%	0.48

Source: Author's calculations using ACS

Figure 19) 2016 Secretaries and Administrative Assistants

Race	% as Secretaries/Admin Teachers	Ratio of Secretaries/Admin Teachers to Work-Age Pop
White	84.76%	1.08
Black	7.19%	0.79
A. Indian/Alaska Native	0.84%	0.99
Chinese	0.71%	0.50
Japanese	0.33%	1.22
Other Asian/Pacific Islander	2.23%	0.54
Other Race/Two or More/Three Major Races	3.94%	0.64

Source: Author's calculations using ACS

However, Figure 20 illustrates a burst of minority representation at 32% for cashiers with African Americans, American Indians/Alaskan Natives, Chinese,

Asian/Pacific Islander, Other race/Two major Races/ Three or more major races all being overrepresented; even when Whites are underrepresented as cashiers, they still dominate 68.65% of the population.

Figure 20) 2016 Cashiers

Race	% as Cashiers	Ratio of Cashiers to Work-Age Pop
White	68.65%	0.88
Black	14.50%	1.60
A. Indian/Alaska Native	1.45%	1.71
Chinese	1.32%	0.94
Japanese	0.14%	0.52
Other Asian/Pacific Islander	4.88%	1.18
Other Race/Two or More/Three Major Races	9.05%	1.47

Source: Author's calculations using ACS

Figures 21, 22, and 23 have relatively the same minority representation hovering around 19-20% of population within these occupations. In Figure 21, minorities equal 21.58% with African Americans being the highest represented minority group at 9.29%, Other race/Two Major races/Three or more Major races have 6.61% and Asians/Pacific Islanders are equally represented at 3.65%.

Figure 21) 2016 Retail Salespersons

Race	% as Retail Salespersons	Ratio of Retail Salespersons to Work-Age Pop
White	78.42%	1.00
Black	9.29%	1.02
A. Indian/Alaska Native	0.64%	0.75
Chinese	1.10%	0.78
Japanese	0.29%	1.07
Other Asian/Pacific Islander	3.65%	0.88
Other Race/Two or More/Three Major Races	5.81%	0.95

Source: Author's calculations using ACS

Figure 22) 2016 Drivers/Sales Workers

Race	% as Drivers/Salespersons	Ratio of Drivers/Salespersons to Work-Age Pop
White	78.80%	1.01
Black	11.44%	1.26
A. Indian/Alaska Native	1.00%	1.18
Chinese	0.45%	0.32
Japanese	0.07%	0.26
Other Asian/Pacific Islander	1.66%	0.40
Other Race/Two or More/Three Major Races	6.56%	1.07

Source: Author's calculations using ACS

Figure 23) 2016 Registered Nurses

Race	% as Registered Nurses	Ratio of Registered Nurses to Work-Age Pop
White	80.30%	1.03
Black	8.05%	0.89
A. Indian/Alaska Native	0.46%	0.54
Chinese	0.95%	0.67
Japanese	0.22%	0.81
Other Asian/Pacific Islander	7.31%	1.76
Other Race/Two or More/Three Major Races	2.70%	0.44

Source: Author's calculations using ACS

Figures 24, 25, and 26 appear similar where minority representation hovers around 27%-29%. Customer service representatives, laborers, and stock clerks have the most minority representation out of all these ten jobs only second to cashiers at 31.35%.

Figure 24) 2016 Customer Service Representatives

Race	% as Customer Service Rep	Ratio of Customer Service Reps to Work-Age Pop
White	73.04%	0.93
Black	14.33%	1.58
A. Indian/Alaska Native	0.79%	0.93
Chinese	0.95%	0.67
Japanese	0.25%	0.93
Other Asian/Pacific Islander	3.34%	0.80
Other Race/Two or More/Three Major Races	7.31%	1.19

Source: Author's calculations using ACS

Figure 25) 2016 Laborer/Freight/Stock Movers

Race	% as Laborer/Freight/Stock Mover	Ratio of Laborer/Freight/Stock Mover to Work-Age Pop
White	72.07%	0.92
Black	15.14%	1.67
A. Indian/Alaska Native	1.29%	1.52
Chinese	0.56%	0.40
Japanese	0.09%	0.33
Other Asian/Pacific Islander	2.18%	0.53
Other Race/Two or More/Three Major Races	8.68%	1.41

Source: Author's calculations using ACS

Figure 26) 2016 Stock Clerks/Order Fillers

Race	% as Stock Clerk/Order Fillers	Ratio of Stock Clerk/Order Fillers to Work-Age Pop
White	71.75%	0.92
Black	15.25%	1.68
A. Indian/Alaska Native	1.26%	1.48
Chinese	0.75%	0.53
Japanese	0.15%	0.56
Other Asian/Pacific Islander	3.22%	0.78
Other Race/Two or More/Three Major Races	7.63%	1.24

Source: Author's calculations using ACS

In all, half of these occupations lacked diversity in the same ways legal occupations have problems. Miscellaneous managers, elementary/middle school teachers, secretary/administrative teachers, registered nurses, and drivers/sales workers were the least diverse of the ten occupations. However, retail salespersons, customer service rep, stock clerk/order fillers, laborer/freight/stock movers had the highest minority ratios, with cashiers having the most overall minority representation.

In Figure 27 shows these same ten occupations' average earnings and percentage of minorities representation within those jobs: as income increases the percentage of minority representation decreases.

Figure 27) Average Earnings Top Ten Most Common Occupations Year 2016

Occupation	Average Earnings $	% of Minority rep.
Miscellaneous Managers	90,338	15.91%
Registered Nurse	61,553	19.70%
Elem/Middle school teachers	47,356	13.51%
Drivers/Sales worker	38,338	21.20%
Secretaries/Admin teachers	33,813	15.24%
Customer Service Rep.	31,603	26.96%
Retail Salesperson	27,405	21.58%
Laborer/Freight/Stock Movers	25,823	27.93%
Stock Clerks/Order Fillers	22,119	28.25%
Cashiers	13,570	31.35%

Source: Author's calculations using ACS

For even more comparisons, this research explored professional occupations in comparison to the legal field as displayed in Figure 28.

Figure 28) 2016 Professional Occupations Comparison to Legal Field

Occupation	% of Total Minority Rep.
Statisticians	29.24%
Clinical Lab. Technology/Tech	28.58%
Doctors	27.44%
Chemists	25.55%
Pharmacists	25.07%
Computer Programmers	25.04%
Economists	21.21%
Chemical Engineers	17.95%
Civil Engineers	17.65%
Carpenters	17.52%
Sociologists	17.34%
Mechanical Engineers	16.73%
Physical Therapists	16.64%
Plumbers	16.46%
Electricians	14.50%
Psychologists	9.67%
Surveying/Mapping Tech.	8.70%
Speech Therapists	8.29%
Air Plane Pilots	6.42%
Veternarians	5.65%
Judicial Law Clerks	21.43%
Paralegals/Legal Assistants	18.17%
Legal Support Workers	15.45%
Lawyers/Judges	11.23%

Source: Author's calculations using ACS

As compared to other professional occupations requiring licensing, legal occupations (especially legal support workers, lawyers/judges) constitutes some of the

lowest diversity. Paralegals/legal assistants and judicial law clerks however, show an increase pertaining to diversity levels in comparison to other professional jobs. For this particular year, judicial clerks are somewhere in between computer programmers and economists in terms of representation while paralegals/legal assistants represent a minority percentage that is just above chemical engineers. Figure 28 proves that professional occupations are not lacking as much diversity as previously thought when compared to legal occupations or all other occupations.

Not only are job comparisons paramount to this inquiry of the underrepresentation of minorities in legal occupations, but also other demographic factors such as age and gender/sex. Demographic variables are factors that describe the "structure of the U.S. population" (Wery et. al, 1984). These demographic factors are likely to have an effect on the representation of race. This research sought to determine the extent to which these demographic factors affect the representation of race. Some initial questions before collecting the data include: does being of a certain gender/sex have a different sized effect on representation within legal occupations depending on what race a person is? Is it the case that minorities are more represented as age decreases?

Interestingly, Figure 29 suggests that gender/sex does have different sized effects on representation depending on an individual's race. In 2000, women were more evenly represented as lawyers when compared to minority men. The gender gap for minorities as lawyers is only 13%. However, there is a much larger gender gap between white women and white men of 45.48%. Minority women are more represented within their racial category than their White women counterparts.

Figure 29) Effect on Representation of Lawyers Based Gender/Sex Year 2000

Race & Sex	Percent
White Male	72.74
White Female	27.26
Minoritiy Male	56.84
Minoritiy Female	43.96

Source: Author's calculations using Decennial Census

Figure 30, which displays the representation of judges based on gender/sex, is very similar to Figure 29 in that, not only is there a smaller gender gap but women are *more* represented than minority men with 53.08%. There is also a smaller gender gap for White judges with a 31.06% difference between men and women.

Figure 30) Effect on Representation of Judges Based Gender/Sex Year 2000

Race & Sex	Percent
White Male	65.53
White Female	34.47
Minoritiy Male	46.92
Minoritiy Female	53.08

Source: Author's calculations using Decennial Census

Figure 31 identifies female dominance in paralegal occupation regardless of race. There is a 75.56% gender gap for Whites and 60% gender gap for minorities. This equivalent representational pattern can also be detected in 2000 for legal assistants (not categorized as the same occupation as paralegals). There is no question that sex/gender has an effect on the representation of races in legal occupations.

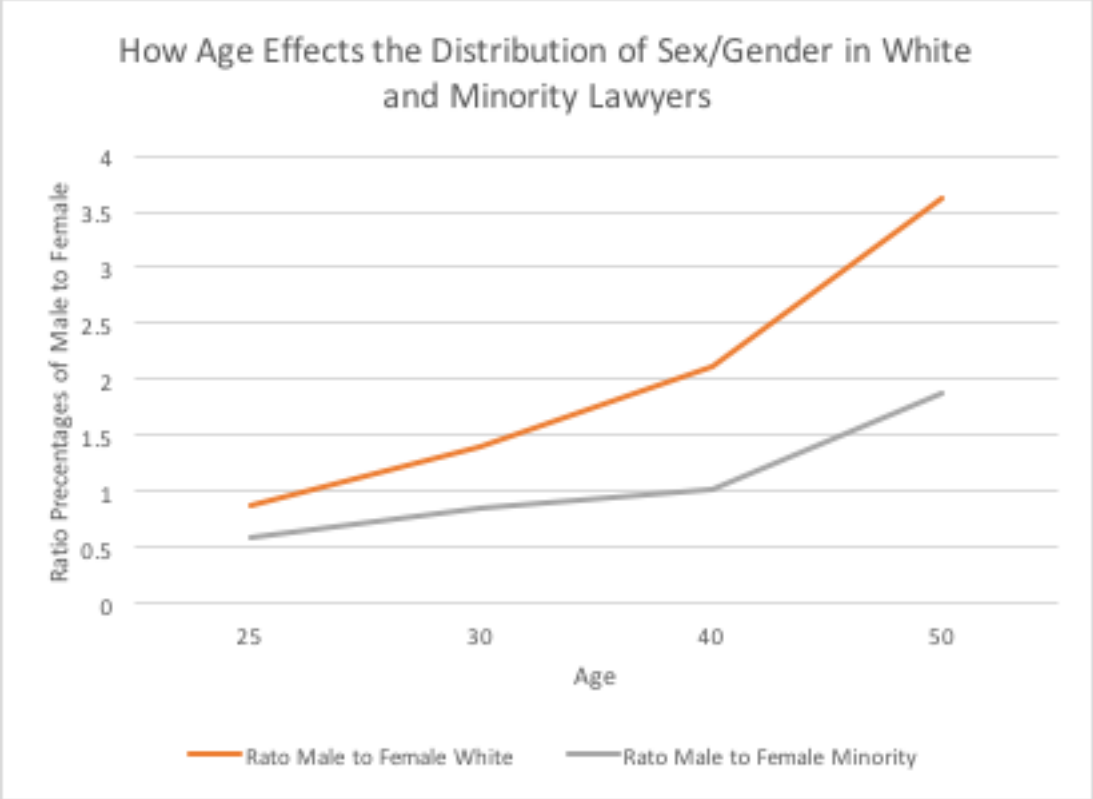
Figure 31) Effect on Representation of Paralegals Based Gender/Sex Year 2000

Race & Sex	Percent
White Male	12.22
White Female	87.78
Minoritiy Male	19.53
Minoritiy Female	80.47

Source: Author's calculations using Decennial Census

Furthermore, the data indicates that age has ranging levels of effects depending on which race a researcher is studying. Figure 32 exhibits the increasing proportion of men to women as lawyers for both Whites and minorities. As age increases, the ratio of male to females grows much higher for Whites than for minorities. At age 50, men are 3.62 times larger a percentage of lawyers than women whereas for minorities men are only 1.87% larger.

Figure 32) Year 2000 Gender/Sex Variable



Source: Author's calculations using Decennial Census

In terms of other occupations such as judges, paralegals and legal support workers, age seems to have little to no effect on representation for both women and men of any race. There does not seem to be any specific trend as racial representation fluctuates up and down as age increases for these three occupations. For paralegals and legal support

workers, women are extremely dominant in this field regardless of age or race factors. The percentages for women in these two occupations hover around 80% whether the person is 25 or 55 years old or whether that person is white or minority. In contrast, lawyers have a severe inverse relationship between age and minorities/women representation where representation rapidly decreases as age increases.

CONCLUSIONS

This paper does not intend to provide resolutions for underrepresentation problems; rather, its purpose has been to analyze and discuss the magnitude of the issues at stake. Those unaware that diversity problems persist in 2018 will now take a second look. Some may associate having a black president elected for two terms as the ultimate achievement of equality. That being said, we should not and cannot stop there. Legal occupations have been becoming somewhat more diverse in this country. Judicial clerks are the most diverse of legal occupations as of 2016, with 22% minority representation. At the same time, lawyers have not received as much progress given that in 20 years from 1980 to 2000 minority representation only increased by 4% overall. Compared to other professional occupations, the legal field seems to be placed somewhere in the middle in terms of minority representation with lawyers being one of the least represented occupations. Moreover, in comparison to unlicensed occupations, the legal field diversity seems to be average at best. Hopefully as minority representation increases in this country, the diversity within legal occupations will continue to grow at equal or greater speed.

The problem is that, when minorities are equally represented in the population, their numbers are still much smaller compared to the racial majority. This is why the fight for diversity is crucial. Even when minorities are at their best (equally or overrepresented) they are still in a smaller and less visible group. When legal occupations lack diversity, this infectiously spreads underrepresentation issues to other government fields. We know that legal occupations are often pipelines for other influential

government occupations such as governors, senators, state representatives etc. This is not a problem that can be ignored.

Based on this research, is it evident that representation issues are correlated with factors such as degree selection, sex/gender, and age factors. Given these figures, government officials should promote policy that combat problems where underrepresentation is at its peak; this would be when women and minorities become less represented in lawyer occupations as age increases or when minorities are choosing degrees that do not necessarily correspond with what individuals who are in the legal occupation chose.

LIMITATIONS

The drawbacks found in this research can be further explored by those interested in reducing these limitations. One initial problem with this research was how the occupational codes from each year are not consistent over time. As the codes change, the job titles also vary depending on the year. This means some occupations that were classified in one year are classified by different names or become unavailable to study. This can make evaluating changes over even a few years more difficult. In 2010, the occupations codes for lawyers became combined with judges, which makes it impossible to separate the differences between those occupations. The occupational codes are combined for legal assistants and paralegals in 2010, where the paralegal occupation was not a code available until 2000. Between years 2000-2009, legal assistant occupational codes become non-existent, and then resurface in 2010.

Another major problem of this research is the classification of Hispanics/Latinos as a separate ethnicity variable rather than a major racial category. Hispanics/Latinos are the largest minority group in the country, which is confusing when this group of people are not included as a race variable. The difficulty with race is how people cannot be adequately defined by choosing only one racial group to identify as. For the purposes of the decennial census and ACS, Hispanics were not included with the other nine major race categories.

Another limitation of the study is how the calculated percentages for each race have slight rounding problems where the percentages are a few hundredths percentage points off from reaching a correct total of 100%. This is most likely because the ACS and

census errors when respondents check more than one box for the nine major racial categories. In addition to this problem, minorities are oversampled in the ACS and census to have a large enough number within more specific variable searches in Stata. If oversampling did not occur, there would not be enough minorities in the sample to make accurate comparisons. Accuracy increases when the sample becomes larger. However, the downside is when the oversampled percentages for minorities do not reflect accurate percentages for the total population.

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AUTHOR'S BIOGRAPHY

Maria Beaulieu was born in Portland, Maine and moved to Skowhegan when she was five years old after being adopted. She later attended Skowhegan Area High School and graduated in 2014. After graduating high school, she continued to be very involved at the collegiate level in the tennis club, mock trial, pep band, and FOCUS bible study on campus. She declared a major in economics during the spring of her sophomore year, with a minor in psychology and legal studies. She has been a proud resident assistant(RA) on campus for two years, and also a member of the Omicron Delta Honors Society. Upon graduating from college, Maria plans to work for Preti Flaherty law firm as a legal secretary in Augusta, ME. After two gap years spent working, studying for the LSAT, and applying to graduate programs, she will attend law school.