

The United States Supreme Court Embraces Disparity in Legal Education: Students for Fair Admissions, Inc. v. President and Fellows of Harvard College

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Abstract

The notable Supreme Court ruling in the 2023 case of *Students for Fair Admissions, Inc., v. President and Fellows of Harvard* (600 U.S. 181) produced strong reactions across this country that continue to reverberate. An analysis of the majority opinion, the concurring opinions and the dissenting opinions sets forth the views of the opposing parties on whether race should continue to be used as a factor in college and university admissions. The Supreme Court ruled that affirmative action programs were to be restricted in the higher educational admissions process. The ruling in this decision concluded that race could not be used as a factor in the Harvard College admission procedure. Since Supreme Court rulings affect how laws are applied, this ruling had nationwide effects as all higher education admission policies had to be changed due to the SFFA decision. The ruling caused great concern among many over the declining African-American enrollment in the nation's law schools. One answer to the call for new strategies in Education to address the dearth of Black law students and Black lawyers is the proposal to create an HBCU Law School Pipeline. This HBCU Model could strengthen the pathway from undergraduate study to enrollment in law school thereby increasing the pool of Black lawyers in the nation. Black legal representation is key in promoting equality.

Keywords

College and University Admissions, Affirmative Action, Dearth of Black Lawyers, Racial and Social Justice, Equality, Legal Education, Equity

1. Introduction

In the Summer of 2023, the notable Supreme Court decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* (SFFA, 600 U.S. 181) hit the nation like a tornado causing massive upheaval. Academics, attorneys, politicians, students, and ordinary Americans were astonished at the new rule book for law school entry (Kanno-Young, 2023). Even President Biden remarked that this ruling would make it more difficult for minorities to gain entry into law school. The President urged the use of innovative strategies to create a new pathway toward social justice and he charged the Department of Education to develop new policies and programs that would promote diversity in legal education (Kanno-Young, 2023). If affirmative action programs have been restricted from using race as a factor in law school admissions or in other higher education institutions then there must be a push to search for new innovative strategies to counteract the effects of the 2023 Supreme Court ruling. Notable scholars began predicting that the ruling on race admissions for law school entry would drastically reduce the number of Black attorneys in this country (Hill et al., 2023; Liptak, 2023). It is clear that this notable case will serve as a bottleneck to impede the flow of African-Americans and other minorities into the nation's law programs. The highest court in the United States has in effect embraced disparity in the legal education of students across this country it can be argued.

2. The Opposing Parties in the SFFA Case before the Supreme Court

Chief Justice John Roberts in the majority opinion in the SFFA case (2023) observed that an applicant's race at different points in the Harvard College admission process was taken into consideration. Harvard College admitted in their paperwork to the Supreme Court that race did, in fact, play a significant role in the admissions process. Every year for entry into Harvard College. Race was taken into consideration at three different points in the application process in the review conducted by the Supreme Court of the SFFA case. This University considered the benefits of diversity to their institution to be weighty in their entry process. Yet, the anti-affirmative action organization known as "Students for Fair Admissions" took on Harvard College as they sought to take race out of the equation altogether. Their main argument was that using race as part of the admissions process violated both Title VI of the Civil Rights Act of 1964 (1964) and the Equal Protections Clause of the Fourteenth Amendment (SFFA, 2023).

At Harvard only 2000 new law students are admitted yearly out of a pool of over 60,000 applicants as noted by the Court in hearing the case (SFFA, 2023). The 2023 Supreme Court took on the case to provide a definitive answer to the matter. Race had been used in previous Court decisions to end racial discrimination, the case of *Grutter v. Bollinger* (2003) cautioned that using race to achieve educational goals was "dangerous" (539, U.S. 306, 342). Both parties presented strong cases to the Supreme Court in the Summer of 2023 and the Court restricted the use of

affirmative action in the admissions process in higher education. Race was no longer to be used as a factor in the admissions process to Harvard College and this ruling was to be applied to all higher educational institutions in the country. However, a minority applicant could still discuss his or her race and the disadvantages suffered due to discrimination or other adverse life event in his College application's Personal Statement.

3. The Glaring Shortage of Black Lawyers in the United States

There has long been a shortage of Black lawyers in the United States and this fact did not affect the majority opinion in the 2023 ruling (Sloan, 2023). A host of academics, legal analysts, attorneys, politicians, and other interested parties voiced their belief that this notable case will only serve to further reduce the number of Black lawyers in this country (Jackson, 2021; Enjuris, 2022; Gasman, 2023; Nietzel, 2024; Sloan, 2023; Sloan, 2024; Blackman, 2024; Schwarzschild & Heriot, 2024; Flomo-Kellen, 2025). A discussion of why we need more Black lawyers is important to undertake in order to understand the full implications of this legal case to diversity not just in law schools but in American society. A system of justice that is supposed to be representative of all Americans is failing when only 4.5% of all lawyers in this country are Black (Jackson, 2021) and there are low percentages of Black lawyers who attain partnership (National Association for Law Placement (NALP), 2025). The African-American population comprises 13% of the population (U.S. Census Bureau Statistics, 2024a). Clearly if one is Black and is seeking a lawyer of the same race due to having a feeling that such a person can better understand their life circumstances, and can provide the best representation for them then they will be plumb out of luck. The fact remains that there will be few Black lawyers to help someone who seeks Black legal representation. Perceptions of justice are colored by race and when access to a same-race lawyer is not possible then one may feel unrepresented and at the mercy of a Justice System that lacks diversity (Scott et al., 2025; Blackman, 2024; NALP, 2025).

When law practitioners interact with few African-Americans lawyers in the courtroom this also colors the perceptions of those who work in the legal arena (Mayfield, 2022). When the courtroom is not diverse and is, in fact, exclusive in having a majority of White lawyers this affects the legal system as well as larger society. When White lawyers primarily deal with minority defendants and do not experience the camaraderie of fellow lawyers who are Black, this also affects their view of the Justice System, society, and the world. When society experiences a shortage of Black lawyers, the perception that citizens have about justice, fairness, and equality becomes distorted (Mayfield, 2022). There is then a clear understanding that "Justice" is a mere concept and is in fact not an attainable goal in this society. Black legal representation matters and diversity is vital to ensure justice for all. There is a societal need for diversity in the legal profession as the shortage of black attorneys especially affects representation in low-income and Black com-

munities. It is just these communities that have the greatest percentage of unmet civil legal needs and also a high percentage of pressing criminal legal needs as well. The law touches all parts of life in our society. During this critical historical period, it is important to have Black legal voices to promote equality, equity, and social justice (Mayfield, 2022; Blackman, 2024). Weak Black legal representation silences the Black legal voice on election laws, abortion, gun control, immigration, and a host of other hot button issues as laws are currently being revisited and rewritten.

Why in the land of the free and the brave is democracy not working? Why do we not have “Justice for All” in this society? Why is an esteemed profession only available to the privileged Majority Group and not to minorities? When socio-economic variables bar entry into the highly admired legal profession, then “equal opportunity” has not yet been achieved in the United States of America. When the nation’s highest court has restricted the use of affirmative action and the use of race in the law school admissions process, then diversity will not be possible in the Justice System. This Supreme Court has, in fact, embraced disparity in the nation’s legal system as fewer Blacks in law school simply means there will be fewer practicing Black attorneys representing Black clients and the interests of the Black community in the court house.

4. Why Is the Pool of Black Students so Small?

A host of facts influence who will not get an opportunity to attend law school (Kanu, 2021). The Law School Admissions Council (2024, 2025) tracks socio-economic indicators of law school applicants. Factors indicative of low SES would include low family income, receiving public assistance, parents’ educational attainment, parents’ occupation, whether the applicant is a first-generation college graduate, whether the applicant received Pell Grants or other types of need-based financial aid are all noted. It is not surprising that most African Americans law school applicants can be put into the low socio-economic bracket (LSAC, 2024, 2025). Other facts also influence the low number of Blacks who apply to law school. Poor public education will ill prepare a youngster with Lady Justice in their dreams. Economic barriers present obstacles to pay for tutoring for their University classes in order to attain high GPAs, or to pay for LSAT preparatory books, LSAT preparatory classes, LSAT workshops, trips to attend Law School seminars, and visits to law schools which are all opportunities not open to poor African-Americans. The lack of ready mentors is also a social and racial class variable that must be taken into account. Some young people have a father, uncles, brothers, cousins, grandfathers and other close relatives and family friends who work in the legal profession. The poor African-American has role models he can view on television, the movies, and in books. No one offers him a paid internship in the family run law firm. No lawyer uncle offers private LSAT tutoring. Disparities in legal educational opportunities are firmly tied in with socio-economic position and with race in this society (Kanu, 2021).

Certainly, not all African-Americans fall into the low socio-economic category but this group encompasses a large pool of Black law school students. The U.S. Census Bureau's Report on Poverty in the United States: 2024b noted that 18.4% of Black Americans fell into the official poverty index. So, apparently 8.8 million Black Americans are living below the official poverty line. It is important to acknowledge that many people live above the poverty line and can still be considered "low income" or disadvantaged. It is also significant to compare those Blacks living below the poverty level to other Americans. The poverty rate for White Americans is 11.5%, for Asians it is 7.5%, and for Hispanics it is 11% (U.S. Census Bureau Statistics, 2024a).

The seemingly insurmountable barriers posed by poverty can curtail entry into the legal profession. One stumbling block builds on another stumbling block until a mountain rises up to bar the way to law school. A poor public education means deficiencies in reading, writing, logical analysis skills, and critical thinking skills. No funds to get tutoring in the educational basics means those deficiencies will not be addressed and these deficiencies bare entry into a college or university. No Bachelor Degree means entry into law school is closed. Financial obstacles are also at the root of the shortage of African-American lawyers (Hammond et al., 2021; Blackman, 2024; Schwarzschild & Heriot, 2024; Scott et al., 2025; NALP, 2025). Increasing Black lawyers means we must identify ready solutions to address the issue. By what means can this problem be solved? Who in society can be counted on to provide answers? What programs can help address this critical issue? What are the steps we must take to implement an actionable strategy which can address each and every obstacle presently acting as a barrier to law school entry for African-Americans?

5. Where Do We Go Next?

A close examination of an older Supreme Court case provides a few clues as to what will happen next. The *Grutter v. Bollinger* (2003) advised using race-based programs only for a limited time. Harvard College in 2023 requested being allowed to continue to use race-based admissions for another five years. Yet, the majority opinion in SFFA (2023) firmly stated that race-based admissions policies violated the Constitution. Chief Justice Roberts closed the door on using race as a preferential factor for higher education admissions. The majority opinion in SFFA (2023) concluded that giving race preferential treatment was never meant to be used permanently. The Constitutional promise of equal treatment for all Americans without regard to race was central to the majority opinion in the SFFA 2023 ruling.

Justice Thomas focused on the salient point that all Americans must be treated equally and that race-based admissions, in fact, contribute to racial discrimination (SFFA, 2023). One race must never be given preference over another race. Judge Kavanaugh said that ending race-based admission was long overdue. Three justices presented dissenting opinions in this case. Justice Sotomayor, Justice Kagan,

and Justice Jackson forcefully declared that ours is not a color-blind society. These three Justices argued that the progress that had been made in diversity would be halted. The argument focused on the 14th Amendment ideal of equality as access to equal opportunity for all minorities is key in order to be able to achieve equal status. Diversity provides a more skilled marketplace and increases public confidence in the concept of equality noted Sotomayor. The Equal Protection Clause of the 14th Amendment has been used for four decades to increase diversity in higher education pointed out Justice Sotomayor. Race matters today as much as it has mattered in the history of the nation (SFFA, 2023).

Justice Jackson charged that the majority in the 2023 SFFA decision were in fact acting “ostrich-like” as they were hiding from reality (600, U.S. 181, 407). Ending race-based admissions will not end racism proclaimed Jackson. The dissenting justices urged that the country continue to use race-based admissions in higher education as a remedy to discrimination. But, the pleas of the three dissenting justices fell on deaf ears as the death-knell sounded on affirmative action law school programs that promote diversity by using race-based admissions. The 2023 Supreme Court chose to follow the recommendation of the *Grutter v. Bollinger* (2003) and ended the use of race in law school admissions policies.

6. Reading the Tea Leaves

States that have implemented the ending of race-based admissions policies have seen a dramatic decline in African-American universities (Hill et al., 2023). Hill and his colleagues analyzed what happened in the State of California in 1996 when this State first sought to end race-based educational admission policies. In California’s leading public universities there was a decrease of 55% in African-American admissions. In 1997, in Texas, the use of racial preferences ended and the Latino and African-American admissions rate declined steeply in the University of Texas system, as well as in the Texas A & M University System. In 2006, when Michigan banned using race in law school admissions, Black student enrollment fell to below 4% by 2021. The easy prediction to forecast is that the 2023 Supreme Court ruling in SFFA (2023) will result in similar drastic declines in the number of African-Americans admitted into law schools (Hill et al., 2023; Yi & Phillips, 2023). It was reported in the New York Times that numerous University presidents and provosts are also predicting a huge decrease in the enrollment of African-Americans and Hispanics on all university campuses so that diversity will be even harder to achieve (Liptak, 2023).

The warnings have been given by all sorts of interested parties that the tea leaves are easy to read, the Supreme Court ruling in SFFA (2023) will significantly impact diversity in higher education (Gasman, 2023; Nietzel, 2024; Sloan, 2023; Sloan, 2024; Blackman, 2024; Schwarzschild & Heriot, 2024). The *Journal of Blacks in Higher Education American Bar* (2024) found that Black law students are sorely underrepresented in law school relative to their representation in the general population. The data from the American Bar Association had presented a decline in

law school enrollment for Blacks, as well as for Native Americans, Alaska Natives, Native Hawaiians, and other Pacific Islanders. The Journal of Blacks in Higher Education highlighted the ABA data as it was pointed out that while Blacks make-up 13.2% of the population in the country as they are only 4.5% of those practicing law in the United States. Dr. Marybeth Gasman at Rutgers University (2023) charged in her article that the percentage of Black lawyers has, in fact, not grown for the last 10 years. Great concern has been expressed that Black attorney representation will continue to decline in the future as the Supreme Court has embraced a reversal of the long-established policy of using race in affirmative action educational programs to promote diversity in this country (NALP, 2025).

Mayfield (2022) has offered the same grim assessment as jurists and Bar Associations are alarmed about the decline in Black legal representation. In a Guardian Article in 2021, Hassan Kanu decried the legal profession as remaining mostly White as the percentage of practicing Black lawyers is less than 5%. The reasons for this state of affairs are clear as Kanu (2021) points out that most Black students come from underfunded school districts where graduation rates are low and the products of such schools are not college ready. A more recent article by the New York Times (2025) has emphasized this decline in Black law school enrollment. The Law School Admission Council Report of 2025 highlighted that Black enrollment in this year was 7.5% of all law students while in 2023 this group made-up 7.7% of the enrollment (Russian & Bodamer, 2025).

If some of these ill-prepared Black students manage to get into a University, they struggle in their classes, and grapple with mastering the skills they will need to do well (Kanu, 2021). The scramble to learn basic skills continue throughout their university experience and their anxiety is heightened by the knowledge that they need to strengthened the skills that will be required for them to do well on the LSAT, or their law school dream will die. It is one insurmountable hurdle after the other.

7. Cascade Effect: Declining Numbers of Black Law Students Since SFFA 2023

The 2024 Reuters article by Karen Sloan pointedly stated that, as expected the SFFA (2023) decision has negatively impacted Black law student enrollment. The most prestigious law schools in the nation are seeing declines in minority law student enrollment. Only Asian student enrollment has been growing in law schools. The ban on using race in affirmative action programs in admissions decisions appears to have a having a cascade effect noted Sloan (2024) as the decline in enrollment grows and gains steam in a downward trajectory. Fewer Blacks and Hispanic students are ending up at the most elite law schools. This means that the top law firm positions and the judgeships will go to mostly Whites. As the pool, of Black law students shrinks, the number of Blacks attaining top jobs in the nation's legal system shrinks as well (NALP, 2025).

The number of Black and Hispanic law students declined at the 14 top-ranked

law schools as reported by U.S. News & World Report (Sloan, 2024). In 1996, when some states started banning affirmative action programs in legal education, researchers first identified the cascade effect as fewer and fewer minority students were being accepted into elite higher education programs. In 2024, six of the top-tiered law schools posted declines in the enrollment of both Black and Hispanic students (The Journal of Blacks in Higher Education, 2024). Harvard Law School had enrolled 43 Black students in 2023 while only 19 Black students were enrolled in 2024. Sloan (2024) grimly stressed that these elite law schools are direct pipelines to the most sought-after legal jobs. Quite simply, fewer Black student admissions into the nation's top law schools means a smaller pool of Blacks to choose from which in turn means less Black legal representation. The Black legal voice becomes muted or will go silent due to the cascade effect which is now being propelled under the steam of the SFFA (2023) decision.

As noted by the Journal of Blacks in Higher Education (2024), the ABA released data showing that there were 3,060 Black law students enrolled in the nation's schools. Of the first-year enrollment, Black women numbered 2,099 while Black men numbered 961. Black law school students made up 7% of all first-year law students. While Black female law school enrollment was up 7%, Black male law school enrollment was down 7% according to the ABA statistics. Nietzel (2024) in his Forbes article stated that Whites make-up 57% of all first-year law school enrollment, Asian students saw a jump to 10%, Hispanic law student enrollment remained steady at 14%, but Black law student enrollment declined to 7%. At Harvard, Black law student enrollment dropped to 4%. At the University of North Carolina, the number of Black law students admitted in 2024 dropped to only nine (Nietzel, 2024). Clearly, the cascading effect of the SFFA (2023) decision will most likely continue to significantly reduce diversity in the American legal profession.

Notable scholars have documented the decline in the numbers of Black law students post SFFA as Bowman et al., traced a pattern of decline in the numbers of Blacks in the nation's law schools in 2022. The ABA Reports on law student enrollment had highlighted the decline in the admission of Black law school students in the same year that the SFFA (2023) case was decided, as there had long been a decline in this racial group. Blackman (2024) lamented the SFFA decision as producing exclusion and inequality not just in the law school but in the entire legal profession. Enjuris (2025) highlighted the fact of the enrollment of African-Americans in the nation's law schools is flat as the percentage of Black law students in 2024 was 7.7% while in 2025 it was 7.5%. The predictions made in 2023 post SFFA have become a reality.

8. Offering One Solution to Address the Shortage of Black Lawyers

While it is true that efforts are being made to improve diversity, members of the legal profession, and most notably the American Bar Association are all putting

forth effort to address this issue acknowledges Kanu (2021), yet much remains to be done. Notable scholars (Hill et al., 2023; Blackman, 2024; Schwarzschild & Heriot, 2024; Scott et al., 2025) have pointed out that even today most colleges and universities are far from achieving racial equity. Blacks compose 13% of the American population according to the U.S. Census Bureau Statistics (2024b) and in an effort to remedy this state of affairs the ABA Council for Diversity in their Educational Pipeline Report of 2023 discussed their efforts to increase minority enrollment in law schools in the United States. Kanu (2021) has argued that undergraduate programs at universities also need to enter the fray if the percentage of Black legal representation is to move to a higher percentage than where it currently stands. One notable suggestion made by Hill et al., (2023) is to identify pipeline programs to move high achievers from high school into universities. Then special courses and pre-law programs at the university level can move these high achievers into law school argues Kanu (2021). While the American Bar Association (2024) has not recommended a specific Major or Minor for students interested in becoming lawyers, they do recommend that students take courses which will expose them to different facets of the law at the university.

One idea is to create an HBCU Law School Pipeline Program (Kanu, 2021). The most helpful courses, for those planning on a legal career, would aid students in developing comprehensive reading skills, effective writing skills, as well as excellent oral communication skills. It appears logical to develop a Pre-Law Major curriculum that will expose students to the terminology and legal concepts they will encounter in law school and courses that will hone the types of skills promoted by the ABA in reading, writing, and oral communication. A Pre-Law Major curriculum that encourages high scholarly ability would focus on laying a solid legal foundation in both criminal law and civil law while stressing all the skills needed to perform well in law school and as a lawyer. The proposed Pre-Law Major would help prepare Black students to do well on the LSAT and would better prepare these students for the rigors of law school (Kanu, 2021).

Presently, there are 104 HBCUs nationally and of these 9 offer Pre-Law Studies (Findmyhbcu, 2026). These include Alcorn State University with Bachelor of Science in Music, with a Pre-Law Concentration, Allen University has a Bachelor of Arts in Social Science with a Pre-Law Focus, Central State University has a Bachelor of Arts in English with a Pre-Law Track, Fayetteville State University has a Bachelor of Arts in English with a Pre-Law Track, Harris-Stowe University has a Bachelor of Science in Political Science with a Pre-Law Track, Lincoln University has a Bachelor of Arts in English with a Pre-Law Concentration, North Carolina A & T State University has a Bachelor of Arts in Liberal Studies with a Pre-Law Track, South Carolina State University has a Bachelor of Arts in Political Science with a Pre-Law Concentration; and West Virginia State University has a Bachelor of Arts in Political Science with a Pre-Law Concentration (Findmyhbcu, 2026). As one can see there is a great variation among these nine schools in terms of where the Pre-Law Programs are housed.

8.1. The HBCU Model: Bachelor of Science with a Pre-Law Major

Housed in the Department of Criminal Justice

Every University has Core Requirements for all Major such as English, Math, Biology, History, Geography, as well as courses in the Social Sciences, and courses in Humanities and in the Arts (Pidluzny et al., 2020). These core requirements differ from university to university but the intent is to create a broad foundation on which to build a Major. This core foundational knowledge usually consists of between 40 - 45 hours as a Bachelor Degree typically averages 120 - 125 hours. There are 45 - 50 hours of concentrated study in a Major with 18 hours given to a Minor area of concentration (Pidluzny et al., 2020). This broad academic curriculum would be preserved in the HBCU Model while the Bachelor of Science with a Pre-Law Major would be housed in the Department of Criminal Justice. This intent is to start preparing the potential law student while he/she is still an undergraduate student with the skills needed to become a successful law school student as the Pre-Law Major centers attention on developing writing skills, legal reasoning skills, and communication skills.

Kanu (2021) has strongly promoted the creation of an HBCU Law School Pipeline Program. From the title of the HBCU Model, it is clear that the focus would be on a Major in Pre-Law that would serve as a pathway from undergraduate studies to being a law student. This would not be a Focus, a Concentration, or a Track but a Major. The proposal being presented centers on housing the Pre-Law Major in the Department of Criminal Justice which is a logical choice. Most Criminal Justice Programs already offer a wide array of legal courses such as Criminal Law, Criminal Evidence, Constitutional Law, Ethics, Law of Evidence, Criminal Investigations, Criminalistics, Legal Rights of Convicts, among others. Most Departments of Criminal Justice have several faculty members who possess a Juris Doctorate so there is a ready pool of faculty to teach the Pre-Law courses. These would be the same Criminal Justice courses but the emphasis would be on the lawyerly skills of polishing legal reasoning, writing skills, and communication skills. The HBCU Model is designed for Pre-Law students who hope one day to become law school students as they travel the long road to become a lawyer.

Historically Black Colleges and Universities can help to fill the void of Black attorneys in the United States as they are well-positioned with their long histories of educational excellence to address the shortage of Black representation (Kanu, 2021). Most universities do not offer a Pre-Law Major as they allow their law-school bound students to cobble together a list of courses under a Degree Plan from whatever Major they choose (Sloan, 2023). Law school bound students then take law related courses but most of their courses are not tied into legal studies so they end up with a hodge-podge education that will not serve them well in the rough and tumble of law school. A more logical approach is to create a specifically tailored Pre-Law Curriculum following the lead of 9 of the 104 HBCUs who have such a specialized program (Collegevine, 2023; Findmyhbcu, 2026). This proposed Pre-Law Major would have a carefully and logically constructed list of Pre-

Professional Courses, Required Courses, and Support Courses that would lay a foundation for future law school scholars while still allowing for personalization in the selection of Elective courses so as to ensure academic success for students. The end goal is to swell the current 4.5% percentage of Black attorneys in this county (Jackson, 2021; Gasman, 2023; NALP, 2025).

8.2. Description and Objectives of the HBCU Law School Pipeline Program

The Bachelor of Science in Pre-Law is intended to offer a Major to Black students, who attend HBCUs throughout this nation, that would fully prepare them for the difficulties of law school (Kanu, 2021). The purpose of the HBCU Law School Pipeline is to fill the dearth of Black attorneys in the United States as the number of Black lawyers has declined according and it is predicted to continue to decline (Hill et al., 2023; Flomo-Kellen, 2025; Scott et al., 2025). The *National Association of Law Placement* (2025) revealed that while the overall proportion of minority attorneys (Asian) has increased, in fact, there has been a decline in proportional representation by Black lawyers. Black attorneys make up only a small percentage of all lawyers in the U.S., so clearly there is a significant need for Black attorneys that will allow defendants and plaintiffs the opportunity to have Black legal representation, if they so choose (NALP, 2025). The HBCU Law School Pipeline can become the conduit for Black students to become academically prepared and mentored in order to be channeled into the nation's law schools. The HBCU Law School Pipeline would have the following four learning outcomes:

1) Demonstrate competency in basic criminal law and criminal procedure terminology and legal concepts; 2) Demonstrate and apply advanced critical thinking skills combined with problem solving proficiency through legal analysis and the application of the law; 3) Demonstrate effective communication skills, to produce clear, concise, and analytical writing in legal briefs, and other work-related documents with the appropriate use of visual aids; and 4) Demonstrate an in-depth knowledge of ethics commonly employed in the legal profession to address a wide range of ethical dilemmas in the field (Kanu, 2021).

One suggestion is to house the HBCU Law School Pipeline in a Department of Criminal Justice as many students in this Major seek to become lawyers yet most of these students in this field look to become Criminal Justice Professionals working in Law Enforcement, the Courts, Corrections, or in Juvenile Justice. Lawyers also work in the Criminal Justice field and interact regularly with Criminal Justice Professionals and vice versa. The Bachelor of Science with a Pre-Law Major would offer students at HBCUs a more certain route to law school as they can concentrate on those courses that they will encounter in the law school setting. Courses which sharpen legal analysis, writing skills, and oral communication skills needed in legal argument and in presentations would be highlighted. The Pre-Law Major should be housed in the Department of Criminal Justice as it will necessarily lean heavily on the curriculum in Criminal Justice but there will be much necessary

interdisciplinary collaboration with other Departments in the University with courses in English, Political Science, Communications, Management, Philosophy, and Sociology which can be included in this collaborative effort. There can be a wide interdisciplinary range of courses offered for the Pre-Law Major. The intent is to serve law school bound students by better preparing them for law school. Black students who have long nurtured the dream of becoming a lawyer would be drawn to an HBCU of their choice which offers a Pre-Law Major. The Pipeline Program would transform Black university students into law school students. Such a higher education pipeline would then serve to channel well-prepared African-American students into the nation's law schools. The Department of Criminal Justice in universities offers the greatest listings of legal courses and often has faculty members who are attorneys so this educational unit has specialized courses, specialized faculty, and knowledge of the legal profession needed to serve this special student population with big dreams of becoming Black agents of legal change and social justice in our society.

Many Black students are first generation college students, so it is crucial to offer these students the support and guidance necessary to complete their Bachelor Degree, and at the same time start honing the required skills necessary for the LSAT and to survive law school as early as possible (Hill et al., 2023). Comprehensive reading skills, critical thinking skills, legal research and writing skills will all serve to determine who does well on the LSAT and goes on to law school and who will survive the rigors of that academic experience. Kendra Abercrombie, a Diversity Manager of the Illinois Supreme Court Commission on Professionalism points to a disconnect in the knowledge of Black students and White students about resources to help with LSAT preparation. Her remarks were published in the 2021 Guardian article by Hassan Kanu. Abercrombie maintains that this gap must be addressed if the number of Black lawyers is to increase. A carefully constructed Pre-Law Major with specially selected courses offering perspectives of different facets of the law, coupled with intensive skills courses in writing, legal research, and oral communication can propel more Black university students into becoming Black law students and eventually lawyers.

8.3. Enrichment Activities in the Pre-Law Major

From a perusal of the HBCUs that do have a strong Pre-Law Programs, these pointers are gleaned (Collegevine, 2023; Findmyhbcu, 2026). The proposed Pipeline Program would assign a Pre-Law Advisor to each student at the Undergraduate level which can only serve to increase their chances of successful admission to a law school, successful completion of the Juris Doctorate, and the passing of the Bar. The proposed Bachelor of Science with a Pre-Law Major, housed in the Department of Criminal Justice, would also encompass a host of enrichment activities such as LSAT instruction classes, LSAT practice tests, internships in the legal profession, participation in a Job Shadowing Program, invitations to lawyers to lecture in the undergraduate classroom, invitations to visit law schools to come

address the Pre-Law Majors, and there would be a special Law Mentoring Program created which would pair each Pre-law Major with an attorney, judge, law school faculty member, or law school student to help guide them through the process and serve as an inspiration. Incentives such as prizes, field trips, special meals, T-Shirts (Law School Bound etc.) and scholarships for their undergraduate studies and scholarships for law school can all serve to motivate these students to embrace the hard work necessary to learn the skills and knowledge that will propel them into law school. Building a culture for the Pre-Law Major student can help these students travel the difficult road they have chosen. The Pre-Law Advisor and selected mentors can help provide assistance with the Law School Application, address concerns, and provide support for these students to help them maneuver their way through the many obstacles in their path. An internship would be a requirement at the Undergraduate level of study in the Pre-Law Major so students can explore an area of legal specialty by doing an internship with the District Attorney's Office, the Public Defender's Office, a government agency, or in a private law firm in an area of interest such as Property Law, Family Law, Environmental Law, etc. The internship experience, mentoring by the Undergraduate Pre-Law Faculty, and career guidance provided by their Pre-Law Mentor would help students narrow down their legal area of interest in order to increase their chances of success when applying to law school, and in completing the rigors of law school. The goal of the HBCU Law School Pipeline Program would help increase the number of Black attorneys in the legal profession. The creation of this Pipeline Program can serve as a siren song for all those young Black students who started dreaming of law school long ago and so a Pre-Law Major would be an irresistible magnet drawing them into higher education.

8.4. Uncertainty about Eventual Law School Admission and Concern about Bar Passage

Certainly, there is no guarantee of being admitted to a law school despite having completed a Pre-Law Major, so students should understand this up front. Many persons who aspire to go to law school never achieve that dream due to personal issues, a change of plans, a low LSAT score, financial issues, among many other factors. However, the Pre-Law Major who receives their Undergraduate Degree will still be able to find a job in all the traditional areas of employment in the field of Criminal Justice as jobs are plentiful in Law Enforcement, Corrections, and Juvenile Justice according to the [U.S. Bureau of Labor Statistics \(2025\)](#) in their listings of employment in all the above areas. As an added bonus, Pre-Law Majors will be especially suited for employment within the American Court System as Victim Advocates, Court Managers, and Court Clerks, among a host of other positions as noted in the [U.S. Bureau of Labor Statistics \(2025\)](#) on court employees. Criminal Justice agencies are fiercely competing for new hires and the opportunity to promote well-educated personnel so Pre-Law Majors will have a wide range of occupational choices from which to select a great career either in the legal profes-

sion or in the field of Criminal Justice. Bar passage is also an uncertainty but every well-formed plan has its pitfalls as things can go awry. A fallback for the Pre-Law Major who cannot get into law school or who gets into law school and graduates but has difficulty in passing the bar is to find a job in the ever-growing field of Criminal Justice.

8.5. Limitations to Implementing the HBCU Model

The proposed HBCU Model might be difficult to implement in the institutions that presently do not offer such Pre-Law Programs. Some HBCUs have large endowments and others may get steady streams of donations but some institutions may have trouble finding funding. To implement the proposed Pre-Law Major housed in a Department of Criminal Justice, it would be necessary for the University Board, administrators, and faculty to evaluate their institutional capacity, their funding, their faculty workload among other factors to determine the feasibility of such an undertaking. In order to create an actionable and balanced approach in creating this pipeline, careful planning can result in success if all the key ingredients are put into place.

8.6. A Case Study on the Topic

The following Case Study will present a fictional account of a budding law school aspirant, which we will call Kadaja Williams, who has been dreaming of becoming a lawyer since she was 15 years old. Kadaja is from Selma, Alabama where the public school system provided a rickety ladder on which to build her dreams. In its 2018 report entitled, *Before the Juris Doctor: Undergraduate Views on Law School*, the [American Association of Law Schools \(2018\)](#) found that Black students decided to become lawyers while still in high school. While Kadaja began to dream as a teen about law school, she was not a reader and so she reads poorly, and her writing skills are equally inadequate. In every basic subject during her elementary, middle, and high school years, Kadaja failed many classes. Miraculously she was passed every year yet her educational ladder is full of worm-holes. Ms. Williams hopes to be admitted into a nearby HBCU but wonders how she can conquer the SAT so she can begin her long journey into law school.

The challenge that confronts Kadaja is to beef up her reading skills, her writing skills, her math skills, and her critical thinking skills. Her mother buys her a few SAT preparatory books and a cousin offers to help her study. With no ready mentors to aid her, Kadaja undertakes an intensive course of study on her own and manages to make a respectable SAT score so she is admitted into an HBCU. But, the dream of law school starts to dim as Kadaja starts to flunk her basic core requirement classes. How can she become a law student when she cannot even pass her undergraduate classes? But, Kadaja Williams has landed in the right place for her Undergraduate work. Her HBCU offers a Pre-Law Major and they are acutely aware of the obstacles in her path as the product of a public- school education that did not prepare her to do University work. Her HBCU offers a Tutoring Lab at

the ready with supportive and nurturing faculty and staff to guide her into good study habits, and to help address the deficiencies Kadaja has in all the basic subjects in order for her to continue to move forward in her law school quest.

Now comes the fairy tale part of the story. Only 9 HBCUs have created strong pre-law programs out of the total existing 104 HBCUs in this country (Collegevine, 2023; Findmyhbcu, 2026). Only 4 programs stand out as offering exceptional pre-law preparation at the undergraduate level. Howard University is singled out as providing a strong foundation to help Black undergraduate students gain a strong foothold into law school. Excellent pre-law advising is available at Howard with great resources, and the proximity of Washington D.C. provides internships in Congress, law firms, non-profits, and government agencies. Spellman college is noted for having a robust pre-law program offering mentorship and resources. Morehouse College offers a supportive environment and resources for Black undergraduate students while Hampton University has a dedicated pre-law program, a Summer Pre-Law Institute, and numerous internship opportunities (Collegevine, 2023; Findmyhbcu, 2026). If the number of Black law students is to grow, it makes sense to dramatically increase the number of Black undergraduate students. Diversity hinges on growing this pool of Black students who can become the Black legal representation of tomorrow.

Clearly the remaining 95 HBCUs in this nation must take up the gauntlet and take on the challenge to make this story come true. Only 9 HBCUS presently have such a pipeline to law school. All HBCUs must tailor their undergraduate curriculums to include a Pre-Law Major. From the existing HBCU Pre-Law Programs, a precise framework and theoretical foundation can and should be replicated. As discussed earlier in this paper, this HBCU Law School Pipeline will move Black undergraduate students into taking their place as Black law students. The HBCU Pre-Law Major will have an assigned Pre-Law Advisor for each student at the undergraduate level, it will have a specially prepared Pre-Law Major curriculum to expose students to criminal law and civil law terminology, spark critical thinking skills, sharpen reading and writing skills, and hone the work ethic needed to propel these students into an Undergraduate University Degree and then into law school. There will be LSAT preparatory classes given, practice LSAT sessions, tutoring in problem LSAT areas, and each student will get an assigned Mentor who is a member of the Bar or who is currently in law school. Internships and Job Shadowing Programs will be available in every legal specialty area. This in-depth knowledge and the forming of friendships will foster a circle of mentorships for each undergraduate student. This fairytale can come true by implementing a model HBCU Law School Pipeline Program which can serve as a blueprint for all HBCUS. Increasing diversity in the American legal system is possible as the nation needs the talents of Esquire Kadaja Williams.

9. Conclusion

Affirmative Action Programs have been used for over 4 years as Justice Sotomayor

observed in the 2023 case of *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* (600 U.S., 181). Yet, this case is now past history. The goal of achieving a diverse society in which African-Americans have access to a legal education and employment opportunities in the legal profession remains the big challenge. The *SFFA* (2023) case created a huge obstacle in the admissions process at law schools for African-Americans, and other minorities, as this case now impedes racial and social justice. The United States Supreme Court, in essence, embraced disparity in legal education by restricting the use of affirmative action programs that considered race for entry into law school. So, many have argued that this useful tool to remedy racial discrimination has been discarded into the historical debris pile. It was reported on NBC News that Michelle O'Bama had commented that the ladder of affirmative action has been dismantled and can no longer be used by those who for so long were denied a foothold to hoist themselves up (Hurley, 2023). If the ladder has been destroyed, it makes sense to build a new one. One proposal that has been offered in this paper is to create an HBCU Law School Pipeline Program as there exist 104 HBCUs across the country yet only 9 have created a Pre-Law Program. A Pre-Law Major can be tailored to address the needs of African-American students in order to best serve their interests as well as those of the entire nation. This specially designed program would address the often poorly prepared academic background of Black students who tend to come from overcrowded and ill-funded public schools by focusing on strengthening their reading skills, writing skills, oral communication skills, and critical thinking skills by immersing them in a Pre-Law Major in an embracing HBCU environment. This strategy can only serve to bloom the number of Black lawyers and Black judges in this country.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

References

- American Association of Law Schools (2018). *Before the JD: Undergraduate Views on Law School*. <https://www.aals.org/research/bjd/>
- Blackman, J. (2024). *Students for Fair Admissions V. Universities for Division, Exclusion, and Inequity: The Petitions, the Arguments, and the Decision*. *SMU Law Review*, 77, 187-218. <https://doi.org/10.25172/smulr.77.1.7>
- Bowman, N. A., Stroup, N. R., & Fenton-Miller, S. (2022). The Enrollment of Racially Minoritized Students in Law School: Factors Predicting Within-School Changes over Time. *The Journal of Higher Education*, 94, 557-580. <https://doi.org/10.1080/00221546.2022.2134688>
- Civil Rights Act of 1964 (1964). *Civil Rights Act of 1964. Title VI; 7/2/1964; Enrolled Acts and Resolutions of Congress, 1789-2011; General Records of the United States Government*. Record Group 11; National Archives Building, Washington, D.C. <https://www.archives.gov/milestone-documents/civil-rights-act>
- Collegevine (2023). Which HBCUs Have Strong Pre-Law Program? *CollegeVine*.

- Enjuris (2022). *Law School Enrollment by Race & Ethnicity*.
- Enjuris (2025). *Law School Enrollment by Race & Ethnicity. Racial and Ethnic Diversity in U.S. Law Schools (2025 Data)*.
- Findmyhbcu (2026). *Pre-Law Programs at HBCUs. Pre-Law Archives—FindMyHBCU*.
- Flomo-Kellen, J. M. (2025). Structural Inequalities and Racial Barriers to Education Attainment in U.S. Higher Education: Challenges and Policy Interventions. *International Journal of Research and Innovation in Social Science*, 11, 4349-4356.
<https://doi.org/10.47772/ijriss.2025.903sedu0310>
- Gasman, M. (2023). Why We Need More African-American Lawyers. *Forbes*.
- Grutter V. Bollinger, 539 U.S. 306 (2003). *Grutter V. Bollinger / 539 U.S. 306 (2003)*. Justia U.S. Supreme Court Center.
- Hammond, M., Owens, L., & Gulko, B. (2021). *Transforming Generations: Social Mobility Outcomes for HBCU Alumni*. United Negro College Fund, Frederick D. Patterson Research Institute and UNCF.
- Hill, C. B., Owens, M., & Tobin, E. M. (2023). *Alternative Strategies to Support a Diverse Student Body: Affirmative Action at Risk. Issue Brief, ITHAKA S+R*.
- Hurley, L. (2023). Supreme Court Strikes Down College Affirmative Action Programs. *NBC News*.
- Jackson, D. (2021). American Lawyers: The Black Attorney Population Has Not Grown Since 2011. *The American Lawyer*.
- Kanno-Young, Z. (2023). Rejection of Affirmative Action Draws Strong Reactions from Right and Left. Supreme Court Rejects Affirmative Action at U.S. Colleges. *New York Times*.
- Kanu, H. (2021). Justice Matters: “Exclusionary and Classist”: Why the Legal Profession Is Getting Whiter. *Reuters*.
- Law School Admissions Council (2024). *Report on Diversity in the Legal Profession. First Impressions of the Incoming Class of 2024: Largest Class Since 2021, Top-Line Diversity Is Level, More Research Needed and the Work Continues*. The Law School Admission Council.
- Law School Admissions Council (2025). *YTD US Applicants from Region/State or Permanent Residence*.
- Liptak, A. (2023). Supreme Court Rejects Affirmative Action Programs at Harvard and U.N.C. Supreme Court Rejects Affirmative Action at U.S. Colleges. *The New York Times*.
- Mayfield, C. (2022). Alarming and Disappointed Jurists and Bar Associations Tackle Decline in Black Attorneys. *Daily Report Online*.
- National Association for Law Placement (NALP) Inc (2025). *Report on Diversity in U.S. Firms*.
- New York Times (2025). At Many Top Law Schools, Black student Enrollment Continues to Drop. *The New York Times*.
- Nietzel, M. T. (2024). Little Change in Law School Minority Enrollment after SCOTUS Decision. *Forbes*.
- Pidluzny, J., Urban, N., Quillen, A., & Kempson, L. (2020). *What Will They Learn? A Survey of Core Requirements at Our Nation’s Colleges and Universities*. American Council of trustees and Alumni, ERIC Number: ED616591.
- Russian, A., & Bodamer, E. (2025). *LSAC’s Knowledge Report: The Composition of the*

First-Year Law School Class and Enrollment Trends. LSAC, Inc.

Schwarzschild, M., & Heriot, G. (2024). Race Preferences, Diversity, and Students for Fair Admissions: A New Day, a New Clarity. *SMU Law Review*, 77, 285-303.

<https://doi.org/10.25172/smulr.77.1.10>

Scott, J. M., Wilson, P., Cochran, T., & Pals, A. M. (2025). The Imperative to Promote Diversity Post-Students for Fair Admissions Analyzing the Effects of Student-Body Diversity on Attrition, GPA, and Bar Passage in Law Students and Graduates. *The Journal of Higher Education*, 96, 596-625. <https://doi.org/10.1080/00221546.2024.2385114>

Sloan, K. (2023). ABA Drops LSAT Requirement Beginning in 2025. *Reuters*.

<https://www.reuters.com/legal/legalindustry/aba-will-try-yet-again-eliminate-lsat-rule-2023-02-17/#:~:text=The%20ABA's%20Council%20of%20the,testing%20new%20students>

Sloan, K. (2024). Fewer Black and Hispanic Law Students at Elite Schools Portends 'Cascade Effect.' *Reuters*.

Students For Fair Admissions Inc (SFFA) (2023). *President and Fellows of Harvard College*, 600 U.S. 181.

The Journal of Blacks in Higher Education (2024). *First Year Law School Enrollments: Black Women up, Black Men down*.

<https://jbhe.com/2024/12/first-year-law-school-enrollments-black-women-up-black-men-down/>

U.S. Bureau of Labor Statistics (2025). *Occupational Outlook Handbook, Police and Detectives*. U.S. Department of Labor and Bureau of Labor Statistics.

U.S. Census Bureau Statistics (2024a). *Population Estimates. New 2024 Population Estimates Show Nation's Population Grew by About 1% to 340.1 Million Since 2023*.

<https://www.census.gov/data/tables/time-series/demo/pop/2022-state-total.html>

U.S. Census Bureau Statistics (2024b). *Poverty in the United States: 2024*.

Yi, J., & Phillips, J. (2023). Race & Selective School Admissions after SFFA (2023). *Journal of School Choice*, 19, 736-749. <https://doi.org/10.1080/15582159.2025.2575637>