

DISRUPTING HIERARCHIES IN LEGAL EDUCATION: INCREASING ACCESS BY SUPPORTING FIRST GEN SUCCESS

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I. INTRODUCTION

Millennials introduced the largest population of first-generation college students in history; Generation Z, now entering college, is certain not to disappoint. Colleges have been building support networks to attract, retain, and graduate these students for the past decade. Law schools are far behind in their planning. Many hierarchical obstacles have prevented first-generation students from matriculating to law school in larger numbers before now and law schools have much to learn about educating this group. Fortunately, law schools can adapt the research studying these students as undergraduates to better serve them as they pursue careers in the legal profession.

The transition to law school can be a bewildering, difficult, and expensive experience for any matriculating student. Those issues may be compounded for first-generation college students entering law school. Building a successful law school application takes years of planning, especially for those who hope to receive merit-based scholarships. Continuing-generation students tend to receive more and better advice about building their resumes along the way than first-generation college students. First-generation students also typically lack the financial support more traditional students have received and they likely have accumulated more educational debt than their peers. Once students have been admitted, first-generation college graduates often arrive on campus without the advice continuing-generation students have received to successfully navigate the challenges of law school, presenting difficulties for law schools trying to retain and graduate these students.

Not surprisingly, first-generation college students have developed many skills and strengths in their efforts to successfully overcome the obstacles to reaching law school. These students typically demonstrate strong work ethic and high levels of determination. Although they may not bring with them the strengths traditional legal education expects of first-year law students, first-generation college students exhibit skills that will serve them well as attorneys; law schools would be remiss not to capitalize on this.

The first-generation college students of Generation Z will challenge all of higher education, including legal education, to reconsider the delivery of education. Fortunately, undergraduate institutions have been studying this demographic for more than a decade and there is much law schools can adopt from that research. If supported, first-generation students can develop their unique strengths to enrich the law school environment and the legal community. Moreover, law schools that intentionally reconsider the delivery of legal education with first-generation students in mind will likely improve learning outcomes for all students, while also faring well in recruiting Generation Z. Studying first-generation college students and developing practices responsive to

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their needs could provide the prescription many law schools seek for meeting the needs of today's students.

In Part II of this article, I discuss the varying definitions of "first-generation college student" and identify the challenges and strengths these students often embody. In Part III, I survey the literature studying difficulties faced by first-generation college students as undergraduates and the solutions suggested to and tested by higher education. In Part IV, I identify obstacles discouraging or preventing first-generation college graduates from enrolling and succeeding in law school. Finally, in Part V, I suggest measures law schools can take to attract, retain, and graduate first-generation college graduates in higher numbers.

II. WHO IS FIRST GEN?

There are varying definitions of a first-generation college student, depending on who is collecting data and for what purpose. From the perspective of an educator, the most meaningful definition is determined on a much more personal level by those who self-identify as first-generation college students or graduates. This article relies on a fairly broad definition of "first-generation," but for purposes of targeting students who could benefit from interventions, it suggests that any individual who relates to the characteristics common to first-generation college students and self-identifies as such stands to benefit.

A. Labels Matter

First-generation status can vary based upon the definition used to establish that demographic.¹ Alternative definitions can determine eligibility for programs and financial assistance for individuals, can affect results for educational researchers, and can impact institutional assessment metrics. Whether someone is considered a first-generation student can "vary depending on who is counted as a parent, how many of their parents did not attend college, whether parents started or completed college, and the type of institution attended."² Most broadly defined, a first-generation college student is an individual who has no parent who has earned a bachelor's degree.³ The narrowest definition of a first-generation college student would exclude anyone with at least one parent who attended any post-secondary college for any length of time.⁴

¹ Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From "First in Family" to "First to Finish": Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 2 (2019).

² Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From "First in Family" to "First to Finish": Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019).

³ Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From "First in Family" to "First to Finish": Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019); see Robert K. Toutkoushian, Robert S. Stollberg, & Kelly A. Slaton, *Talking 'Bout My Generation: Defining First-Generation Students in Higher Education Research* 9, (Association for the Study of Higher Education Working Paper, 2015), https://www.insidehighered.com/sites/default/server_files/files/Talking%20Bout%20My%20Generation%20Fall%202015%20ASHE.pdf (explaining that first-generation status can be based on whether one or both parents attended college, but did not graduate).

⁴ Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From "First in Family" to "First to Finish": Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019); see Ryan D. Padgett, Megan P. Johnson, & Ernest T. Pascarella, *First-generation Undergraduate Students and the Impacts of the First Year of College: Additional Evidence*, 52 J. OF COLLEGE STUDENT DEV. 3, 250,

And there exist additional definitions of first-generation college students between these two extremes, including students whose parents have attended some post-secondary institution, but who have not earned a four-year degree.⁵ Thus, the scale and number of first-generation students can mutate widely depending on who is setting the parameters.

Inconsistent measures of who is counted as a first-generation college student can alter reported outcomes on the perceived success of first-generation students.⁶ Parents with some college experience can instill more social capital in their children when compared to students whose parents never attended college for any period.⁷ Likewise, students with only one college educated parent may fall outside most first-generation classifications, but those students “may be at a similar disadvantage as students with two parents without a college education.”⁸ If one’s goal is to improve academic outcomes for as many as would benefit as possible, a broad definition appears to be in the best interests of students.

B. Facing a Stacked Deck

While no individual will fall neatly into any particular classification, studies reveal a number of characteristics common to many first-generation college students that may affect their educational journeys and of which institutions of higher learning should be aware. Specifically, first-generation college students tend to lack the social and cultural capital that their continuing generation peers may employ to build the credentials to obtain admission to and ultimately succeed in higher educational pursuits.⁹ Additionally, first-generation college students tend to experience

<https://muse.jhu.edu/article/469344/pdf> (2012) (defining first-generation status to mean to that neither parent has received any college education).

⁵ See, e.g., *First Scholars® Program: Eligibility*, THE UNIVERSITY OF MEMPHIS (lasted visited Jul. 24, 2016), <http://www.memphis.edu/firstscholars/prospective/index.php> (defining a first-generation college student as one whom neither parent earned more than two years of education beyond high school and neither parent earned a post-secondary degree).

⁶ See Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From “First in Family” to “First to Finish”: Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019). One study highlighted the effect varying definitions can have on the results of studies of success achieved by first-generation students. First, it found one survey pool of 10th graders who would be considered first-generation students varied from 22% to 76%, depending on the definition applied. Second, it found the research results could differ significantly as well: “The 4-year college completion gap between students with two college-educated parents and no college-educated parents ranges from 34% to 42% depending on how we defined college-educated parents. However, the 4-year college completion gaps were also quite large between students with one and two college-educated parents (18%-23%).” Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From “First in Family” to “First to Finish”: Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 17, 27 (2019) (finding first-generation students “were less likely to graduate from a 4-year college than were [continuing-generation students] across most definitions; however, the magnitude of the effect varied with each definition.”).

⁷ See Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From “First in Family” to “First to Finish”: Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019).

⁸ Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From “First in Family” to “First to Finish”: Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019).

⁹ Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From “First in Family” to “First to Finish”: Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019) (citing Karie Jo Peralta & Monica Klonowski, *Examining conceptual and operational definitions of “first-generation college student” in research on retention*, 58 J. OF C. STUDENT DEV., 630 (2017); Ryan D. Padgett,

greater financial obstacles in pursuing their undergraduate degrees,¹⁰ which can lead these students to graduate with larger student loan debts than their peers.¹¹ These two factors alone are the root of many challenges common to first-generation college students.

The imbalance between first-generation and continuing-generation student success is often explained by recognizing that first-generation students lack social and cultural capital related to being successful in higher education because they do not acquire it from their parents.¹² These parents cannot effectively advise their children about succeeding in college because they do not possess that information or skill—described as “cultural capital”¹³—from their own lived experience.¹⁴ First-generation college students also bring with them less “[s]ocial capital—privileged knowledge, resources, and information attained through social networks. [This] is important within higher education because it can be used to make beneficial decisions related to choosing colleges and what kinds of academic and social choices to make while enrolled in college.”¹⁵ Unlike continuing-generation students, often first-generation students’ “parents are unable to help much, even if they are so inclined as they, too, lack knowledge of, or in some instances may find off-putting, certain activities that could lead to greater levels of engagement.”¹⁶ Without the cultural or social capital of continuing generation students, first-generation college

Megan P. Johnson, & Ernest T. Pascarella, *First-generation Undergraduate Students and the Impacts of the First Year of College: Additional Evidence*, 52 J. OF COLLEGE STUDENT DEV. 3, 249 (2012); Mandy Martin Lohfink & Michael B. Paulsen, *Comparing the Determinants of Persistence for First-Generation and Continuing-Generation Students*, 46 J. OF C. STUDENT DEV., 409 (2005); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004)).

¹⁰ See *infra* notes 36-38 and accompanying text.

¹¹ See *infra* notes 39-40 and accompanying text.

¹² Krista M. Soria & Michael J. Stebleton, *First-generation students' academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 675 (2012); Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 290 (2005); Robert T. Toutkoushian, Jennifer A. May-Trifiletti, & Ashley B. Clayton, *From “First in Family” to “First to Finish”: Does College Graduation Vary by How First-Generation College Status Is Defined?*, EDUC. POLICY, 1, 3 (2019) (citing Karie Jo Peralta & Monica Klonowski, *Examining conceptual and operational definitions of “first-generation college student” in research on retention*, 58 J. OF C. STUDENT DEV., 630 (2017); Ryan D. Padgett, Megan P. Johnson & Ernest T. Pascarella, *First-Generation Undergraduate Students and the Impacts of the First Year of College: Additional Evidence*, 53 J. OF C. STUDENT DEV., 249 (2012); Mandy Martin Lohfink & Michael B. Paulsen, *Comparing the Determinants of Persistence for First-Generation and Continuing-Generation Students*, 46 J. OF C. STUDENT DEV., 409 (2005); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004)).

¹³ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 290 (2005); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004).

¹⁴ Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004); Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 290 (2005).

¹⁵ Krista M. Soria & Michael J. Stebleton, *First-generation students' academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 675 (2012); Ricardo D. Stanton-Salazar & Sanford M. Dornbusch, *Social Capital and the Reproduction of Inequality: Information Networks among Mexican-Origin High School Students*, 68 SOC. OF EDUC. 116, 119 (1995).

¹⁶ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 290 (2005).

students often arrive on campus with no idea what to expect. For many, it is like showing up to a game when you don't know the rules or where to find them, but somehow everyone else has received an advance copy of the playbook.

Deficits in social and cultural capital cause additional complications for first-generation college students. Even before stepping on campus, first-generation students are challenged to secure resources to timely submit admission and financial aid applications to maximize consideration.¹⁷ “First-generation students . . . tend to have lower Scholastic Aptitude Test (SAT) scores and lower high school grade point averages and less support from their families in regard to college attendance.”¹⁸ Like their undergraduate counterparts, first-generation college graduates in law school often matriculate with lower LSAT scores and undergraduate GPAs than their peers.¹⁹ Additionally, these students frequently demonstrate “lower levels of engagement in high school.”²⁰ Once admitted, these students may not adequately prepare for the challenges that await them in college because they do not receive sufficient counseling on which to base expectations.²¹

When first-generation students arrive on campus, they face similar obstacles to academic success. “[C]ompared to second-generation college students, they have less tacit knowledge of and fewer experiences with college campuses and related activities, behaviors, and role models.”²² Although studies show that engagement in the academic experience promotes academic success and retention, these students “know less about the importance of engagement and about how to become engaged.”²³ First-generation students are generally “less engaged in college—less likely to live on campus, to develop relationships with faculty members, . . . to perceive faculty as being concerned about their development, . . . to develop strong relationships with other students[,] and to become involved in campus . . . organizations.”²⁴ First-generation college students are less likely to live on campus because they often have responsibilities off-campus related to employment or family;²⁵ this prevents them from engaging in extracurricular and social opportunities. Thus, these students have fewer on campus relationships that foster accountability for academic success. Furthermore, “first-generation students were less engaged overall and less likely to successfully

¹⁷ Institute for Higher Education Policy, *Supporting First-Generation College Students Through Classroom-Based Practices* (2012 Washington, DC).

¹⁸ Krista M. Soria & Michael J. Stebleton, *First-generation students' academic engagement and retention*, 176 *TEACHING IN HIGHER EDUC.* 673, 673 (2012) (internal citations omitted).

¹⁹ AARON N. TAYLOR ET AL., *LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION* 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf. The average LSAT score reported by continuing-generation students was 155.9, compared to the average 152.5 reported by first-generation college graduates in law school. The continuing-generation respondents reported an average undergraduate GPA of 3.32, compared to the 3.28 reported by the first-generation college graduates surveyed. *Id.*

²⁰ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 *J. OF HIGHER EDUC.* 276, 277 (2005).

²¹ Graziella Pagliarulo McCarron & Karen Kurotsuchi Inkelas, *The Gap between Educational Aspirations and Attainment for First-Generation College Students and the Role of Parental Involvement*, 47 *J. OF C. STUDENT DEV.* 534, 536 (2006).

²² Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 *J. OF HIGHER EDUC.* 276, 290 (2005).

²³ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 *J. OF HIGHER EDUC.* 276, 290 (2005).

²⁴ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 *J. OF HIGHER EDUC.* 276, 277–78 (2005).

²⁵ KARA BALEMIAN & JING FENG, *First Generation Students: College Aspirations, Preparedness and Challenges* 9–10 (2013); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 *J. OF HIGHER EDUC.*, at 249–284 (2004)

integrate diverse college experiences; they perceived the college environment as less supportive and reported making less progress in their learning and intellectual development.”²⁶ First-generation students were also less likely to engage in the academic and social experiences that would better enable them to succeed, such as: engaging with faculty and other students; participating in study groups; joining organizations and extracurricular activities; and taking advantage of support services.²⁷

First-generation college students often struggle to learn of and seek out resources available to assist them.²⁸ “As indicators of social capital, knowing how to seek help from faculty, understanding expectations for assignments, and fulfilling the college role represent the types of knowledge that can positively influence students’ academic success.”²⁹ However, the general lack of social and cultural capital often means first-generation students “have greater confusion over faculty’s expectations for assignments and discipline-specific academic expectations, in addition to challenges understanding and fulfilling the ‘college student role’.”³⁰ “First-generation students are less confident in their academic ability and readiness for college-level work and are more likely to avoid asking questions or seeking help from faculty.”³¹

In addition to the shared academic experience, first-generation college students also share many demographic traits. More first-generation college graduates identify as minorities than their peer group.³² First-generation college students are more likely to come from low income families than their peers.³³ They are more likely to have taken time off from their studies after high school and, thus, tend to be older than their peers.³⁴ First-generation college students are more likely than their counterparts to have dependent children.³⁵ Many of these factors collectively affect the ability of first-generation college students to afford higher educational pursuits.

²⁶ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 289 (2005).

²⁷ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 675 (2012).

²⁸ Alyssa N. Bryant, *ERIC Review: Community College Students: Recent Findings and Trends*, 29 COMMUNITY C. REV. 77, 85 (2001).

²⁹ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 675 (2012).

³⁰ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 675 (2012).

³¹ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 675 (2012).

³² AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf. Interestingly, 48% of first-generation college graduates enrolled on law school identified as Hispanic, 43% identified as Black or African-American, 25% identified as Asian, and 23% identified as White. *Id.*

³³ KARA BALEMIAN & JING FENG, *First Generation Students: College Aspirations, Preparedness and Challenges* 9–10 (2013); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004); Terenzini, P. T., Springer, L., Yaeger, P. M., Pascarella, E. T., & Nora, A., *First-generation college students: Characteristics, experiences, and cognitive development*, RESEARCH IN HIGHER EDUCATION, 37(1), 1-22 (1996); Mehta, S. S., Newbold, J. J., & O’Rourke, M. A., *Why do first-generation students fail?* COLLEGE STUDENT JOURNAL, 45(1), 20-35 (2011); Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. at 277 (2005).

³⁴ KARA BALEMIAN & JING FENG, *First Generation Students: College Aspirations, Preparedness and Challenges* 9–10 (2013).

³⁵ Terenzini, P. T., Springer, L., Yaeger, P. M., Pascarella, E. T., & Nora, A., *First-generation college students: Characteristics, experiences, and cognitive development*, RESEARCH IN HIGHER EDUCATION, 37(1), 1-22 (1996);

First-generation college students often lack sufficient financial resources or support networks and have to work while attending classes.³⁶ They often interrupt their studies to work³⁷ or take reduced loads to support themselves during college.³⁸ Ultimately, they tend to accumulate greater educational debt than their continuing-generation counterparts.³⁹ This differential in debt continues as first-generation college graduates tend to take on greater debt to finance their legal educations, as well.⁴⁰

First-generation college students in law school also spend more time working for pay and less time engaging in co-curricular activities than their peers do.⁴¹ First-generation college graduates seem to ignore traditional admonitions against working in law school, especially in the first year, likely related to the increased financial pressures and familial obligations of this group compared to their peers.⁴² Lower levels of engagement in law school may be financially motivated, but may also be attributed to the lower grades typically earned by first-generation college graduates

KARA BALEMIAN & JING FENG, *First Generation Students: College Aspirations, Preparedness and Challenges* 9–10 (2013).

³⁶ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 277 (2005); KARA BALEMIAN & JING FENG, *First Generation Students: College Aspirations, Preparedness and Challenges* 9–10 (2013); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004).

³⁷ KARA BALEMIAN & JING FENG, *First Generation Students: College Aspirations, Preparedness and Challenges* 9–10 (2013); Xianglei Chen & C. Dennis Carroll, FIRST-GENERATION STUDENTS IN POSTSECONDARY EDUCATION: A LOOK AT THEIR COLLEGE TRANSCRIPTS IX, at 171 (National Center for Education Statistics ed., 2005); Terry T. Ishitani, *Studying Attrition and Degree Completion Behavior among First-Generation College Students in the United States*, 77 J. OF HIGHER EDUC. 861, 873 (2006) (First-generation students were at greatest risk of dropping out during the second year of college. First-generation students were 8.5 times more likely to dropout than those students whose parents had earned an undergraduate degree. Students whose parents had some college education were also at greatest risk of leaving school during the second year. These students were 4.4 times more likely to depart than their continuing generation peers were. The risk of dropout for first-generation college students decreased after their second year. The likelihood of a first-generation student graduating in four and five years was lower than that of a continuing-generation student by 51% and 32%).

³⁸ Xianglei Chen & C. Dennis Carroll, FIRST-GENERATION STUDENTS IN POSTSECONDARY EDUCATION: A LOOK AT THEIR COLLEGE TRANSCRIPTS IX, at 171 (National Center for Education Statistics ed., 2005); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004); Terenzini, P. T., Springer, L., Yaeger, P. M., Pascarella, E. T., & Nora, A., *First-generation college students: Characteristics, experiences, and cognitive development*, RESEARCH IN HIGHER EDUCATION, 37(1), 1-22 (1996).

³⁹ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 2 (2018).

⁴⁰ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf (“Put differently, the proportion of first-generation students with no education debt was less than half the proportion among other students.”). Additionally, first-generation “full-time 3Ls reported 23% more debt than other 3Ls [—]\$97,000 compared to \$79,000 [and p]art-time, first-generation students in their fourth year reported 26% more debt than other students in the same class—\$97,000 compared to \$77,000.” *Id.*

⁴¹ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf (“First-generation students reported spending about 8% more time studying for class and 25% more time working for pay, compared to other students.”).

⁴² AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf (“first-generation students report spending 40% more time.”).

as compared to their peers, as eligibility for these activities is often conditioned on high academic performance.⁴³

Once first-generation students begin their academic programs, again normally from a weaker starting position, they often continue to lag behind their continuing-generation cohorts.⁴⁴ As a result of all these factors, first-generation students often have lower grades than continuing-generation students⁴⁵ and first-generation students have also “reported making less progress in their learning and intellectual development.”⁴⁶ First-generation college students generally have lower odds of “contributing to a class discussion, asking an insightful question in class, bringing up ideas or concepts from different courses during class discussions, and interacting with faculty during lecture class sessions.”⁴⁷ Studies have demonstrate that first-generation students exhibit lower persistence and graduation rates than their peers.⁴⁸ Those that do graduate, tend to take longer to earn their degrees than their continuing-generation counterparts.⁴⁹ While the population of first-generation college students continues to grow, the number of those students reaching graduation remains low compared to their peers.⁵⁰ First-generation college graduates share similar experiences in law school.⁵¹

⁴³ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf. First-generation college graduates in law school reported lower levels of participation than their counterparts in co-curricular activities, including law review, moot court, and faculty research assistantships. *Id.*

⁴⁴ See generally Karie Jo Peralta & Monica Klonowski, *Examining conceptual and operational definitions of “first-generation college student” in research on retention*, 58 J. OF C. STUDENT DEV., 630 (2017); Ryan D. Padgett, Megan P. Johnson, & Ernest T. Pascarella, *First-generation Undergraduate Students and the Impacts of the First Year of College: Additional Evidence*, 52 J. OF COLLEGE STUDENT DEV. 3, 250 (2012); Mandy Martin Lohfink & Michael B. Paulsen, *Comparing the Determinants of Persistence for First-Generation and Continuing-Generation Students*, 46 J. OF C. STUDENT DEV., 409 (2005); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 249-284 (2004).

⁴⁵ Mehta, S. S., Newbold, J. J., & O’Rourke, M. A., *Why do first-generation students fail?* COLLEGE STUDENT JOURNAL, 45(1), 20-35 (2011); Xianglei Chen & C. Dennis Carroll, FIRST-GENERATION STUDENTS IN POSTSECONDARY EDUCATION: A LOOK AT THEIR COLLEGE TRANSCRIPTS IX, at 171 (National Center for Education Statistics ed., 2005).

⁴⁶ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 678 (2012).

⁴⁷ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 679 (2012).

⁴⁸ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 674–75 (2012) (internal citation omitted); Xianglei Chen & C. Dennis Carroll, FIRST-GENERATION STUDENTS IN POSTSECONDARY EDUCATION: A LOOK AT THEIR COLLEGE TRANSCRIPTS IX, at 171 (National Center for Education Statistics ed., 2005).

⁴⁹ Terenzini, P. T., Springer, L., Yaeger, P. M., Pascarella, E. T., & Nora, A., *First-generation college students: Characteristics, experiences, and cognitive development*, RESEARCH IN HIGHER EDUCATION, 37(1), 1-22 (1996).

⁵⁰ The Condition of Education, 2012 NCES. Only 27.4% of first-generation students graduated within four years, compared to 42.1% of continuing generation students. Only 44.8% of first-generation students graduated within five years, while 59.7% of continuing generation students did so. And 50.2% of first-generation students graduated within six years, although continuing generation students did so at a rate of 64.2%. *Id.*

⁵¹ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf (“First-generation students reported having a ‘B’ average; compared to a ‘B+’ average for other students.”).

III. LEARNING FROM 1G SUCCESS IN HIGHER EDUCATION

Fortunately, the same studies identifying educational challenges facing first-generation college students have also documented a number of strengths unique to this group. Strategic undergraduate programs and even some graduate programs have targeted these attributes as a mechanism for overcoming many of these obstacles to success. Many of these strengths are borne from the challenging life experiences and positions in society these students have overcome.⁵² Facing these obstacles throughout their lives has helped many first-generation college students develop assets of optimism, reflexivity, proactivity, and goal direction.⁵³ Underlying these positive traits are additional characteristics of self-reliance, gratitude, compassion, strategic thinking, resourcefulness, flexibility, realism, hopefulness, balance, insightfulness, and persistence.⁵⁴ These skills present quite a useful toolbox for first-generation college students who are taught to wield them.

The key to academic success for first-generation students is to recognize and counter the traits that predict lower success rates and foster those skills that will enable them to excel. “An institution of higher education cannot change the lineage of its students. But it can implement interventions that increase the odds that first-generation college students ‘get ready,’ ‘get in,’ and ‘get through’ by changing the way those students view college and by altering what they do after they arrive.”⁵⁵

A. Successful Undergraduate Programs

Several studies of first-generation college students have yielded many recommendations for colleges and universities. A number of undergraduate institutions have already initiated programs addressing the needs of first-generation students.⁵⁶ Many of these colleges are focusing on high school pipeline programs to improve outcomes for first-generation college students on campus. Research shows that high schools are not doing all they can to prepare first-generation students for success in college.⁵⁷ Moreover, many potential first-generation college students have not been exposed to the ideal of pursuing a degree; those who have may not have been provided the resources necessary to build an attractive college application.⁵⁸ Earlier exposure can help address deficits in social and cultural capital before these students arrive on campus.

⁵² Nancy J. Garrison & Douglas S. Gardner, Conference Paper, Ass’n for the Study of Higher Educ. 48 (Nov. 15, 2012), <http://files.eric.ed.gov/fulltext/ED539775.pdf>.

⁵³ *Id.* at 2.

⁵⁴ *Id.*

⁵⁵ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 292 (2005).

⁵⁶ See John T. Ishiyama & Valerie M. Hopkins, *Assessing the Impact of a Graduate School Preparation Program on First-Generation, Low-Income College Students at a Public Liberal Arts University*, 4 J. COLLEGE STUDENT RETENTION 393, 398–402 (2003) for an example of a first-generation program implemented by a university that vastly improved the retention rates (92.9% compared to first-generation students not enrolled in the program) and five-year graduation rates (93.6% compared to first-generation students at 45.1% and the university as a whole at 62.9%).

⁵⁷ JENNIFER ENGLE & VINCENT TINTO, MOVING BEYOND ACCESS: COLLEGE SUCCESS FOR LOW-INCOME, FIRST-GENERATION STUDENTS 28 (2008); KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2 (Council of Indep. Colleges ed., 2013).

⁵⁸ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 290 (2005); Patricia Somers, Shawn

Bridge programs and extended orientation have been credited for helping first-generation college students transition into higher education.⁵⁹ Such programs begin to identify and address any obstacles to student success before students begin their studies and may include any combination of assessment, tutoring, progress monitoring, and proactive advising.⁶⁰ Bridge and orientation programs that bring students to campus before school starts are proven to improve academic outcomes.⁶¹ These early programs also allow for parental involvement in the transition which is proven to promote student success at the undergraduate level.⁶²

Colleges and universities can improve learning outcomes for first-generation college students by promoting or requiring on-campus living and engagement.⁶³ Some schools have begun living-learning communities to support first-generation college students.⁶⁴ “[S]tudents’ sense of belonging on campus is consistently and positively predictive of academic engagement. [It] has additional implications beyond their academic engagement: the greater the sense of belonging to the academic and social community for students, the more likely it is that students will persist toward graduation.”⁶⁵ “[A]cademic and social engagement [are] indirectly related to gains in learning.”⁶⁶ Promoting increased interactions with faculty⁶⁷ can help first-generation learning

Woodhouse, & Jim Cofer, *Pushing the Boulder Uphill: The Persistence of First-Generation College Students*, 41 NASPA J. 418, 429-30 (2004).

⁵⁹ JENNIFER ENGLE & VINCENT TINTO, MOVING BEYOND ACCESS: COLLEGE SUCCESS FOR LOW-INCOME, FIRST-GENERATION STUDENTS 28, at 4 (2008); Terenzini, P. T., Springer, L., Yaeger, P. M., Pascarella, E. T., & Nora, A., *First-generation college students: Characteristics, experiences, and cognitive development*, RESEARCH IN HIGHER EDUCATION, 37(1), 1-22, at 17 (1996).

⁶⁰ Terenzini, P. T., Springer, L., Yaeger, P. M., Pascarella, E. T., & Nora, A., *First-generation college students: Characteristics, experiences, and cognitive development*, RESEARCH IN HIGHER EDUCATION, 37(1), 1-22, at 17 (1996). This proactive intervention is led by the advisor, rather than the more traditional approach of inviting a student to make an appointment with an advisor. *Id.*

⁶¹ KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at iii (Council of Indep. Colleges ed., 2013).

⁶² *Id.* at 34–35.

⁶³ JENNIFER ENGLE & VINCENT TINTO, MOVING BEYOND ACCESS: COLLEGE SUCCESS FOR LOW-INCOME, FIRST-GENERATION STUDENTS 28, at 4 (2008); Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 291 (2005).

⁶⁴ Mehta, S. S., Newbold, J. J., & O’Rourke, M. A., *Why do first-generation students fail?* COLLEGE STUDENT JOURNAL, 45(1), 28-9 (2011).

⁶⁵ Krista M. Soria & Michael J. Stebleton, *First-generation students’ academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 681 (2012). *See also* KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at 3 (Council of Indep. Colleges ed., 2013) (reporting on institutional efforts of 50 colleges and universities aimed at academic success of first-generation students); THE INST. FOR HIGHER EDUC. POLICY, SUPPORTING FIRST-GENERATION COLLEGE STUDENTS THROUGH CLASSROOM-BASED PRACTICES 6, at 22 (2012); Kelli Hutchens, Matthew Deffendall, & Michael Peabody, *Supporting First Generation College Students*, 1 KY. J. OF HIGHER EDUC. POL’Y AND PRAC. 1, 7.

⁶⁶ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 289–90 (2005) (finding living on campus was most impactful on learning outcomes because it “puts students in close physical proximity so they cannot avoid being confronted on an almost daily basis by others who look, talk, and hold values different from their own”).

⁶⁷ *See* John T. Ishiyama & Valerie M. Hopkins, *Assessing the Impact of a Graduate School Preparation Program on First-Generation, Low-Income College Students at a Public Liberal Arts University*, 4 J. COLLEGE STUDENT RETENTION 393, 402 (2003) (reporting one of the major factors that contributed to success of the program for first-generation students was “the mentoring component of the program, where students establish a long-term professional and personal relationship with faculty in their field of study”).

groups improve academic engagement.⁶⁸ “While all students can benefit from increased formal and informal interactions with faculty, it is likely that first-generation students can reap greater rewards through the acquisition of social capital derived from frequent contacts with these important institutional agents.”⁶⁹

Not surprisingly, increased financial aid opportunities have proven to increase enrollment and retention of first-generation college students.⁷⁰ Colleges and universities are aware of the disparate economic challenges facing first-generation college students and can impact academic outcomes by relieving financial stress.⁷¹ Undergraduate institutions can foster on-campus engagement by including on-campus living expenses into the financial aid dedicated to first-generation college students.⁷² Colleges can increase work-study and other employment opportunities to help first-generation students bridge the financial gap.⁷³

Undergraduate schools have also begun tracking first-generation college students to measure the success of their programming initiatives.⁷⁴ Identification of first-generation students in the application process allows schools to customize financial aid packages and bridge programs to better serve these students.⁷⁵ Identifying first-generation college students further allows colleges to assess the effectiveness of interventions targeting this group.⁷⁶

Generally successful habits in college have similar effects on both first-generation students and continuing-generation students.⁷⁷ However, first-generation students frequently fail to engage

⁶⁸ Krista M. Soria & Michael J. Stebleton, *First-generation students' academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 681 (2012).

⁶⁹ Krista M. Soria & Michael J. Stebleton, *First-generation students' academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 681–82 (2012).

⁷⁰ JENNIFER ENGLE & VINCENT TINTO, MOVING BEYOND ACCESS: COLLEGE SUCCESS FOR LOW-INCOME, FIRST-GENERATION STUDENTS 28, at 22 (2008); Pascarella, E. T., Pierson, C. T., Wolniak, G. C., & Terenzini, P. T., *First-generation college students: Additional evidence on college experiences and outcomes*, 75 J. OF HIGHER EDUC., at 281 (2004); Kelli Hutchens, Matthew Deffendall, & Michael Peabody, *Supporting First-generation College Students*, 1 KY. J. OF HIGHER EDUC. POL'Y AND PRAC. 1, 1 (explaining the University of Kentucky's (UK) First Scholars program, sponsored by The Suder Foundation, to improve retention and graduation rates of first-generation college students).

⁷¹ KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at 37-9 (Council of Indep. Colleges ed., 2013).

⁷² KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at iii (Council of Indep. Colleges ed., 2013).

⁷³ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 291 (2005).

⁷⁴ Institute for Higher Education Policy, *Supporting First-Generation College Students Through Classroom-Based Practices*, at 26 (2012 Washington, DC); Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 290 (2005); KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at iii (Council of Indep. Colleges ed., 2013).

⁷⁵ Mehta, S. S., Newbold, J. J., & O'Rourke, M. A., *Why do first-generation students fail?* COLLEGE STUDENT JOURNAL, 45(1), 20 (2011).

⁷⁶ KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at v (Council of Indep. Colleges ed., 2013); Kelli Hutchens, Matthew Deffendall, & Michael Peabody, *Supporting First Generation College Students*, 1 KY. J. OF HIGHER EDUC. POL'Y AND PRAC. 1, 8-9.

⁷⁷ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 289 (2005).

in those habits.⁷⁸ Universities can help address this concern by enlisting the help of faculty.⁷⁹ Colleges can offer faculty development programs to educate faculty on how to help first-generation college students effectively utilize their inherent strengths to overcome academic challenges.⁸⁰ Undergraduate programs can also effect curricular change to benefit first-generation students, promoting flexibility that can serve these students well.⁸¹ Universities can explain to faculty how integral their outreach and encouragement of first-generation student success can be to positive learning outcomes.⁸²

Undergraduate programs have worked to increase services targeting the academic success of first-generation college students.⁸³ Some schools have seen positive results emerge when university faculty and staff mentor first-generation students.⁸⁴ Other colleges have demonstrated successful student outcomes when adding wrap-around services beginning with bridge or expanded orientation programs, including financial education, and explaining strategies for academic success.⁸⁵ These support services are enhanced when they include programming for the parents of first-generation students.⁸⁶

Interestingly, colleges have measured improved academic performance for first-generation college students simply by sharing first-generation success stories.⁸⁷ Universities can give first-generation students “presentations and publications specifically for first-generation students that emphasize the behaviors common to successful first-generation students who have graduated from the institution.”⁸⁸ This intervention not only benefited the first-generation students participating,

⁷⁸ Krista M. Soria & Michael J. Stebleton, *First-generation students' academic engagement and retention*, 176 TEACHING IN HIGHER EDUC. 673, 679–80 (2012).

⁷⁹ Institute for Higher Education Policy, *Supporting First-Generation College Students Through Classroom-Based Practices*, at 9 (2012 Washington, DC).

⁸⁰ Nancy J. Garrison & Douglas S. Gardner, Conference Paper, Ass'n for the Study of Higher Educ. 48, 49 (Nov. 15, 2012), <http://files.eric.ed.gov/fulltext/ED539775.pdf>; Kelli Hutchens, Matthew Deffendall, & Michael Peabody, *Supporting First Generation College Students*, 1 KY. J. OF HIGHER EDUC. POL'Y AND PRAC. 1, 5.

⁸¹ Institute for Higher Education Policy, *Supporting First-Generation College Students Through Classroom-Based Practices*, at 14 (2012 Washington, DC); Nancy J. Garrison & Douglas S. Gardner, Conference Paper, Ass'n for the Study of Higher Educ. 48, 50 (Nov. 15, 2012), <http://files.eric.ed.gov/fulltext/ED539775.pdf>.

⁸² Mehta, S. S., Newbold, J. J., & O'Rourke, M. A., *Why do first-generation students fail?* COLLEGE STUDENT JOURNAL, 45(1), 30 (2011).

⁸³ KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at iii (Council of Indep. Colleges ed., 2013); Patricia Somers, Shawn Woodhouse, & Jim Cofer, *Pushing the Boulder Uphill: The Persistence of First-Generation College Students*, 41 NASPA J. 418, 430-31 (2004).

⁸⁴ Patricia Somers, Shawn Woodhouse, & Jim Cofer, *Pushing the Boulder Uphill: The Persistence of First-Generation College Students*, 41 NASPA J. 418, 430-31 (2004); KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at 24–27 (Council of Indep. Colleges ed., 2013).

⁸⁵ Graziella Pagliarulo McCarron & Karen Kurotsuchi Inkelas, *The Gap between Educational Aspirations and Attainment for First-Generation College Students and the Role of Parental Involvement*, 47 J. OF C. STUDENT DEV. 534, 546 (2006).

⁸⁶ Patricia Somers, Shawn Woodhouse, & Jim Cofer, *Pushing the Boulder Uphill: The Persistence of First-Generation College Students*, 41 NASPA J. 418, 430-31 (2004).

⁸⁷ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 290 (2005); KERRY J. STRAND, MAKING SURE THEY MAKE IT: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION STUDENTS 2, at 24–27 (Council of Indep. Colleges ed., 2013). An interesting success story that can be shared from legal education is that more than 15% of deans at ABA-accredited law schools identify as first-generation.

⁸⁸ Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 763 J. OF HIGHER EDUC. 276, 291(2005).

but also established that programs targeting first-generation college students often improve outcomes for all students.⁸⁹ Also successful are hope-based initiatives, which position faculty and staff familiar with the strengths of first-generation students to counsel students on how to develop and better utilize these gifts to their advantage in the academic setting.⁹⁰ Undergraduate programs that validate first-generation college students as capable students with valuable contributions have also proven successful at improving outcomes for these students.⁹¹

Universities focused on the success of first-generation college students can foster a culture prioritizing interdependence over independence. Such a culture shift is demonstrated to improve the academic performance of first-generation students with no adverse effect on other students.⁹² Such priorities not only build the sense of engagement for first-generation college students, but they also highlight skills demanded by modern employers.⁹³

Many undergraduate institutions have implemented a wide variety of programs aimed at improving the recruitment and retention of first-generation college students. While many interventions have proven successful, it is important to note that not all programs improve outcomes for first-generation students or their peers. Specifically, programs focused solely on providing remedial education to address academic deficits of first-generation students, without more, did not improve learning outcomes.⁹⁴ Such programs fail to help students leverage their unique assets or increase their social or cultural capital.

B. Post-Graduate 1G Success

Implementing programs for law school and other graduate programs that recruit first-generation students, assist them with completing their degrees, and provide a curriculum enabling them to succeed may be essential to increase access to professions such as law and medicine.⁹⁵ However, there is a distinct shortage of literature on first-generation students entering law school

⁸⁹ Nicole M. Stephens, MarYam G. Hamedani, & Mesmin Destin, *Closing the Social-Class Achievement Gap A Difference-Education Intervention Improves First-Generation Students' Academic Performance and All Students' College Transition*, 25 PSYCHOL. SCI. 943, 949-50 (2014) (investigating impact of attendance in one of eight moderated panel discussions, all featuring the same panel of eight demographically diverse college seniors, some of whom were first-generation students and others who were not, while controlling for race, ethnicity, gender, income, SAT scores, and high school GPA). In this program, the achievement gap between first-generation students and their peers was reduced by 63%. *Id.* at 948.

⁹⁰ Cyrus R. Williams, & S. Kent Butler, *A New Retention Variable: Hope and First-generation College Students*, COUNSELING OUTFITTERS (2010), https://www.counseling.org/docs/default-source/vistas/vistas_2010_article_11.pdf?sfvrsn=11.

⁹¹ See Brett Lunceford, *When First-Generation Students Go to Graduate School*, 127 NEW DIRECTIONS FOR TEACHING AND LEARNING 13 (2011) for challenges facing first-generation students entering graduate school.

⁹² Terenzini, P. T., Springer, L., Yaeger, P. M., Pascarella, E. T., & Nora, A., *First-generation college students: Characteristics, experiences, and cognitive development*, RESEARCH IN HIGHER EDUCATION, 37(1), 1-22, at 17 (1996).

⁹³ Stephens, *supra* note 68, at 2-3.

⁹⁴ *Id.*

⁹⁵ Cyrus R. Williams, & S. Kent Butler, *A New Retention Variable: Hope and First-generation College Students*, COUNSELING OUTFITTERS (2010), https://www.counseling.org/docs/default-source/vistas/vistas_2010_article_11.pdf?sfvrsn=11.

⁹⁶ See Brett Lunceford, *When First-Generation Students Go to Graduate School*, 127 NEW DIRECTIONS FOR TEACHING AND LEARNING 13 (2011) for challenges facing first-generation students entering graduate school.

or other graduate programs and how to adapt the curriculum accordingly.⁹⁶ A large majority, up to 76%, of first-generation students do not to pursue graduate degrees.⁹⁷ In fact, “the likelihood of first-generation students obtaining a graduate degree was less than that of students whose families included a college graduate (53% compared to 67%), and they were more likely to leave graduate study without a degree.”⁹⁸ Moreover, family educational patterns substantially impact graduate program selection.⁹⁹ The lack of social capital may mean first-generation students are less prepared in evaluating and choosing a graduate institution.¹⁰⁰ Many of these issues stem from a lack of matriculation, which may be resolved through improved recruitment and orientation.

As explained above, the challenges facing first-generation students in undergraduate programs can continue after their undergraduate experience. “At the start of graduate study, first-generation students should also be made aware that successful academic performance in some programs of study might require intense interaction with faculty and other students both in and out of the classroom. Making first-generation students aware of this expectation is important, since studies have shown that as undergraduates, first-generation students tend not to participate in activities that involve interacting with faculty.”¹⁰¹

First-generation students are less likely to pursue a doctoral degree than continuing-generation students.¹⁰² For those first-generation doctoral students, family encouragement, institutional financial support, mentoring, and advising are some of the most important factors in successfully earning their degrees.¹⁰³ Many first-generation doctoral students start from an inferior academic position compared to their peers: “among individuals who completed PhDs, first-generation students were less likely than their continuing-generation counterparts to have earned undergraduate degrees from research-intensive institutions or to have attended the most research-intensive universities for their graduate studies.”¹⁰⁴ Previous studies have “reported that first-generation students experienced challenges in navigating their doctoral programs, as they often did not know the ‘unspoken’ rules. They also experienced disconnects between their home and

⁹⁶ See generally Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: a Proven Success Model*, 70 ARK. L. REV. 913 (2018); cf. Laura P. Graham, *Generation Z Goes To Law School: Teaching and Reaching Law Students in the Post-Millennial Generation*, 41 U. ARK. LITTLE ROCK L. REV. 29 (2018) (evaluating the need to adapt the curriculum for generation Z without addressing any issues first-generation generation Z students will face in matriculating).

⁹⁷ Sandra E. Seay et al., *First-Generation Graduate Students and Attrition Risk*, 56 J. OF CONTINUING HIGHER EDUC. 10, 11 (2008).

⁹⁸ Sandra E. Seay et al., *First-Generation Graduate Students and Attrition Risk*, 56 J. OF CONTINUING HIGHER EDUC. 10, 11 (2008).

⁹⁹ Sandra E. Seay et al., *First-Generation Graduate Students and Attrition Risk*, 56 J. OF CONTINUING HIGHER EDUC. 10, 11 (2008).

¹⁰⁰ Karri A. Holley & Susan K. Gardner, *Navigating the Pipeline: How Socio-Cultural Influences Impact First-generation Doctoral Students*, J. OF DIVERSITY IN HIGHER EDUC. 112, 114–16 (2012).

¹⁰¹ Sandra E. Seay et al., *First-Generation Graduate Students and Attrition Risk*, 56 J. OF CONTINUING HIGHER EDUC. 10, 20 (2008).

¹⁰² Karri A. Holley & Susan K. Gardner, *Navigating the Pipeline: How Socio-Cultural Influences Impact First-generation Doctoral Students*, J. OF DIVERSITY IN HIGHER EDUC. 112, 112 (2012) (reporting that only 37% of doctoral students are first-generation).

¹⁰³ Karri A. Holley & Susan K. Gardner, *Navigating the Pipeline: How Socio-Cultural Influences Impact First-generation Doctoral Students*, J. OF DIVERSITY IN HIGHER EDUC. 112, 116-19 (2012).

¹⁰⁴ Josipa Roska, David F. Feldon & Michelle Maher, *First-Generation Students in Pursuit of the PhD: Comparing Socialization Experiences and Outcomes to Continuing-Generation Peers*, 89 J. OF HIGHER EDUC. 728, 730 (2018).

graduate program worlds, which affected their sense of belonging.”¹⁰⁵ Furthermore, “first-generation students also took longer to complete their doctoral degrees and acquired more debt in the process.”¹⁰⁶ First-generation doctoral students were also less likely to have published scholarly research during their second year when compared to their peers.¹⁰⁷ This study is consistent with the large body of scholarship on undergraduate experiences of first-generation students.¹⁰⁸ This research further suggested that first-generation students gain social capital of their own as they proceed through their doctoral programs. “In other words, as students progress through the educational system, the association between parental education and student outcomes becomes weaker.”¹⁰⁹

There is very little scholarship studying the experiences of first-generation college graduates in law school.¹¹⁰ The Indiana Center for Postsecondary Research surveys law students in the Law Student Survey of Student Engagement (“LSSSE”).¹¹¹ In 2014, the LSSSE reported that 27% of law students were first-generation college graduates.¹¹² Notably, first-generation college graduates made up an even larger contingent of the law student population enrolled in a part-time program—32%.¹¹³ The 2014 LSSSE compared the experiences of first-generation college graduates and their peers in law school regarding academic preparedness, educational debt, time management, and satisfaction with legal education.¹¹⁴

¹⁰⁵ Josipa Roska, David F. Feldon & Michelle Maher, *First-Generation Students in Pursuit of the PhD: Comparing Socialization Experiences and Outcomes to Continuing-Generation Peers*, 89 J. OF HIGHER EDUC. 728, 730 (2018).

¹⁰⁶ Josipa Roska, David F. Feldon & Michelle Maher, *First-Generation Students in Pursuit of the PhD: Comparing Socialization Experiences and Outcomes to Continuing-Generation Peers*, 89 J. OF HIGHER EDUC. 728, 730 (2018).

¹⁰⁷ Josipa Roska, David F. Feldon & Michelle Maher, *First-Generation Students in Pursuit of the PhD: Comparing Socialization Experiences and Outcomes to Continuing-Generation Peers*, 89 J. OF HIGHER EDUC. 728, 730 (2018).

¹⁰⁸ Josipa Roska, David F. Feldon & Michelle Maher, *First-Generation Students in Pursuit of the PhD: Comparing Socialization Experiences and Outcomes to Continuing-Generation Peers*, 89 J. OF HIGHER EDUC. 728, 730 (2018).

¹⁰⁹ Josipa Roska, David F. Feldon & Michelle Maher, *First-Generation Students in Pursuit of the PhD: Comparing Socialization Experiences and Outcomes to Continuing-Generation Peers*, 89 J. OF HIGHER EDUC. 728, 730 (2018) (“This finding is driven in part by a growing selection effect of first-generation students—those who persist to the next level are increasingly more selected. First-generation students in our sample were highly selected, having made it through all the prior levels of education and gained admission into a biology PhD program and defying commonly held assumptions and expectation.”)

¹¹⁰ See Karen Sloan, *First in Their Families: Nontraditional Law Students Find Support in Each Other*, THE NAT’L L. J., May 30, 2015 (discussing first-hand accounts and survey of challenges faced by first-generation college graduate law students); See also, AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf. The Indiana Center for Postsecondary Research (“ICPR”) conducts an annual survey of law students in the United States, Canada, and Australia in the Law Student Survey of Student Engagement (“LSSSE”). LSSSE: UNDERSTANDING LEGAL EDUCATION, <http://lssse.indiana.edu/who-we-are/> (last visited Aug. 12, 2016).

¹¹¹ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf. The 2014 study was conducted across seventy law schools with 21,173 students participating. *Id.* at 3. The average response rate per institution was 51%. *Id.* The LSSSE defined “first-generation” broadly to include students whose parents had not earned a four-year bachelor’s degree. *Id.* at 10.

¹¹² AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

¹¹³ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf. Part time law students in a four-year program were identified in the LSSSE survey as “4Ls.” *Id.*

¹¹⁴ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

The LSSSE report revealed that many of the challenges faced by first-generation college students as undergraduates persist into legal education.¹¹⁵ First-generation college graduates entering law school tend to do so with lower academic credentials than their peers.¹¹⁶ They have greater accumulated debt than their continuing-generation counterparts¹¹⁷ and work for pay during law school at higher rates than others.¹¹⁸

While first-generation college graduates generally continue along a path of lower academic achievement, these students have begun to shrink the disparity with the academic performance of their peers in law school. Notably, first-generation college graduates in law school devote more time preparing for their academic studies than their counterparts.¹¹⁹ The LSSSE survey suggests several possible explanations for the discrepancy in study times, including the possibility that first-generation college graduates may be competitively driven to work harder to overcome lower admissions credentials than their peers;¹²⁰ in other words, they demonstrate more grit. Additionally, counseling provided to first-generation college graduates in law school to raise their GPAs before graduation may explain the growth of this disparity over time.¹²¹ The 2014 LSSSE report also found that first-generation college graduates are more satisfied with their law school experience than their counterparts.¹²²

The University of Memphis Cecil C. Humphreys School of Law has operated the Tennessee Institute for Pre-Law (TIP) program for several decades, which provides a source of data by which to measure the success of first-generation interventions in legal education.¹²³ Participants receive wrap-around services to support their future success in law school through a five-week intensive academic program in a small group setting. Many of the features of the

¹¹⁵ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

¹¹⁶ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

¹¹⁷ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School at 2* (2018).

¹¹⁸ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

¹¹⁹ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

¹²⁰ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

¹²¹ AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf. Law schools often advise students of the positive correlation between GPA and bar passage and employment – both issues that tend to come into greater focus for students as they progress throughout the legal curriculum.

¹²² AARON N. TAYLOR ET AL., LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10, 11 (2014), http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf.

(“[d]espite the challenges facing first-generation students [in law school], they report being equally, if not more, satisfied with their law school experiences than other students”).

¹²³ Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: a Proven Success Model*, 70 ARK. L. REV. 913 (2018). TIP is an alternative admissions program that supports diverse individuals, including first-generation college graduates, denied admission to Memphis Law through the regular admissions process. Successful participants are offered admission to law school and provided additional support throughout their legal education, front-loaded to the first year. “Approximately three-fourths of first-generation college graduates participating in the TIP program from 2012 to 2016 successfully completed it.” Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: a Proven Success Model*, 70 ARK. L. REV. 913 (2018).

program include a transitional bridge program, small sections with faculty, development of a cohort, explanation of skills for academic success, and financial support.¹²⁴

One study of participants in the TIP program from 2012 through 2016 revealed that participants had relatively positive learning outcomes, earning grades contraindicated by traditional admissions metrics.¹²⁵ The first-generation college graduates who matriculated to law school at the end of the program persisted and graduated at very high rates.¹²⁶ Additionally, these students demonstrated relatively high bar pass rates, in some years outperforming their peers.¹²⁷ Thus, many of the successful interventions adopted by undergraduate institutions result in positive outcomes for law students, as well.

IV. FIRST GEN AS DISRUPTERS IN LEGAL EDUCATION

Many hierarchical obstacles have prevented first-generation students from matriculating to law schools in larger numbers before now and law schools have much to learn about educating this group. Millennials and Generation Z are much larger than Generation X that preceded them and they are going to college in greater numbers.¹²⁸ Moreover, approximately one-third of all undergraduates are first-generation college students.¹²⁹ Nonetheless, 75% of this first-generation population do not seek any type of graduate degree.¹³⁰

¹²⁴ Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: a Proven Success Model*, 70 ARK. L. REV. 913 (2018) (“In addition to core courses, TIP students participate in an academic support course entitled “Legal Studies” that teaches essential skills for academic success. They are also provided academic support via graduate assistants who serve as academic mentors. All participants receive additional resources that include a stipend, casebooks, free parking, Wi-Fi access, University e-mail accounts, printing, housing, and accommodations for disabled students.”).

¹²⁵ Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: a Proven Success Model*, 70 ARK. L. REV. 913 (2018) (“Generally, TIP applicants have comparatively lower admission index scores which predict poorer academic performance in the first year of law school than their non-first-generation college graduate peers. From 2012 through 2015, 64% [of the first-generation college graduates in the program] exceeded their admission index score, 29% fell below their admission index score, and 7% performed as predicted by their admission index score. In total, 71% of these students were in good standing and 86% were retained at the conclusion of their first year of law school.”).

¹²⁶ Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: a Proven Success Model*, 70 ARK. L. REV. 913 (2018) (“From 2012 to 2016, twenty-nine first-generation college graduates matriculated at the law school and 83% graduated or are currently enrolled, 10% were excluded, and 7% withdrew.”).

¹²⁷ Jacqueline M. O’Bryant & Katharine Traylor Schaffzin, *First-Generation Students in Law School: a Proven Success Model*, 70 ARK. L. REV. 913 (2018) (students participating in TIP from 2009-2013 achieved an 81% bar pass rate; of these, 85% passed on the first attempt).

¹²⁸ Richard Fry & Kim Parker, *Early Benchmarks Show ‘Post-Millennials’ on Track to Be Most Diverse, Best-Educated Generation Yet*, Pew Research Center (Nov. 15, 2018) <https://www.pewsocialtrends.org/2018/11/15/early-benchmarks-show-post-millennials-on-track-to-be-most-diverse-best-educated-generation-yet/>.

¹²⁹ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School at 2* (2018); Richard Fry & Kim Parker, *Early Benchmarks Show ‘Post-Millennials’ on Track to Be Most Diverse, Best-Educated Generation Yet*, Pew Research Center (Nov. 15, 2018) <https://www.pewsocialtrends.org/2018/11/15/early-benchmarks-show-post-millennials-on-track-to-be-most-diverse-best-educated-generation-yet/> (32% of Millennials and 43% of Generation Z have at least one parent with a bachelor’s degree).

¹³⁰ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School at 2* (2018).

Law degrees seem to fall even lower on the list than other graduate programs among first-generation college students. Only about 20% of the undergraduate students considering attending law school are first-generation college students.¹³¹ By comparison, half of all matriculated law students have at least one parent not only with an undergraduate degree, but also with a master's degree.¹³² That reality demonstrates an enormous gulf in social and cultural capital between first-generation college graduates entering law school and their peers.

There are myriad explanations for the disparity in first-generation enrollment in law school. One likely culprit is the gap in personal and family wealth between first-generation college graduates and their peers.¹³³ Economic pressures of comparatively larger educational debt likely force more first-generation college graduates into the workforce or entice these individuals into lucrative careers that may not require an advanced degree. Moreover, the academic disparities faced by first-generation college students presumably negatively impact law school admissions decisions, narrowing school selection and the availability of financial aid.¹³⁴ With the greatest amount of financial aid distributed to those with the highest LSAT scores and undergraduate GPAs, many first-generation college graduates are left to pay a greater percentage of their law school tuition than their peers, resulting in larger student loans than their counterparts.¹³⁵

Additionally, the social and cultural capital demanded of a first-generation college graduate at this stage in his or her educational career often exceeds the individual's assets. Sixty percent of law students received advice about law school from family, 50% from collegiate faculty and staff, 47% from collegiate advisors and counselors, and 42% from acquaintances in the legal field.¹³⁶ Lacking social capital, first-generation college graduates are far less likely to have access to such advice from family members or acquaintances in the legal field. Moreover, as 55% of law students considered attending law school before they even began college,¹³⁷ first-generation college students relying on the advice of collegiate faculty, staff, advisors, or counselors would seem to be at a temporal disadvantage compared to their peers.

First-generation college graduates represent a very large, growing, and untapped demographic eligible for recruitment to law school. These students largely possess intangible skills¹³⁸ that will make them great assets to the bar. But, current law school outreach, admissions, and educational practices often shut this population out. To tap into this community that holds the potential to diversify the profession for future generations,¹³⁹ law schools will have to move

¹³¹ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 2 (2018).

¹³² Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 2 (2018).

¹³³ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 2 (2018).

¹³⁴ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 2 (2018).

¹³⁵ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 2 (2018).

¹³⁶ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 4 (2018).

¹³⁷ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 4 (2018).

¹³⁸ See *supra* notes 53-54 and accompanying text for a list of positive attributes commonly associated with first-generation college students.

¹³⁹ See *supra* notes 32-35 and accompanying text for a discussion on the diverse demographic characteristics of first-generation college students.

beyond the status quo. The good news is that small changes can have a very big impact and practices altered to benefit first-generation college graduates are shown to benefit all students.¹⁴⁰

V. SOLUTIONS

Law schools have a wealth of information on which they can rely in recruiting, retaining, and graduating first-generation college graduates. As explained above, undergraduate institutions have been studying this population and testing interventional programs for decades. Many of these interventions can easily be adopted in legal education.

A. Recruiting 1G Students to Law School

As explained above, law schools are failing to attract first-generation college graduates to legal careers. Obstacles to recruiting first-generation college students can be characterized as related to lack of exposure to or information about the legal profession, lack of guidance on building a strong law school application over time, and financial pressures. Strategic pipelining, counseling, and financial aid programs could resolve many of these obstacles. Additionally, law faculty can make changes big and small that will improve learning outcomes for first-generation college graduates, as well as the entire student population.

Many law schools have been expanding pipelining programs in recent years and with good reason. Many of these programs focus on undergraduate or high school students. However, one-third of law students considered going to law school before entering high school.¹⁴¹ A successful pipelining strategy should target students early and maintain advising services throughout a student's educational career. First-generation students often face pushback from families concerned about the prolonged educational commitment of legal study, the educational debt accumulated over that period of time, and the earning potential of a career in the law. A successful pipelining program reaches potential students and their parents to demonstrate the benefits of a legal career while the student has ample time to make the academic choices necessary to improve his or her chances of admission and financial aid.

A wide variety of programs could serve as early exposure pipeline programs to legal education. Law schools can serve as hosts for middle school debate tournaments and high school mock trial competitions; faculty or students can also serve as coaches. Law schools can promote and integrate alternative dispute resolution into high school disciplinary programs. Summer leadership academies can operate to develop high school students. More common are college-level events and summer programs intended to counsel and recruit law students. Pipeline programs such as these create opportunities to expose a first-generation college student's family about what a legal education requires. Moreover, they expose young students to a potential legal education and open the door for further counseling opportunities.

Career goal counseling is essential to bridging the gap between first-generation college graduates in law school and those students with parents who hold advanced degrees. First-generation students need information about how to get to law school before they even select an

¹⁴⁰ Nicole M. Stephens, MarYam G. Hamedani, & Mesmin Destin, *Closing the Social-Class Achievement Gap A Difference-Education Intervention Improves First-Generation Students' Academic Performance and All Students' College Transition*, 25 PSYCHOL. SCI. 943, 949-50 (2014).

¹⁴¹ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School at 2* (2018).

undergraduate institution and commit to the accompanying educational debt. These students need to know what their undergraduate goals should be if they hope to later attend law school. These students will need help choosing a major and direction in developing the academic relationships that will help shape successful law school applications. Outreach and pipeline programs build relationships and allow law schools to offer themselves as resources for students in the years leading up to their law school applications. Offering counseling to students who may never attend the law school offering these services will, nevertheless, increase the pool of qualified law school applicants, potentially increasing the number of first-generation college graduates pursuing legal careers and further diversifying the profession. Individual schools stand to increase enrollment among this population and also to improve class profiles and increase diversity among their student bodies.

The earlier a potential student entertains the possibility of a legal education, the more time that individual has to build the strong foundation on which application and financial aid decisions will be made. With the goal of legal education established early, first-generation students can plan for debt and make financial aid decisions accordingly. They can also factor the reputation of undergraduate institutions into their cost-benefit analysis. These students can select challenging majors and remain motivated to perform well academically. They can take advantage of resources to improve LSAT performance and allow time to take that test more than once, if needed. They can build relationships with faculty resulting in strong letters of recommendation and they can seek guidance on preparing personal statements. All of these steps better position law school applicants for greater financial aid opportunities. With economic pressures and undergraduate debt unduly burdening first-generation college graduates as compared to their peers,¹⁴² early counseling can result in mitigating financial obstacles to legal education.

While early counseling can help increase a first-generation college graduate's chances of receiving financial aid, law schools can also invest in scholarships targeting this population. Reducing the expense of legal education through financial aid and scholarships will increase the number of applications law schools receive from this group. It will also allow law schools to track students who self-identify as first-generation. Such data can prove invaluable in examining the effectiveness of an individual law school's programming promoting the academic success of this population.

Recruiting first-generation college students presents a tremendous challenge. With collective efforts of law schools to expose young students to the legal profession and to provide educational and counseling resources to improve the chances that these students will be admitted to law school, the pool of first-generation college graduates choosing and matriculating to law schools will grow. This is a challenge for the legal community as a whole and will improve the profession by diversifying the demographics of the bar. Law schools will need the help of the bench and bar to maximize the results of such early intervention and recruitment strategies, from which the entire community stands to benefit greatly.

B. Retention & Graduation

While widespread recruitment efforts require investment in the interest and development of potential law students who may never matriculate to the school which supported them directly, efforts aimed at retaining students should result in more direct and concrete benefits to the schools

¹⁴² See *supra* notes 36-40 and accompanying text for a more detailed discussion of the economic challenges facing first-generation college students.

making the investment. These schools stand to increase retention and graduation rates, enjoying the benefits of additional tuition revenue as well, by expanding efforts to improve the legal learning outcomes of first-generation college graduates. Steps can be taken large and small to enhance the academic success rates of this population.

While first-generation college students may have made some strides in increasing their social and cultural capital by the time they enter law school, these deficits may reappear in law school because half of their peers not only have at least one parent who is a college graduate, but one who has at least a master's degree.¹⁴³ In other words, as first-generation college students increased their capital throughout undergraduate studies, they then move into an environment where the average minimum social and cultural capital levels have risen dramatically—the bar has been raised.

Bridge programs and expanded orientation programs can help prepare first-generation college graduates for the transition to law school. Such programs bring students onto campus for a week or more to allow students to become familiar with the space within which they'll be working and the resources available to help them along the way before the first day of class. These programs also aim to familiarize students with academic expectations in law school, to ensure they are prepared for the first day of classes and beyond. Programs can emphasize study skills and habits and offer opportunities for students to practice these skills before commencing the rigorous first-year curriculum. In each case, the goal is to raise the cultural capital of all students to the same baseline before academic studies begin.

Law schools can also strive to improve student outcomes by providing the types of wrap-around services to first-generation students that have proven successful in the undergraduate programs explained above. Schools can affirmatively offer student services to first-generation students, rather than waiting for the students to request those services. This proactive approach is impactful for first-generation college graduates because they may be delayed in first recognizing the need for assistance, identifying services available, and finally seeking those services out. The types of services offered could include academic success programming, academic advising, disability services assessment, registration assistance, mental health counseling, wellness programming, and financial aid advice. When services aimed at improving retention are brought to the student, the student is more likely to avail himself of those services and increase his chances of success.

Law schools can adapt many successful strategies for improving first-generation students' learning outcomes in the classroom. Many simple shifts in teaching can have great impact. Specifically, faculty can invite students to visit them during office hours; for the reluctant first-generation student, this can mean the subtle difference between an impersonal statement in a syllabus to an indication that the professor does not view such visits as an imposition. Faculty can explain to students the important function of the syllabus and what role it will play in the course; even better, faculty can explain that the syllabus may be a useful roadmap or outline of the course which students can use to organize their notes. Faculty can take a few minutes to explain to students why they selected the texts they did and how students can use the table of contents and relevant text to read the material contained therein more critically. Steps such as these do not require greater effort from faculty beyond what they've already prepared; a little explanation of that preparedness, however, goes a long way to helping first-generation college students better utilize these existing resources.

¹⁴³ Association of American Law Schools, *Highlights from Before the J.D.: Undergraduate Views on Law School* at 2 (2018).

Law schools can, of course, institute any level of greater investment in first-generation student success depending on the availability of resources. Academic support programs meant to intervene before students fall behind may be critical for many first-generation college graduates. Increased bar preparation programming is also likely to benefit this group. The good news is that investment in programs and interventions that benefit first-generation college graduates also benefit all students.

VI. CONCLUSION

Generation Z presents an opportunity for law schools to recruit the best educated and most diverse generation in history. With support from the bar, legal education can make major strides towards diversifying the profession by enrolling more first-generation college graduates from among this group. Because first-generation college graduates exhibit many intangible characteristics indicative of successful attorneys, law schools may indirectly improve the quality of legal services within the community by enhancing efforts to graduate these students.

To promote the academic success of first-generation college graduates, however, law schools must reflect on the effectiveness of the current delivery of this education, as colleges and universities have done. Law schools should consider reforming their programs to adapt many of the interventions that have proven effective in improving educational outcomes for first-generation students as undergraduates, as well as some of the few existing programs in graduate and professional schools. Interventions range from cost-neutral faculty professional development to greater financial investments through increased financial aid to first-generation applicants. Programming can help prepare this population for the admissions process as early as middle and high school, support successful transitions to law school through bridge programs, supply wrap-around academic success and other services during law school, and carry through past graduation to support students in preparing for the bar examination. At their core, effective interventions for first-generation college graduates in law school are holistic and good teaching practices that benefit both first-generation and continuing-generation students alike.