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HLS Student Government

POLICY PROPOSAL

Measure Socioeconomic Diversity

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Introduction

While the gender, racial, geographic, educational, and professional diversity of Harvard Law School is measured, its socio-economic diversity is shrouded in mystery. Despite a commitment to "promote, examine, and celebrate diversity," our school will be unable to live up to its promise without first providing information on socio-economic diversity.
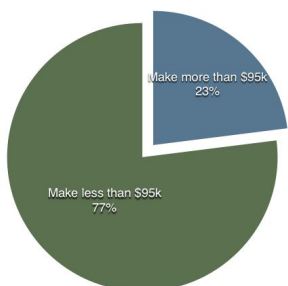
I.   Problem Statement: A Disturbing Portrait from Available Data

The office of Student Financial Services has limited data on the economic diversity of each admitted class. However, the data that has been released suggests that Harvard Law students are from much more wealthy backgrounds than the average American is.
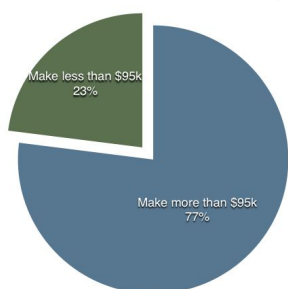
According to SFS' website, we know that 45% of HLS students qualify for Law School grant assistance.[1] Not much other data is known on the economic diversity of Harvard Law School, but if we assume that those who qualify for grant assistance comefrom families at the bottom 45% of some mix of the wealth and income bracket of the school, then we can roughly estimate some of the economic diversity of the school.[2] The median total income and median net worth of aid recipients at Harvard Law School is $95,000 and $175,000 respectively. This means, if we hold the assumption above, that the median income and median net worth of the bottom 45% of Harvard Law School is $95,000 and $175,000 respectively. This, in turn, means that 22.5% of Harvard students are from families whose income is less than $95,000 and net worth is less than $175,000, which, in turn, means that a whopping *77.5% of Harvard Law Students are from families that make more than $95,000 a year and have more than $175,000 in net wealth.*

Since the median family income of America is about $54,000,[3] this means that if you made the median family income in America and went to Harvard, you are at the

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[1] Harvard Law School, *Award Packages*, Harvard Law School Student Financial Services, https://hls.harvard.edu/dept/sfs/financial-aid-policy-overview/award-packages/

[2] Harvard Law School, *Should I Apply for Grant Aid?*, Harvard Law School Student Financial Services, https://hls.harvard.edu/dept/sfs/financial-aid/apply-for-aid/should-i-apply-for-grant-aid/.

[3] U.S. Census, *2011-2015 American Community Survey 5-year Estimates*, Census.gov

very least in the bottom quarter of the economic bracket of Harvard Law School.[4] Even if you were in the fourth quintile of American income (meaning ~80% of Americans make less than you), you would still be in the bottom quarter of the economic bracket Harvard Law School.[5]

Since the median net worth of America is $81,456, this means that if your family had the median net worth in America, you would still be in the bottom quarter of the economic bracket of Harvard Law School.[6] In fact, if your family had *double* the median net worth of American families, you would still be in the bottom quarter of the economic bracket Harvard Law School.

If this interpretation of the available information is correct, it would match trends at other Harvard schools. In "Mobility Report Cards: The Role of Colleges in Intergeneraitonal Mobility," Stanford's Raj Chetty, Berkeley's Emmanuel Saez and others found in February 2017 that among Harvard College students born between 1980 and 1982, 70.3% of students' parents were from the top 20% of the income bracket. In fact, more students' parents were from the Top 1% of the income bracket (15.4% of students' parents) than were in the bottom 40% combined.[7]
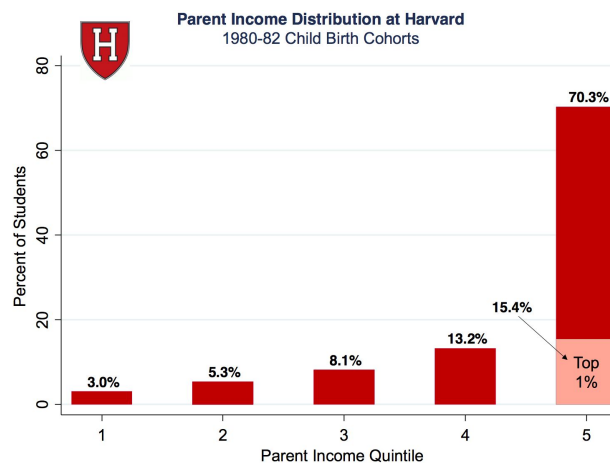
This interpretation of the available information also matches findings about prominent law schools' generally. UCLA law professor Richard Sander found than 75% of students in the top 20 American law schools are from the top 25% of the economic

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[4] Pie charts' reference to $90,000 household income being at the 75th percentile in the United States sourced to: Jeremy White, Robert Gebeloff, and Ford Fessenden, What Percent Are You?, *The New York Times*, http://www.nytimes.com/interactive/2012/01/15/business/one-percent-map.html.

[5] *Household Income Quintile*, Tax Policy Center, Statistics, http://www.taxpolicycenter.org/statistics/household-income-quintiles.

[6] PK, *Net Worth in the United States: Zooming in on the Top Centiles*, Don't Quit Your Day Job, https://dqydj.com/net-worth-in-the-united-states-zooming-in-on-the-top-centiles/ citing: 2013 Survey of Consumer Finances by Board of Governors of the Federal Reserve System, https://www.federalreserve.gov/econresdata/scf/scfindex.htm.

[7] Raj Chetty, John N. Friedman, Emmanuel Saez, Nicholas Turner, Danny Yagan, *Mobility Report Cards: The Role of Colleges in Intergeneraitonal Mobility* (2007), http://www.equality-of-opportunity.org/assets/documents/coll_mrc_slides.pdf.

bracket. Even more, over 50% of these students come from the top 10% of the income bracket. Only 2 percent come from the bottom 25% of the income bracket. [8]

If the assumptions based on available data is true -- if Harvard Law's socioeconomic diversity resembles that of other Harvard schools or other top law schools -- a disturbing portrait is painted. The schools are socioeconomically homogenous and fail to help low-income students climb up the ladder.

II.   Policy Proposal: Measuring Economic Diversity Internally

One cannot begin to address -- to use the words of our own Community Engagement and Equity office -- "promoting, examining and celebrating" our school's economic diversity if we have no data on if that diversity is even present. We therefore recommend the following:

1. **Measure Socio-Economic Diversity:**

    The Harvard Law admissions office should measure and publish the socio-economic diversity of each admitted class. Currently the gender, race, educational, and geographic makeup of each newly-admitted class is measured and published.[9] The same should be extended to socio-economic diversity.

    Measuring socio-economic diversity is not as simple as measuring, say, geographic diversity. However, there is a vast literature on the nuances of measuring socio-economic diversity. For example, as the literature points out -- and as the Student Financial Services Office knows in allocating financial aid -- measuring students' current income upon admission would not be fruitful in identifying their socio-economic status, given that those from families with a high socio-economic status may still have a low income in their mid-20's. Harvard sociologist Robert Putnam, for example, argues in *Our Kids: The American Dream in Crisis* that the salient divide is whether one's parents finished college or not.

    Given this, various questions should be measured and published, possibly including: *current income, parents' income, parents' educational status, high*

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[8] Debra Cassens Wiss, Study Finds 'Lopsided' Concentration of Socioeconomic Elites at Law Schools, ABA Journal, http://www.abajournal.com/news/article/study_finds_lopsided_concentration_of_socioeconomic_elites_at_law_schools/

[9] http://hls.harvard.edu/dept/jdadmissions/apply-to-harvard-law-school/hls-profile-and-facts/

school type (public/private/etc.), median income of county where they attended high school, etc. Whichever is specifically chosen, more public data will aid in fulfilling our commitment to socioeconomic diversity.

2. **Incorporate Socio-Economic Diversity into Admissions process:**

Once an adequate measurement system is established, that system should not solely be applied retrospectively to current classes but also prospectively as new classes are crafted by the J.D. Admissions Office. Though of course that information would have to be gathered from applicants in a respectful way, it would not be unprecedented: racial and gender data is currently gathered from applicants in the interest of ensuring diversity.

3. **Set Socio-Economic Diversity Goals:**

Once a system is in place to gather socio-economic data from applicants, the J.D. Admissions Office would have the power to set socio-economic diversity goals for each incoming class. For example, if we are disturbed by Sanders' finding that only 2% of students at top law schools come from the bottom 25% of the income bracket, Harvard Law School could set a goal of admitting, say, 25% (or some other level) of its students from the bottom 25% of the income bracket.

Conclusion

Dean Martha Minow has stated that "modeling and cultivating honest and engaged discussion across lines of difference is not only our best practice . . . it is our commitment to make good on the privileges that the Harvard Law School enjoys, reflects, and bestows." This honest and engaged discussion across the socioeconomic line of difference is not possible if there are not enough students admitted to Harvard Law School from one side of that line. However, if we measure socioeconomic diversity, incorporate that measurement into the admissions process and set socio-economic diversity goals for each admitted class, we can better ensure that that is not the case.