

Groundbreaking Study of 6,500 Law Students Proves Mismatch Theory and Exposes Racial Preference Harm, Claims Law Professor



A controversial law professor, Richard Sander, has claimed that data on about 6,500 law students at four law schools strongly support his "academic mismatch" theory. According to Sander, law students with lower qualifications than their peers fall behind and have worse outcomes in a learning environment geared toward better-qualified students. Sander, a professor at the University of California at Los Angeles School of Law, claims his theory has been bolstered by a recent study indicating that racial preferences can harm the minority students they were supposed to help.

The study Sander conducted with Robert Steinbuch, a professor at the University of Arkansas at Little Rock's law school, analyzed the bar exam pass rates of law students at three different types of law schools: elite, near-elite, and non-elite. The researchers found that a student's degree of mismatch in law school is the strongest predictor of whether they will pass a bar exam on the first attempt. Sander published a chart to illustrate his findings, which showed that at UCLA, an elite law school, only 22% of students with a middling Law School Admission Test (LSAT) score of 152 passed the bar on the first try. By contrast, at the near-elite law school, the University of California at Davis School of Law, 51% of students passed their first bar exam. At the non-elite law school, the University of Arkansas at Little Rock William H. Bowen School of Law, 79% of students with that scoring range passed the bar the first time.

Sander claims that his findings indicate that mismatch can account for two-thirds to three-quarters of the Black-white gap in bar exam passage rates and more than half of the Hispanic-white gap. He noted that "race-specific effects completely disappear" when the study controls for mismatch, LSAT score, and undergraduate grade point average.

Sander's theory of academic mismatch has been controversial since he first introduced it in a law review article. According to Sander, affirmative action policies that give preference to minority students in law school admissions can result in those students being admitted to schools where they are academically mismatched. Sander claims that this mismatch can lead to lower grades, less engagement in class, and ultimately, poorer outcomes on the bar exam and in the legal profession.

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Critics of Sander's theory argue that it ignores the social and psychological benefits of diversity in the classroom and the legal profession. They also question the validity of Sander's data and methods, pointing out that his study only looked at three law schools and may not represent them as a whole.

Despite the controversy, Sander's theory has impacted the legal profession. Sander's study has not yet been published but has sparked debate among legal scholars and policymakers. Some argue that the study provides further evidence of the need to reform affirmative action policies in higher education. Others warn against using Sander's findings to justify rolling back affirmative action, arguing that diversity in the legal profession is essential to ensuring equal justice under the law.