ARTICLE

PROFESSORS CURE, ACADEMIC SUPPORT CARES: *THE POTENTIAL ROLE OF ACADEMIC SUPPORT IN INCREASING GRADUATION RATES AT LAW SCHOOLS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES*

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Introduction

In times where legal education is evolving, academic support at law schools has become more important. Academic Support Programs (ASP) help law students improve the skills required to succeed in law school. Academic support educators are usually in charge of 1) teaching customized workshops that are structured to meet the learning needs of the first-year law students (1Ls)[2]; 2) teaching bar preparation courses[3]; 3) coaching bar takers and providing personalized study schedules; 4) managing tutorials; and 5) working one-on-one with at-risk students through counseling and advising.[4] Furthermore, academic support educators prepare handouts and give lectures always considering the connection between the students' own knowledge, learning abilities, the subject matter, and the Bar Exam. Through guiding and coaching, academic support educators help nurture students' interests in the most challenging subjects. They also give students personalized feedback on how to improve their writing and test-taking skills. Finally, academic support educators collaborate closely with faculty to evaluate students' strengths and weaknesses by giving quizzes and questions that mimic those in the Bar Exam.

This article examines the vital role of academic support in law schools at Historically Black Colleges and Universities, where minorities and the underprivileged are the vast majority.[5] The article consists of three parts. Part 1 defines Historically Black Colleges and Universities (known as "HBCUs"[6]) and briefly examines their history and evolution.[7] We begin with the historical background behind the creation and evolution of HBCUs because a look into the present status of HBCUs is incomplete without an

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[2] Louis N. Schulze Jr., *Alternative Justifications for Law School Academic Support Programs: Self-Determination Theory, Autonomy Support, and Humanizing the Law School*, 5 CHARLESTON L. REV. 269, 317 (2011).
[3] *See generally Take Charge!*, HOWARD UNIV. SCH. OF L., https://library.law.howard.edu/bar/ (last visited Oct. 2, 2021).
[4] *Id.*
[5] 20 U.S.C.A. § 1061(2) (West 2008) (defining an HBCU as "... any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation . . .").
[6] *See* 20 U.S.C.A. § 1061(2) (West 2008).
[7] *See infra* Part I.

understanding of their past. Historically, African Americans were generally denied admission to traditionally white institutions (TWI), even after the establishment of HBCUs.[8] Because of this, "HBCUs became the principal means for providing postsecondary education to black Americans."[9] HBCUs remain an important part of the African American community as these institutions offer an environment free from racial tensions and discrimination.[10]

Part 2 of this article examines how some public undergraduate institutions were able to close the graduation gap between minority and non-minority students.[11] The reason behind this in-depth examination is to assist us with drawing from the experience of these successful programs that can be implemented at HBCUs to better help minority students.[12] The achievement gap represents "the disparity in academic achievement between minority and disadvantaged students and their white counterparts."[13] The focus of this article is on public, nonprofit institutions because two-thirds of minority students who attend a four-year college attend a public institution.[14] Examining ASP at these successful institutions provides useful lessons that could help law schools at HBCUs better serve their students.[15] It is important to note that, in discussing ways to close the graduation gap between minority students and non-minority students in undergraduate institutions, this article does not look at the admissions criteria. There is also no consideration on whether non-minority students are doing better or worse than minority students. The focus is on how academic support programs are helping minority students succeed in undergraduate institutions and thus reducing the graduation gap. In other words, this article is only looking at colleges that narrowed gaps by making gains in graduation rates among minority students,

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[8] *Historically Black Colleges and Universities and Higher Education Desegregation*, U.S. DEP'T OF EDUC. (2019), https://www2.ed.gov/about/offices/list/ocr/docs/hq9511.html [hereinafter *Higher Education Desegregation*] (last visited Jun 18, 2019).
[9] *Id.*
[10] *See generally* 3 CYNTHIA JACKSON & ELEANOR F. NUNN, HISTORICALLY BLACK COLLEGES AND UNIVERSITIES: A REFERENCE HANDBOOK (Danny Weil ed., 3rd ed. 2003).
[11] *See infra* Part II.
[12] *See infra* Part II.
[13] Andy Porter, *Rethinking the Achievement Gap*, PENN GSE, https://www.gse.upenn.edu/news/rethinking-achievement-gap (last visited Dec 19, 2019).
[14] *See generally* Jennifer Engle & Christina Theokas, *Top Gap Closers: Some Public Four-Year Colleges and Universities Have Made Good Progress in Closing Graduation-Rate Gaps*, THE EDUC. TR. (Jan. 2010), https://files.eric.ed.gov/fulltext/ED511865.pdf.
[15] *Id.*

while either keeping graduation rates for non-minority students steady or by improving rates among these students as well.

Finally, Part 3 of this paper discusses how ASP can help faculty and students at HBCUs law schools drawing from the experience of successful programs that other public undergraduate institutions have implemented in order to close the graduation gap.[16]

This article has two intended audiences. First, the administration and faculty at HBCUs and any other institution seeking to reduce the graduation gap between minority and non-minority students. Second, academic support programs educators at law schools who will find a framework to reconstruct the programs that they offer to better help their students.

I.   HBCUs Defined

In this part of the article, we review the historical background behind the creation and evolution of HBCUs. This is necessary because a look into the present status of HBCUs is incomplete without an understanding of their past. HBCUs were founded to give African American students an option for higher education.[17] 20 U.S.C.A. § 1061(2) defines an HBCU as:

> ". . . any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation . . ."[18]

HBCUs are private and public two-year, four-year, graduate, and professional degree institutions. [19] HBCUs were established to serve the educational needs of African Americans.[20] As a result, HBCUs became the principal means for providing postsecondary education to African Americans.[21] HBCUs provide

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[16] *See infra* Part III.
[17] *Higher Education Desegregation, supra* note 8.
[18] *See* 20 U.S.C.A. § 1061(2) (West 2008).
[19] *Higher Education Desegregation, supra* note 8.
[20] *Higher Education Desegregation, supra* note 8.
[21] *Higher Education Desegregation, supra* note 8.

something young African Americans may never experience elsewhere in their lives - a space free of racial tensions and discrimination. [22]

A.   The Creation of Historically Black Colleges and Universities

Before HBCUs were established, African Americans were often denied admission to many colleges and universities which were TWIs. The issue of African American admission into these institutions continued for many years and HBCUs were created as a result of the discriminatory laws and practices of the white society [23]

In 1871, Alcorn College, now Alcorn State University, became the first black land-grant institution under the Morrill Act of 1862.[24] This act authorized the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanical arts.[25] Subsequently, the Morrill Act of 1890 which required that funds be distributed in a just and equitable manner, further strengthened the separate but equal system.[26] This dual education system was established wherein African American children attended school with other African American children, and Caucasian children attended school with other Caucasian children.[27] In 1896, this separate but equal system was upheld by the Supreme Court of the United States in *Plessy v. Ferguson*.[28] The Court in *Plessy* held that a Louisiana statute that provided for separate railway carriages for African Americans and Caucasians neither violated the Fourteenth [29] The Court stated that "[t]he object of the [Fourteenth] Amendment was undoubtedly to [ensure] the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish

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[22] JACKSON, *supra* note 10, at 3.

[23] *Higher Education Desegregation, supra* note 8.

[24] Eligio Martinez, *Alcorn State University (1871-),* BLACKPAST.ORG (Nov. 30, 2009) https://www.blackpast.org/african-american-history/alcorn-state-university-1871.

[25] 7 U.S.C.S. § 301 (1862).

[26] Genevieve K. Croft, *The U.S. Land-grant University System: An Overview*, CONG. RSCH. SERV. (Aug. 29, 2019), https://sgp.fas.org/crs/misc/R45897.pdf.

[27] Linda Darling-Hammond, *Unequal Opportunity: Race and Education*, BROOKINGS INST. (Mar.   1,   1998),   https://www.brookings.edu/articles/unequal-opportunity-race-and-education/.

[28] Plessy v. Ferguson, 163 U.S. 537, 544 (1896).

[29] *Id.*

distinctions based upon color." [30] Justice Brown, writing for the Supreme Court's seven-to-one majority said:

> "Laws permitting, and even requiring, their separation, in places where they are liable to be brought into contact, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced."[31]

Thus, *Plessy* indicates that twenty-eight years after the ratification of the Fourteenth Amendment in 1896, racially segregated public schools were not only permitted but had even become commonplace throughout the states.[32] Some sixty years later, "by 1953, more than 32,000 students were enrolled in such well known private black institutions as Fisk University, Hampton Institute, Howard University, Meharry Medical College, Morehouse College, Spelman College, and Tuskegee Institute, as well as a host of smaller black colleges located in southern and border states."[33] The Ninth Circuit's rationale in *Westminster v. Mendez*[34] may have paved the path for *Brown v. Board of Education* (Brown I) which held that segregation of educational facilities denied African American children equal protection of the law guaranteed by the Fourteenth Amendment.[35] The Court, however, did not determine the manner in which relief would be provided.[36] The Court in Brown II placed the responsibility of dismantling dual segregated school systems and effectuating the transition to a unitary school system "with all

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[30] *Id.*

[31] *Id.*

[32] Steven G. Calabresi & Michael W. Perl, *Originalism and Brown v. Board of Education*, 3 MICH. STATE L. REV. 429, 509 (2014).

[33] *Higher Education Desegregation, supra* note 8.

[34] *See* Westminster Sch. Dist. v. Mendez, 161 F.2d 774, 776 (9th Cir. 1947) (analyzing the challenge of the informal policies of four Southern California school districts that required Mexican American students to attend separate schools).

[35] Brown v. Bd. of Educ., 347 U.S. 483, 495 (1954).

[36] Brown v. Bd. of Educ., 349 U.S. 294, 301 (1955).

deliberate speed" on school authorities. [37] However, the decision in *Brown* did not solve many issues as HBCUs generally remained segregated, had significantly smaller budgets, and downtrodden facilities when compared to TWIs.[38]

Another period that greatly affected HBCUs began in 1977. In *Adams v. Califano,* the National Association for the Advancement of Colored People (NAACP) sued the Department of Health, Education, and Welfare (HEW) for "fail[ing] to enforce Title VII of the 1964 Civil Rights Act with respect to public higher education systems in ten states[.]"[39] In *Adams,* the court concluded that, in violation of Title V, Secretary Califano was "continuing to grant federal aid to public higher education systems which had not achieved desegregation or submitted acceptable and adequate desegregation plans" in several states.[40] The court found that the desegregation plans submitted by the state systems of higher education and accepted by the Secretary failed to meet the requirements earlier specified by the Secretary.[41] The court ordered the Secretary to notify the states at issue that the higher education desegregation plans submitted by them were not adequate to comply with Title VI.[42] The Secretary was also ordered to require the states to submit a revised desegregation plan within a certain time frame.[43]

In the 1980s, fourteen states, along with the Office of Civil Rights, made plans to remove "vestiges of segregation" in response to being cited for violations of Title VI.[44] However, since the initiation of this legislation, little has been done to desegregate student enrollment, desegregate faculty and governing boards, and disestablish the structure of the dual system.[45]

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[37] *Id.*

[38] *Higher Education Desegregation, supra* note 8.

[39] Adams v. Califano, 430 F. Supp. 118, 119 (D.D.C. 1977).

[40] *Id.* at 120.

[41] *Id.*

[42] *Id.* at 121.

[43] *Id.*

[44] *See generally* Daniel J. McMullen & Irene Hirata McMullen, *Stubborn Facts of History – The Vestiges of Past Discrimination in School Desegregation Cases,* 44, 1 Case W. Rsrv. L. R. 75, 99, 111 (1993).

[45] *Id.* at 88-89.

HBCUs were critically important in giving minority groups the opportunity at a postsecondary education.[46] It was clear that in order for freed slaves to become competitive workers after years of forced ignorance, some formal system of education was imperative.[47] During this time, "both the North and the South had needs for a low-paid, intellectually noncompetitive labor force."[48] In the north, HBCUs were founded based on Caucasians' need for African Americans in the labor force and the African Americans desire to advance their people through education.[49] In the south, however, public HBCUs were created for a number of reasons - so states could receive millions of dollars in federal funds, reduce vocational training in African American communities, and limit African Americans enrollment in TWIs.[50]

B.   Historically Black Colleges and Universities Today

As of 2018, there were over one hundred HBCUs spanning nineteen states and the U.S. Virgin Islands.[51] Of these HBCUs, just over half were public institutions.[52] Meanwhile, student enrollment increased from 233,000 to 327,000 between 1976 and 2010 yet declined to just under 300,000 between 2010 and 2017.[53]

II.   Closing the Graduation Gap between Minority Students and Non-minority Students

This part of the paper addresses how different public undergraduate institutions have implemented academic support programs to help minority students succeed and thus reducing the graduation gap between minority and non-minority students attending such universities. This close examination of ASP at these public undergraduate institutions provides important and practical lessons, which can then be employed at HBCUs where minorities

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[46] MICHAL KURLAENDER & STELLA M. FLORES, HIGHER EDUCATION AND THE COLOR LINE 12-13 (Gary Orfield, Patricia Marin & Catherine L. Horn eds., 2005).
[47] CLAUD ANDERSON, BLACK LABOR, WHITE WEALTH: THE SEARCH FOR POWER AND ECONOMIC JUSTICE 160 (2nd ed. 1994).
[48] *Id.* at 160-161.
[49] JACKSON, *supra* note 10, at 6.
[50] JACKSON, *supra* note 10, at 13.
[51] *Fast Facts: Historically Black Colleges and Universities*, NAT'L CTR. FOR EDUC. STAT., https://nces.ed.gov/fastfacts/display.asp?id=667 [hereinafter *Fast Facts*] (last visited June 18, 2019).
[52] *Id.*
[53] *Id.*

constitute the majority of the student body.[54] In this article, the term non-minorities refers to whites while minorities are African Americans and Hispanics. According to the U.S. Census Bureau, as of 2019, African Americans make up just over 13 percent of the overall U.S. population while Hispanics a little over 18 percent.[55] Hispanic, for these purposes, is defined as "[a] person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race."[56] Black or African American is defined as a "person having origins in any of the black racial groups of Africa."[57] White or Caucasian, on the other hand, is defined as "a person having origins in any of the original peoples of Europe, the Middle East, or North Africa. It includes people who indicate their race as 'White' or report entries such as Irish, German, Italian, Lebanese, Arab, Moroccan, or Caucasian".[58] Whites or Caucasians constituted just over 75 percent of the overall U.S. population as of 2019.[59]

A. The Graduation Gap between Minority Students and Non-minority Students at Undergraduate Public Nonprofit Colleges and Universities

The graduation gap is the "disparity in academic achievement between minority and disadvantaged students and their white counterparts."[60]

According to the National Center for Educational Statistics (NCES), undergraduate students are those "registered at an institution of postsecondary education who are working in a baccalaureate degree program or other formal program below the baccalaureate, such as an associate's degree, vocational, or technical program."[61] A bachelor's degree is defined

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[54] *See id.*
[55]   *QuickFacts: United   States,*   U.S.   CENSUS   BUREAU, https://www.census.gov/quickfacts/fact/table/US/PST045218 [hereinafter *Quick Facts*] (last visited Dec. 5, 2019).
[56] *Definitions for New Race and Ethnicity Categories,* INTEGRATED POSTSECONDARY EDUC. DATA SYS., https://nces.ed.gov/ipeds/report-your-data/race-ethnicity-definitions (last visited Dec. 16, 2017).
[57] *Id.*
[58] *Id.*
[59] *Quick Facts, supra* note 55.
[60] Porter, *supra* note 13.
[61] Cristobal de Brey et al., *Status and Trends in the Education of Racial and Ethnic Groups*

as "[a] degree granted for the successful completion of a baccalaureate program of studies, usually requiring at least 4 years (or equivalent) of full-time college-level study," including "degrees granted in a cooperative or work-study program."[62] The focus of this article is on public nonprofit institutions because the majority of minority four-year students attend these institutions.[63] Gaps in degree attainment can be explained in two ways: gaps in college-going rates and racial disparities in student success.[64] Furthermore, "the national gap is not simply the accumulation of all graduation rate gaps between groups of students at individual institutions."[65] Less selective institutions typically have low graduation rates and are disproportionately attended by African American and Latino students, ultimately contributing to this gap.[66] The lower graduation rates at these less selective institutions have a significant impact on the overall graduation rates for Latino students due to the substantial share of Latino students that attend low-completion rate institutions.[67]

These gaps in education attainment levels ultimately prevent certain racial and ethnic groups from contributing to the economy.[68] Educational attainment levels are measured as the highest degree or other academic diploma or certificate earned by a given individual at a given point in time, such as a specific year.[69] It is important to note that in discussing ways to close the graduation gap between minority students and non-minority students in public undergraduate institutions, this article does not look at admissions criteria. There is also no consideration on whether non-minority students are doing better or worse than minority students. The only determinative factor is how academic support programs are helping minority

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2018, NAT'L CENT. FOR EDUC. STAT. 1, 207 (Feb. 2019), https://nces.ed.gov/pubs2019/2019038.pdf.

[62] *Id.* at 201.

[63] Engle & Theokas, *supra* note 14, at 1.

[64] *Id.*

[65] Andrew Nichols, *A Look at Latino Student Success: Identifying Top- and Bottom-Performing Institutions,* THE EDUC. TR. 1, 3 (2017), https://s3-us-east-2.amazonaws.com/edtrustmain/wp-content/uploads/2018/10/02135855/Latino_Success_Report_Final_HR.pdf (last visited Dec. 16, 2019).

[66] *Id.*

[67] *Id.*

[68] Lorelle L. Espinosa, Jonathan M. Turk, Morgan Taylor, & Hollie M. Chessman, *Race and Ethnicity in Higher Education: A Status Report*, AM. COUNCIL ON EDUC. 1, 93 (2019), https://vtechworks.lib.vt.edu/bitstream/handle/10919/89187/RaceEthnicityHighEducation.pdf?sequence=1&isAllowed=y.

[69] *Id.* at 8.

students succeed in public undergraduate institutions and thus closing the graduation gap. In other words, this article examines colleges that narrowed gaps by making gains in graduation rates among minority students, while either keeping graduation rates for non-minority students steady or by improving rates among these students as well.

From 1976 to 2016, Hispanic students enrolled in degree-granting postsecondary institutions increased from 4 percent to 18 percent of all U.S. residents.[70] Meanwhile, African American student enrollment has increased to 14 percent in 2016, up from 10 percent in 1976.[71] However, in 2011, African Americans made up 15 percent of all students enrolled in the U.S., demonstrating a slight decline in enrollment from 2011 to 2016.[72] As for attainment, 55.7 percent of Hispanic students completed a credential within six years of first enrolling in the Fall 2011 cohort in public four-year institutions, while African American students had the lowest total completion rate of any group, with less than half completing a credential within six years (46.0 percent).[73] For the same Fall 2011 cohort, completion rate for Caucasians at public four-year institutions was 71.1 percent.[74] Meanwhile, the rate of Hispanic, Asian/Pacific Islander, and African American students is increasing in American institutions.[75] This increase is notable, however, progress has been slow and a significant gap in graduation rates still exists between Latino students and Caucasian students.[76] In addition to a 10 percent gap between Latino students and Caucasian students, there is also a 25 percent graduation gap between African American students and Caucasian students.[77]

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[70] THOMAS D. SNYDER, CRISTOBAL DE BREY & SALLY A. DILLOW, DIGEST OF EDUCATION STATISTICS 2017, 380 (53rd ed. 2019), https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018070 [hereinafter *Digest*].

[71] *Id.*

[72] *Id.* at 380-81.

[73] ESPINOSA, ET AL., *supra* note 69, at 101 (This report provides a data-informed foundation for those working to close persistent equity gaps by providing a comprehensive review of the educational pathways of today's college students and the educators who serve them. The 2019 report examines over 200 indicators, including looking at who gains access to a variety of educational environments and experiences, and how these trajectories and their outcomes differ by race and ethnicity).

[74] *Id.*

[75] *Fast Facts*, *supra* note 51.

[76] *See* Nichols, *supra* note 66.

[77] *Higher Education Desegregation*, *supra* note 8.

B. A Survey of Public Institutions that Reduced the Graduation Gap Between Minority Students and Non-minority Students

This paper surveys a few public institutions that were able to close the achievement gap between minority and non-minority students. Indeed, it is not how diverse a school campus is but how minority students are treated.

The University of Minnesota Rochester (UMR) is an example of an institution that is closing the graduation gap and it attributes its success to a host of academic success innovations.[78] UMR is upending the formalities of tutoring by creating "JustASK".[79] As explained on its website, "JustASK is where current students go to ask questions, get suggestions, talk about strategies and discover solutions."[80] With JustASK, faculty members take a forward approach and assemble in areas with high foot traffic for multiple hours a day to answer students' questions.[81] Undoubtedly, this makes the professors more approachable. UMR runs another academic success program that is called "Student Success Coaches," where "every student in the Bachelor of Science of Health Sciences (BSHS) and Bachelor of Sciences in Health Professions (BSHP) programs is assigned a Student Success Coach."[82] Student Success Coaches provide academic coaching, career coaching, life coaching, and pre-health coaching.[83] As described by UMR, Student Success Coaches "embrace a holistic approach, encourage and model

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[78] *University of Minnesota-Rochester Graduation Rates*, COLL. RESULTS ONLINE, http://www.collegeresults.org/search1a.aspx?institutionid=456959. (In 2017, the six-year graduation rate for University of Minnesota Rochester by race and ethnicity was 70% for African Americans and 56.3 for underrepresented minorities with 64.2% for Caucasians. This information is according to data from the College Results Online (CRO) by the Education Trust. CRO is an interactive, user-friendly web tool designed to provide policymakers, counselors, parents, students, and researchers with information about college graduation rates for nearly any four-year college or university in the country. This information reveals that some colleges do a much better job of graduating students than others. It also shows that at many colleges, significant gaps exist in graduation rates between Caucasian students and students of color).

[79] *See Just Ask*, UNIV. OF MINN. (2020), https://r.umn.edu/academics-research/academic-resources/just-ask.

[80] *Id.*

[81] *Id.*

[82] *Student Success Coaches*, UNIV. OF MINN. (2002), https://r.umn.edu/academics-research/academic-resources/student-success-coach.

[83] *Id.*

an appreciation of diversity, promote engagement, support and promote a proactive mindset, and strive for meaningful, authentic relationships."[84]

Georgia State University (GSU) is another public institution where the graduation rate for African Americans and Latinos exceeds that for Caucasians.[85] At GSU, tutorial programs are held by students and offered to all students who are having problems understanding class assignments or needing to improve a particular skill.[86] Furthermore, GSU offers an academic support program that is directed toward specific students, called TRIO Student Support Services (SSS).[87] TRIO SSS aims to increase the academic potential of participants and is provided at no cost to eligible students.[88] TRIO SSS focuses on students who demonstrate academic need and "are either first-generation college students and/or, demonstrate financial need (or low income status) and/or have a documented disability," with documentation on file in the Office of Disability Services.[89]

The University of North Carolina Greensboro (UNCG) is yet another example.[90] The University's Student Success Center offers the same TRIO SSS program that is offered at GSU.[91] However, it also offers tutorial programs through the Academic Achievement Center (AAC).[92] The tutoring at UNCG is facilitated by a trained, faculty-recommended tutor that is free to

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[84] *Id.*

[85] *Georgia State University Graduation Rates*, COLL. RESULTS ONLINE (2017), http://www.collegeresults.org/search1a.aspx?institutionid=139940 (finding that in 2017 the six-year graduation rate for Georgia State University by race and ethnicity was 57.4% for African Americans and 54.9 for Latinos with 49.7 for Caucasians).

[86] *Learning and Tutoring Center*, GA. STATE UNIV. (2020), https://success.students.gsu.edu/learning-tutoring-center/.

[87] *Trio Student Support Services*, GA. STATE UNIV. (2020), https://success.students.gsu.edu/student-support-services/.

[88] *Id.*

[89] *Id.*

[90] *University of North Carolina at Greensboro Graduation Rates*, COLL. RESULTS ONLINE (2017), http://www.collegeresults.org/search1a.aspx?institutionid=199148 (finding that in 2017 the six-year graduation rate for the University of North Carolina Greensboro by race and ethnicity was 54% for African Americans and 55.8 for Latinos with 54.6 for Caucasians).

[91] Matthew Bryant, *Big Changes for the Decision of Student Success*, UNIV. N.C. GREENSBORO, (Sept. 4, 2019), https://news.uncg.edu/big-changes-division-of-student-success/.

[92] *Division of Student Success*, UNIV. N.C. GREENSBORO, https://success.uncg.edu/academic-assistance (last visited July 30, 2020).

UNCG students, available in many 100 and 200 level courses, and is a one hour weekly commitment.[93] Live tutorial programs should not be the place where tutors first gain experience in conducting tutorials. Instead, tutors should receive special training before they are placed in charge of tutorials. Having tutors who are trained is a distinctive feature of UNCG's tutorial program.[94] Another distinctive feature of this tutorial program is that students will complete a Tutoring Agreement during their first session, outlining the attendance policy and what they can expect from their tutor.[95] Undoubtedly, this creates a sense of commitment and solemnity. According to the Tutoring Agreement, students are expected to attend class on a regular and consistent basis and attend all scheduled sessions which includes arriving on time.[96] Students are allowed to cancel two sessions per semester that are not rescheduled with their tutor.[97] A no-show occurs when the student gives no notice to the tutor and does not show up to the scheduled session.[98] The AAC has set transparent attendance policies for students seeking tutorials.[99] For example, the student maybe removed from tutoring if the student is a no-show to the tutorial sessions more than once.[100] The no-show student will also be removed from tutoring if the student does not respond to the tutor's email regarding attendance within 48 hours after the no-show.[101]

Sam Houston State University (SHSU)[102] is even targeting students who are not yet enrolled by offering a program that is called Summer Bridge.[103] This is an excellent resource for students who are getting ready to take the Texas

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[93] *Tutoring*, UNIV. N.C. GREENSBORO, https://success.uncg.edu/departments/aac/aac-tutoring (last visited July 30, 2020).

[94] *See id.*

[95] *Id.*

[96] *Tutoring Agreement*, UNIV. N.C. GREENSBORO, https://uncg.qualtrics.com/jfe/form/SV_elpc1tN4C5NPBLT (last visited Nov. 21, 2020).

[97] *Id.*

[98] *Id.*

[99] *Id.*

[100] *Id.*

[101] *Id.*

[102] *Sam Houston State University Graduation Rates*, COLL. RESULTS ONLINE, (2017) http://www.collegeresults.org/search1a.aspx?institutionid=227881 (In 2017, the six-year graduation rate for Sam Houston State University by race and ethnicity was 43.4% for African Americans and 50.9 for Latinos with 54.6 for Caucasians).

[103] *Summer Bridge: Is this the correct path for you?*, SAM HOUS. STATE UNIV., https://www.shsu.edu/centers/academic-success-center/bridge/index.html (last visited Nov. 21, 2020).

Success Initiative Assessment (TSIA)[104] or if they have taken the TSIA and did not receive scores showing college readiness. [105] None of the other institutions surveyed in this article offer a program like Summer Bridge.[106] The stated goal of the writing program is to "help [students] become better writers and develop more confidence in their writing abilities.[107] The tutors provide one-on-one and small group instruction for reading and writing, and they help students with assignments ranging from English composition essays to science lab reports[108] To better accommodate students, writing sessions are offered via Zoom. [109]

The University of Maryland, Baltimore County (UMBC)[110] goes beyond the traditional academic support and provides a one-stop opportunity through Academic Policy, Academic Resources, and Academic Advocacy[111]. This UMBC model is very effective because the Academic Success Center provides centralized support services to all undergraduate students.[112] The Academic Policy services help students with grading method, general

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[104] *The TSIA (Texas Success Initiative Assessment)*, TEX. EDUC. AGENCY, https://tea.texas.gov/Academics/College%2C_Career%2C_and_Military_Prep/The_TSIA_%28Texas_Success_Initiative_Assessment%29 (last visited December 18, 2019) (The TSI Assessment (TSIA) is part of the Texas Success Initiative enacted by the Texas State Legislature and designed to determine a student's readiness for college-level coursework in the general areas of reading, writing, and mathematics. The TSIA, or one of its exemptions, has been required of Texas students entering a Texas college or university for nearly ten years. The TSIA is administered through the College Board's Accuplacer digital platform. Universities, community colleges, school districts and high school campuses can request to administer the TSIA to students).

[105] *Summer Bridge, supra* note 103.

[106] *See Academic Success Center*, SAM HOUS. STATE UNIV., https://www.shsu.edu/centers/academic-success-center/ (last visited Dec. 19, 2019).

[107] *Get Academic Support*, SAM HOUS. STATE UNIV., https://www.shsu.edu/centers/academic-success-center/support.html (last visited Dec. 19, 2019).

[108] *Id.*

[109] *Here to Help*, SAM HOUS. STATE UNIV., https://www.shsu.edu/today@sam/T@S/article/2020/the-writing-center-help (last visited Oct. 23, 2021).

[110] *University of Maryland-Baltimore County Graduation Rates*, COLL. RESULTS ONLINE (2017), http://www.collegeresults.org/search1a.aspx?institutionid=163268 (finding that in 2017 the six-year graduation rate for the University of Maryland, Baltimore County by race and ethnicity was 62.4% for African Americans and 57.4 for Latinos with 65.6 for Caucasians).

[111] *Academic Success Center*, UNIV. MD. BALT. CNTY., https://academicsuccess.umbc.edu (last visited Dec. 19, 2019).

[112] *Id.*

undergraduate academic policy questions, admissions interviews involving prior academic misconduct, and course repeat petitions.[113] Academic Resources services provide traditional tutorials in mathematics and science while also running the Writing Center.[114] The unique service for UMBC is the Academic Advocacy services that coordinate early outreach to assist students in resolving academic and institutional challenges that may adversely affect persistence, progression, and timely completion of a degree.[115] An Academic Advocate will reach out directly to individual students that may be facing hurdles to graduation, hoping to address any concerns at the earliest stage possible.[116] Indeed, students' challenges are not always merely academic.

Meanwhile, University of South Florida (USF) Vice President for Student Success and Student Affairs, Paul Dosal, in discussing USF's programs, stated, "a fundamental principle of our student success initiative is the belief that all students, regardless of race, ethnicity, and socioeconomic status, can and will succeed if given the opportunity to do so."[117] USF [118] offers innovative learning environments and resources to stimulate student achievement.[119] The academic support services offered by USF include tutoring, a Writing Studio, and SMART Lab.[120] Both tutoring and SMART Lab operate nearly every day of the week including remotely on Sunday.[121] This makes the lab easily accessible to students. Besides offering assistance in traditional courses like accounting, chemistry, physics, and statistics, the tutoring at USF also extends to connecting students with Study Skills

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[113] *Academic Success Center: Academic Policy*, UNIV. MD. BALT. CNTY., https://academicsuccess.umbc.edu/academic-policy/ (last visited Dec. 19, 2019).

[114] *Academic Success Center: Academic Learning Resources*, UNIV. MD. BALT. CNTY., https://academicsuccess.umbc.edu/academic-learning-resources/ (last visited Dec. 19, 2019).

[115] *Academic Success Center: Academic Learning Resources*, UNIV. MD. BALT. CNTY, https://academicsuccess.umbc.edu/academic-learning-resources/ (last visited Dec. 19, 2019).

[116] *Id.*

[117] *Academics*, UNIV. OF S. FLA., https://www.usf.edu/academics/index.aspx (last visited Jan. 2, 2020).

[118] *University of South Florida-Main Campus Graduation Rates*, COLL. RESULTS ONLINE (2017), http://www.collegeresults.org/search1a.aspx?institutionid=137351(finding that in 2017 the six-year graduation rate for University of South Florida-Main Campus by race and ethnicity was 73.7% for African Americans and 72 for Latinos with 68.1% for Caucasians).

[119] *Id.*

[120] *Id.*

[121] *Smart Lab*, UNIV. OF S. FLA., https://www.usf.edu/undergrad/academic-success-center/smart-lab/ (last visited Jan. 2, 2020).

Mentors.[122] These mentors are students that have done well in the particular course and subsequently trained in a number of learning strategies.[123] Study Skills Mentors can help students with time management, reading strategies, test-taking, note taking, and overcoming procrastination.[124] The most notable academic support program at USF, however, is SMART Lab. USF's SMART Lab seeks to provide students with support in math and science courses by using the newest technologies paired with more traditional tutoring assistance.[125] Students enrolled in the SMART Lab program have access to over 300 computers on which they can complete lessons, receive instant results, and get personalized assistance from instructors or tutors.[126] SMART Lab's goal is to help students become independent learners while improving their skills in core math and science courses.[127]

The Stearns Center at George Mason University (GMU)[128] developed a number of resources at all stages of the teaching and learning process.[129] An example of a student resource includes the Mathematics Tutoring Center, which offers tutoring services for students enrolled in math courses.[130] Another example is the Learning Center, which gives students a chance to explore their own academic opportunities.[131] The Learning Center offers services to students with learning differences, personalized counseling and study programs, and a number of other tutoring resources for students.[132]

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[122] *Tutoring Hub*, UNIV. OF S. FLA., https://www.usf.edu/undergrad/academic-success-center/tutoring/study-skills-mentors.aspx (last visited Jan. 2, 2020).
[123] *Id.*
[124] *Id.*
[125] *Smart Lab, supra* note 121.
[126] *Id.*
[127] *Id.*
[128] *George Mason University Graduation Rates*, COLL. RESULTS ONLINE (2017), http://www.collegeresults.org/search1a.aspx?institutionid=232186 (last visited Jan. 3, 2020) (finding that in 2017 the six-year graduation rate for George Mason University by race and ethnicity was 71.5% for blacks and 62.2 for Latinos with 71.2% for whites).
[129] *George Mason University Graduation Rates*, COLL. RESULTS ONLINE (2017), http://www.collegeresults.org/search1a.aspx?institutionid=232186 (last visited Jan. 3, 2020) (finding that in 2017 the six-year graduation rate for George Mason University by race and ethnicity was 71.5% for African Americans and 62.2 for Latinos with 71.2% for Caucasians).
[130] *Knowledge Center*, GEO. MASON UNIV., https://stearnscenter.gmu.edu/knowledge-center/ (last visited Jan. 3, 2020).
[131] *Student Support Resources on Campus*, GEO. MASON UNIV., https://stearnscenter.gmu.edu/knowledge-center/knowing-mason-students/student-support-resources-on-campus/ (last visited Jan. 3, 2020).
[132] *Id.*

However, the remarkable service at GMU is the Writing Center, which not only offers face-to-face tutoring but also online tutoring. [133] The Writing Center has also offered five to six workshops for multilingual writers on topics related to language use and includes discussion of specific grammatical structure, practice, and application of new skills. [134]This is very helpful to students from international backgrounds whose native language is not English.

The University of Houston (UH)[135] offers numerous support resources through its Undergraduate Student Success Center (USSC). [136] However, the three most outstanding programs are LAUNCH, Testing Services, and the Challenger Program. LAUNCH (Learning Advancements for Undergraduate Cougars of Houston) consists of peer tutoring, counseling for learning strategies, and other academic workshops.[137] Tutoring is available for a vast amount of courses.[138] LAUNCH also offers a website that is a treasure trove of useful information and handouts for student success.[139] The USSC Testing Services offers academic review of tests and test materials and consultation about standardized testing.[140] The Testing Services also offers assessment services by administering vocational, psychological, and educational batteries. These instruments assist students in determining their vocational interests, strengths, and weaknesses in order to in developing their

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[133] *The Writing Center*, GEO.MASON UNIV., https://writingcenter.gmu.edu (last visited Jan. 3, 2020).

[134]   *See   Upcoming   Workshops*,   GEO.   MASON   UNIV., https://writingcenter.gmu.edu/workshops/upcoming-workshops (last visited Jan. 3, 2020) (including workshops such as choosing and formatting a correct part of speech, choosing between active and passive voice, reducing formality, avoiding run-on sentences, formatting relative clauses to write concisely, and tricky punctuation. However, these workshops are not offered as of now).

[135]   *University   of   Houston   Graduation   Rates*,   COLL.   RESULTS   ONLINE   (2017), http://www.collegeresults.org/search1a.aspx?institutionid=225511 (finding that in 2017 the six-year graduation rate for University of Houston by race and ethnicity was 45.9% for African Americans and 51.1% for Latinos with 50.7% for Caucasians).

[136] *Undergraduate Student Success Center*, UNIV. OF HOUS., https://uh.edu/ussc/index (last visited Jan. 5, 2020).

[137] *Launch*, UNIV. OF HOUS., http://ussc.uh.edu/lss/tutoring.aspx (last visited Jan. 5, 2020).

[138] *Id.*

[139] *See Success Handouts*, UNIV. OF HOUS., https://uh.edu/ussc/launch/services/handouts/ (last visited Jan. 5, 2020) (providing more than 40 handouts on college success, memory, preparing for and taking exams, research and writing, test anxiety, concentration, note taking, reading, and time management).

[140] *Testing Services*, UNIV. OF HOUS., http://ussc.uh.edu/services.aspx (last visited Jan. 5, 2020).

academic, career, and personal goals.[141] Lastly, the Challenger Program "was designed to assist primarily low-income and/or first generation college students complete their education at University of Houston."[142] It offers students financial counseling, tutoring, and advice for scholarships and grants.[143]

III.   Academic Support at Law Schools in Historically Black Colleges and Universities

Academic support programs play an important role in helping students succeed in law school. ASP educators are usually in charge of:

1. Teaching customized workshops that are structured to meet the learning needs of the 1Ls[144];
2. Teaching bar preparation courses[145];
3. Supervising tutorials;
4. Coaching bar takers and providing personalized study schedules; and
5. Working one-on-one with at-risk students through counseling and advising. [146]

Furthermore, academic support educators must prepare handouts and lectures, always giving consideration to the connection between the students' own knowledge, learning abilities, the subject matter, and the bar exam. Through guiding and coaching, academic support educators help in nurturing students' interests in the most challenging subjects. They also give students personalized feedback on how to improve their writing and MBE test-taking skills. [147] ASP at law schools at HBCUs must do even more. Since students

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[141] *Id.*

[142] *Challenger Program*, UNIV. OF HOUS., https://uh.edu/ussc/challenger-program/ (last visited Jan. 5, 2020).

[143] *Services*, UNIV. OF HOUS., https://uh.edu/ussc/challenger-program/services/ (last visited Jan. 5, 2020).

[144] *See* Louis N. Schulze Jr., *Alternative Justifications for Law School Academic Support Programs: Self- Determination Theory, Autonomy Support, and Humanizing the Law School*, 5 CHARLESTON L. REV. 281, 281, 309, 316 (2011).

[145] *See generally Take Charge!*, HOW. UNIV. SCH. OF L., https://library.law.howard.edu/bar/.

[146] *Id.*

[147] Multi *Bar Examination*, NAT. CONF. OF BAR. EXAM'R, https://www.ncbex.org/exams/mbe/ (last visited Oct. 23, 2021) (The Multistate Bar

at HBCUs are non-traditional, academic support must, in addition to the above responsibilities, take additional measures to help HBCU students face their challenges. The following part of this article discusses how ASP can help faculty and students at HBCUs law schools by drawing on the experiences of successful programs that other public undergraduate institutions implemented in order to close the graduation gap.

A.   How Academic Support can Help Faculty at HBCU Law Schools

HBCUs operate with a special mission in mind and a higher cause. Six HBCUs in the United States have an accredited law school, which are: Florida A&M University, Howard University, North Carolina Central University, Texas Southern University Thurgood Marshall School of Law.[148]

ASP can assist faculty to better help the students. From early intervention programs to facilitating faculty meetings with at-risk students, ASP can always be the supportive arm of the faculty through the following programs.

i.   Managing   and   Organizing   Pre-Matriculation Programs

Pre-matriculation programs target students from different academic and professional backgrounds to ease the transition to law school.[149] For example, at Texas Southern University Thurgood Marshall School of Law (TMSL) the pre-law program is called Legal Education Advancement Program

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Examination (MBE) is a six-hour, 200 question multiple-choice examination covering contracts, torts, constitutional law, criminal law, evidence, and real property).

[148] Judith Earley, *Law Schools at Historically Black Colleges and Universities*, LAWCROSSING (Feb. 3, 2020, 8:47 AM), https://www.lawcrossing.com/article/2518/Law-Schools-at-Historically-Black-Colleges-and-Universities/.

[149] *See JD Pre-Orientation Program*, U.C. BERKLEY. SCH. L., https://www.law.berkeley.edu/students/student-services/academic-skills-program/preorientation/ (last visited Oct. 25, 2021) (The JD Pre-Orientation program at University of California- Berkeley is a one-week program preceding the week of 1L orientation. It includes approximately four hours of class per day; activities; small-group discussions; reading and class preparation every evening; and a mock law school exam. Because space is limited, priority is given to students who are first in their family to attend college; those whom English is not their first language; and other students who may find the transition to law school more challenging).

(LEAP).[150] Prospective law students are usually selected on the basis of their GPA and LSAT score, which may predict success in law school. [151] However, TMSL is aware that these two indicators are not enough and thus created LEAP, a performance-based program[152] that admits students based on additional criteria other than GPA and LSAT score.[153]The objective of LEAP is to recruit students who may have been deprived the opportunity to obtain a quality education due to factors beyond their control but who possess additional experiences that may indicate success in law school.[154]

LEAP introduces students to major 1L courses such as property, torts, civil procedure, contracts, and legal writing. [155]The Office of Academic Support contributes by meeting with 1L LEAP students and providing them with guidance and skills necessary to succeed in law school. This cooperation between LEAP faculty and the Office of Academic Support helps to create an environment of respect and trust between faculty and academic support educators.

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[150] Memorandum from the Director of the Legal Education and Advancement Program (LEAP) to the Faculty of T. Marshall School of Law (June 10, 2019) [hereinafter "LEAP"] (on file with author).

[151] Alex Andonovska, *The 5 Deciding Factors in Law School Admissions*, JDJOURNAL, Feb. 28, 2020, https://www.jdjournal.com/2020/02/28/the-5-deciding-factors-in-law-school-admissions/.

[152] *See* LEAP, *supra* note 150, at 4 (LEAP is a competency based educational program. This means that evaluation is individualized, and each person enrolled is given the opportunity to demonstrate achievement of the requisite array of abilities, as measured by the program competencies, to warrant admission to TMSL. Each person is given six weeks to demonstrate this achievement. With respect to each competency, the enrolled applicant must demonstrate that he/she possesses that ability to the degree that he/she can engage in behavior crucial to success in law school and the practice of law. There are three core competencies that serve as the framework for this program. These core competencies are: critical reading, critical writing, and legal analysis. Demonstration of the acquisition of these behaviors will be measured by a series of written examinations and assignments. Performance on these formative and summative assessments will constitute the basis for determining if the competence-based abilities are possessed by each of the applicants. These assessments will be administered within each course and across courses).

[153] *See* LEAP, *supra* note 150, at 4.

[154] *See supra* note 150.

[155] *See supra* note 150 (LEAP also provides students with mentorship opportunities where each 1L LEAP student is paired with a LEAP professor and highly achieving 2L students as tutors. Thus, students gain an early advantage going into the rigorous curriculum of the 1L year of law school. Notable TMSL faculty teaches this program every day for six weeks during the summer before 1L year. Upon successful completion and recommendation of LEAP faculty, students are admitted into law school. Upon admittance into law school, LEAP students are required to attend daily one-hour lectures held by the LEAP faculty).

Besides running programs like LEAP, HBCUs can also implement programs similar to the Summer Bridge program at Sam Houston State University which helps prospective students succeed when taking state tests. [156] ASP at HBCU law schools can provide comparable programs by helping prospective students with the LSAT. [157]

ii.   Conducting Early Assessment to Determine what is Working

Studies have shown that performing formative assessment, where students have repeated opportunities to practice and receive feedback, is important to learning. [158] Receiving formative assessment is essential to students' success because students will repeat the same mistake if they do not receive feedback on their assignments. The benefits of formative assessment should be clearly communicated to the students. [159] The feedback should be timely and consistent, building on the same themes and correcting the same mistakes each time.[160] Effective formative assessment should also be positive to motivate the students. [161] Summative assessment, on the other hand, measures students' achievements in order to assign grades.[162] Reliance on summative feedback prevents the possibility of giving meaningful feedback to the students about their academic progress. [163] As a result, the instructor loses the basis for midcourse correction in teaching. [164]

Academic support educators at HBCUs must work closely with faculty to help provide more formative assessments to students. This could be achieved by providing faculty with more questions that mimic those on the bar exam,

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[156] *See Summer Bridge, supra* note 103.

[157] *What is the LSAT?*, LSAC, https://www.lsac.org/lsat (last visited Feb. 2, 2020) (The LSAT is designed specifically to assess critical reading, analytical reasoning, logical reasoning, and writing skills — key skills needed for success in law school. The LSAT is the only test accepted for admission purposes by all ABA-accredited law schools. The LSAT is administered in two parts. The first part of the test is a multiple-choice exam administered at test centers. LSAT Writing is administered online using secure proctoring software that can be installed on the candidate's own computer).

[158] GERALD F. HESS ET AL., TECHNIQUES FOR TEACHING LAW 2, 261 (2011).

[159] *Id.* at 267.

[160] *Id.*

[161] *See id.* at 268.

[162] *See* WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 164 (2007).

[163] See *id.*

[164] See *id.*

helping with rubrics, and conducting more tutorials that focus on multiple-choice and essay questions.

Academic support educators at HBCUs can also help by facilitating faculty assessment interviews with 1L at-risk students at the beginning of the 1L Spring Semester. During these interviews, the 1L professors would give academic feedback to the at-risk students and determine any remedial plans. These meetings are crucial in order to limit the reliance of the 1L student on their mentors who are not necessarily high achievers.

iii.   Cooperating with the Faculty to Create Early Intervention Programs

Law schools must build strong bridges between academic support and faculty. Academic support could establish and supervise faculty 1L mentorship programs. Establishing a mentorship program will allow faculty and students to nurture mutual trust and respect. [165] It will also help professors of 1Ls to set clear and focused goals for each how education will prepare them for their future careers.[166] Indeed, sharing candid communications and close interactions between students 1L student and offer additional resources to improve proficiency. Furthermore, students who speak informally with faculty seem to find the learning experience more enjoyable and acquire a better understanding of and faculty seems to enhance student learning and intellectual simulation, with both students and faculty valuing the prospect to know each other as people.[167]

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[165] Meera Komarraju, Sergey Musulkin & Gargi Bhattacharya Gargi, *Role of Student–Faculty Interactions in Developing College Students' Academic Self-Concept, Motivation, and Achievement*, 51 J. OF COLL. STUDENT DEV. 332, 333-34, 339 (2010) (This study examines specific aspects of student-faculty interactions (respect, guidance, approachable, caring, interactions outside of the class, connected, accessible, and negative experiences) as predictors of students' academic self-concept, motivation, and academic achievement. The results of the study emphasize the importance of these specific aspects of student-faculty interactions in predicting students' academic self-concept, motivation, and academic achievement).

[166] *Id.* at 339.

[167] *Id.* at 333.

B.   How Academic Support can Help Students at HBCUs Law Schools

Once created, HBCUs had to develop strategies to help minorities achieve their goals of higher education. ASP at HBCUs can assist students in so many ways by changing the institutional environment; helping students become better learners; reconstructing tutorials; encouraging students to visit the writing center; focusing on skills-based workshops; requiring attendance for certain tutorial programs; providing targeted help to students for whom English is not their first language; and offering scholarships for 3L bar elective courses.

i.   Changing the Attitude and Intensifying Studying During First Year

HBCUs must demonstrate supportive institutional environments where academic deficiencies exist. Raising the standards is a priority at HBCU law schools. Faculty and academic support educators must create a culture where students are aiming higher than just "average". Manifesting high expectations has a direct effect on students both in terms of student assignments and what the professors or academic support educators communicate that they are capable of doing.[168] Also, emphasizing respect will result in students responding with respect.[169] Passion is also very important. Professors and academic support educators who are passionate and enthusiastic about teaching will produce students who are similarly enthusiastic.[170] Students are highly perceptive and can differentiate between bored educators and those who are passionate about teaching the subject matter. Students should also be told that it is okay not to know. They also should be told that acquiring legal analysis skills in law school is a process that takes time, effort, and great patience. In other words, students must be comfortable with what they do not know in order to prevent any feelings of inferiority.

ii.   Helping Students Appreciate the Difference between Memorizing and Understanding

Understanding learning theories is a vital objective in education to help provide an environment conducive for learning and increase the efficiency of the education system. Students do themselves a disservice by mistaking

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[168] *See Higher Education Desegregation, supra* note 8.
[169] *See Id.*
[170] *See Id.*

memorization for understanding. Students often memorize the rules of law word by word but fail to understand, apply, and solve legal problems. David Kember in *"The Intention to Both Memorise and Understand: Another Approach to Learning?"* distinguishes between two approaches to learning: "1) in a surface manner, wanting only to memorize as much as possible, in order to pass exams; or 2) in a deeper, more meaningful manner, wanting to understand the material and relate it to their personal lives."[171] If students are attentive during class time, the material will pass to their working memory where it will be stored for a brief time.[172] If students do something active with their learning in a meaningful way, such information will be stored as part of their long-term memory.[173] Students are engaged in active learning when they are writing about the concepts, discussing them with their friends, or applying them to problems.[174] Students must be able to explain the concepts in simple words. They must be able to connect such concepts with themselves and the world. They must also connect multiple concepts and understand that every rule and every statute is just a piece of the big picture. ASP educators can help students achieve active learning by facilitating more in-class mock trials which seem to increase retention.[175] This is a productive strategy because mock trial offers a number of benefits, such as practice for oral communication and critical thinking skills, as well as information about the legal system.[176] Additionally, print and aural learners will be exposed to reading cases, listening to lectures, and reading or hearing Supreme Court arguments.[177] A few exceptional methods for interactive learners are debates and mock hearings.[178] Likewise, maps, videos, and slideshows improve material comprehension for visual learners.[179] Movement during the mock

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[171] David Kember, *The Intention to Both Memorize and Understand: Another Approach to Learning?*, 31 Higher Educ. 341, 341, (1996) (distinguishing deep and surface approaches, an important determinant is the intention to understand and memorize respectively. A student adopting a surface approach does not seek understanding and, therefore, relies upon memorization. Understanding and memorizing are, then, seen as almost mutually exclusive as far as intent is concerned, although those seeking understanding may make some strategic use of memorization for particular tasks. This paper reviews emerging evidence of an approach which combines memorizing and understanding).

[172] HESS ET AL., *supra* note 158, at 3.

[173] *Id.* at 3-4.

[174] *Id.*

[175] KAREN L. MIKSCH, UNIVERSAL INSTRUCTIONAL DESIGN IN A LEGAL STUDIES CLASSROOM, 111 (Jeanne L. Higbee & Emily Goff eds., 2008).

[176] *Id.* at 109.

[177] *Id.* at 108.

[178] *Id.*

[179] *Id.*

trial benefits kinesthetic and interactive style learners who excel in the mock trials and often gain confidence that enhances their large group participation and written work.[180] As for print learners, the written information in the case packet will serve as a critical learning tool.[181] Thus, ASP can play a vital role in students' course retention by presenting the information in mock trials utilizing methods that are consistent with students' learning styles.[182]

iii.   Reconstructing Tutorials

ASP educators at HBCUs may also consider reconstructing their tutorial programs to better serve the needs of their students. The UMR "JustASK" tutorial model can be a starting point.[183] With JustASK faculty do not wait in their offices; instead, "faculty members assemble in areas with high foot traffic for multiple hours a day to answer students' questions."[184] ASP educators at HBCUs can implement similar tutorial programs that are led by faculty instead of students' tutors. In a study entitled "*Student-led tutorials in problem-based learning: educational outcomes and students' perceptions*", Dr. Kassab evaluates the effectiveness of student-led tutorial versus faculty-led tutorial.[185] The study found that peer tutoring had a positive impact on student performance in group work and on assessments, such as exams.[186] Despite that student tutors do not focus on course content, the tutors had a positive impact on student achievement in tutorials, group interactions, and exam performance.[187] However, the study concluded that tutorials alone will

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[180] *Id.* at 108-09.
[181] MIKSCH, *supra* note 175, at 109.
[182] *Id.* at 111.
[183] *See* ESPINOSA ET AL., *supra* note 68, at 130.
[184] Mikhail Zinshteyn, *Closing the Achievement Gap, with Help from the Mayo Clinic*, THE HERALD   NEWS   (Jul.   1,   2019,   10:07   AM), https://www.heraldnews.com/news/20190701/closing-achievement-gap-with-help-from-mayo-clinic.
[185] *See* Salah Kassab et al., *Student-Led Tutorials in Problem-Based Learning: Educational Outcomes and Students' Perceptions*, 27 MED. TCHR. 521, 521-526 (2005) ("The aim of this study was to examine the effectiveness of using students as tutors in a problem-based learning (PBL)medical curriculum. Ninety-one third-year medical students were divided into ten tutorial groups. The groups were randomly allocated into student-led tutorials (SLT) (five groups, n = 44 students) and faculty-led tutorials (FLT) (five groups, n = 47 students). Outcome measurements included assessing students' performance in tutorials individually and as a group, end-unit examinations scores, assessing tutoring skills, and identifying students' perceptions about peer tutoring. Student tutors were perceived better in providing feedback and in understanding the difficulties students face in tutorials. However, student tutors require special training before adopting this approach in PBL programs.").
[186] *Id.* at 521.
[187] *Id.* at 525.

not provide students with the necessary tutoring skills.[188] Thus, training should take place before allowing students to tutor.[189] From an ASP educator's perspective at a HBCU law school, student tutors also struggle with facilitating the tutorial sessions and keeping students attentive. Thus, it is imperative that HBCU law schools use the faculty-led tutorial model or train student tutors and teach them the required skills to be successful tutors. Such skills include how to listen and communicate clearly, how to spot students' strengths and weaknesses, and how to connect what is taught in the classroom with what is covered in tutorials. In addition, tutorials can be offered online to make it more accessible for busy law students. We should not, however, overwhelm students with tutorials in order to give them more time to reflect. This is important because teaching substantive knowledge only provides a part of what is necessary to solve a client's problem.[190] However, allowing students time to reflect builds their critical thinking skills which are required to solve difficult and complex legal problems.[191]

iv.   Encouraging Students to Visit the Writing Center at their Law Schools

Undergraduate institutions, or at least those discussed in this article, all have writing centers for their students. The Writing Center at Sam Houston State University is an excellent example that helps students with their English writing assignments, science lab reports, résumés, scholarship, job application letters, even Master of Arts thesis and Ph.D. dissertations.[192] Thus, making it very attractive to students. ASP educators should encourage students to visit the writing center. But what if the law school does not have

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[188] *Id.*

[189] *Id.*

[190] Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection,* 20 CLINICAL L. REV. 317, 321-22 (2014) (In this article, reflective practice is defined as the "integration of intentional thought and specific action within a professional context.") ("Reflective practice includes consideration of ethical rules and norms in a given field and offers guidance for the skillful application of professional ethics. Reflective practice is not the same as occasional review or reflection about a past professional experience, rather, it is the ingrained habit of constant reflection.") (Casey further notes that the goals of reflective practice "are to provide the professional with a self-improvement algorithm, and to increase the capacity of the professional to exercise judgment in the professional context. In a basic sense, reflective practice forces the professional to increase awareness of the factors that affect judgment. A higher level of awareness and consciousness of the decision-making process will lead to better and more ethical practice.").

[191] *Id.* at 320.

[192] *See Academic Success Center supra* note 106.

a writing center? It is a wise idea to establish one. *Why*? Because law school is a challenging journey and writing skills are more than necessary in the profession of law. Students are expected to brief cases, write essays, draft memorandum, and much more. Writing centers should be part of every legal writing program at law schools. There are two pedagogical benefits to the creation of a law school writing center: 1) law school writing centers offer an opportunity for increased individualized instruction and 2) writing tutors can serve as a non-judging audience to anxious law students.[193] The objective of the writing center would be to strengthen students' skills in legal writing. The writing center's primary function would be to offer students the opportunity for individualized instruction and feedback on demand, which is beneficial to students without overburdening the professors. Tutors at the writing center can also help the student by serving as an audience and creating meaningful conversations.[194] Additionally, tutors do not grade papers, allowing nervous students the ability to openly discuss ideas without worrying about impacting their grade.[195] By providing opportunities to explore ideas outside the traditional hierarchy of the law schools (which parallels the hierarchy of the senior/junior attorney), new legal writers are able to build confidence and explore "an area of legal discourse for the first time."[196] Meeting with the writing center tutors, who must be highly achieving students, could be done during regular office hours. Such meetings could also be mandatory for the bottom 25 percent of 1L students. Online writing centers can also be an option especially in today's available advanced technology.

v.   Focusing on Skills-Based Workshops

Teaching law students the core skills for success in law school is crucial in giving law students control over their learning.[197] Such core skills include metacognition, legal analysis, critical reading, and test-taking skills. Metacognition refers to an awareness of the learning process.[198] Metacognition consists of two processes.[199] The first process focuses on the student's abilities and faults "with respect to various learning tasks, and devising a studying strategy that is suited to his or her personal

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[193] Kristen E. Murray, *Peer Tutoring and the Law School Writing Center: Theory and Practice*, 17 LEGAL WRITING 161, 174-76 (2011).

[194] BEN RAFOTH, WHY VISIT YOUR CAMPUS WRITING CENTER? WRITING SPACES: READINGS ON WRITING 146, 153 (Charles Lowe & Pavel Zemliansky eds., 2010).

[195] Murray, *supra* note 193, at 176.

[196] *Id.* at 176.

[197] Paul T. Wangerin, *Learning Strategies for Law Students*, 52 ALB. L. REV. 471 (1988).

[198] *Id.* at 474-75.

[199] *Id.* at 476.

characteristics." The second metacognition process involves the student's ability to "be able to monitor those studying activities during the learning process and be able to make appropriate adjustments."[200] Metacognition is the student's ability to be an independent learner, which is a good learner who is in control of his/her learning. Metacognition is vital for students' learning because once students accept their role in their education; educators can more thoroughly provide students a blueprint for accomplishing their goals.[201] This could be achieved by offering hourly lectures on a weekly basis conducted by ASP educators and aimed at helping 1L students understand the substance of the law while also helping 1L law students to further develop legal analysis skills, reading comprehension, and critical thinking skills. ASP can also help students by facilitating in-class mock trials.

vi.   Requiring   Attendance   for   Certain   Tutorial Programs

Attending tutorial programs that aim to further develop students' writing skills, reading comprehension, and critical thinking skills should be mandatory at HBCU law schools. This is important because there is a positive correlation between law school class attendance and academic outcomes.[202] Attending tutorials extends the educational experience beyond the textbook and provides students with a number of additional materials not offered in the classroom.[203] Regular class attendance improves material retention and

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[200] *Id.*

[201] *Id.* at 478.

[202] Anna Lukkarinen, Paula Koivukangas & Tomi Seppälä, *Relationship Between Class Attendance and Student Performance*, 228 PROCEDIA – SOCIAL AND BEHAVIORAL SCIENCES 341, 341 (2016).

[203] Marcus Credé, Sylvia G. Roch & Urszula M. Kieszczynka, *Class Attendance in College: A Meta-Analytic Review of the Relationship of Class Attendance with Grades and Student Characteristics*, 80 REV. OF EDUCATIONAL RESEARCH 272, 287 (2010) ("A meta-analysis of the relationship between class attendance in college and college grades reveals that attendance has strong relationships with both class grades. . . These relationships make class attendance a better predictor of college grades than any other known predictor of academic performance, including scores on standardized admissions tests such as the SAT, high school GPA, study habits, and study skills. Results also show that class attendance explains large amounts of unique variance in college grades because of its relative independence from SAT scores and high school GPA and weak relationship with student characteristics such as conscientiousness and motivation. Mandatory attendance policies appear to have a small positive impact on average grades.").

requiring students to complete assignments on their own time presents the opportunity for overlearning.[204]

HBCUs could implement a similar attendance policy as the one currently implemented at the University of North Carolina Greensboro[205] where students are required to attend tutorial sessions once they commit to the program. Similarly, attending ASP programs at HBCUs can help build mutual trust between students and ASP educators. It can also help motivate students and provide them with a sense of control over academic achievement. ASP educators can also closely observe and better assess students' strengths and weaknesses.

vii.   Providing Targeted Help to Students whose English is not First Language

HBCUs attract minority students for whom English is not their first language. HBCUs "across the country are making diversity pushes, partly because African-American enrollment alone is not enough to sustain [HBCU law schools] when traditionally white schools are doing more to recruit minorities."[206]

viii.   Offering Scholarships for 3L Bar Elective Courses

Most 3L students enroll in bar elective courses. Examples of bar electives include: Advanced Bar Review, Bar Essay Writing, and Multiperformance Test (MPT). All of these courses cover materials tested on the Bar exam.[207] Unfortunately, students are normally seeking an "easy A" and they rarely study seriously for such courses. Establishing a reward system for 3L students taking bar electives would encourage them to study harder, which in turn, would improve their preparation for the Bar exam. This system could be as simple as offering scholarships for students who receive the highest grades in the bar elective courses. It could also be in the form of offering a scholarship for half of the cost of 3L students' commercial bar preparation program, with

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[204] *Id.*

[205] *See* TEX. EDUC. AGENCY, *supra* note 104.

[206] Talia Richman, *A Historically Black College in Maryland is Growing — By Enrolling Hispanic, White and International Students*, WASH. POST. (Oct. 9, 2019), https://www.washingtonpost.com/local/education/a-historically-black-college-in-maryland-is-growing--by-enrolling-hispanic-white-and-international-students/2019/10/09/64185318-def3-11e9-be96-6adb81821e90_story.html.

[207] *See* TEX. EDUC. AGENCY, *supra* note 104.

a possibility for the remaining half to ultimately be paid for those who pass the bar exam.

Conclusion

The graduation gap between minority and non-minority students continues to be a serious issue in higher education. Providing students with ASP is essential for institutions seeking to help minority students successfully graduate. This is evident in how many public undergraduate institutions were able to narrow the graduation gap by helping students through academic support programs. These institutions were able to narrow the gaps by making gains in graduation rates among minority students, while either keeping graduation rates for non-minority students steady or by improving rates among these students as well. Yet, as demonstrated above, the experiences of these institutions will be helpful to HBCU law schools in implementing ASP that would help their students succeed.