

Organ: Attrition Analysis For 2018, 2019, 2020 – With A Focus On Ethnicity

By Jerry Organ

My last blog posting on attrition trends was in [January 2018](#) covering attrition data through the 2016-17 academic year (data reported in December 2017). I am writing now to summarize recent trends covering the 2017-18, 2018-19 and 2019-20 academic years.

This blog posting focuses on the 193 fully-accredited ABA law schools outside of Puerto Rico that had first-year attrition data for all three academic years.

I have calculated average attrition rates for the class as a whole and then broken out average attrition rates by law schools in different median LSAT categories — 160+, 155-159, 150-154 and <150. Because attrition data was reported with ethnicity information starting in 2017, this blog also looks at the intersection of ethnicity and attrition for the 2017-18 and 2018-19 and 2019-20 academic years.

In calculating attrition rates, I wanted to capture those students who are no longer in law school anywhere. Thus, for these purposes, “attrition” is the sum of “academic attrition” and “other attrition.” It excludes transfer attrition. “Academic attrition” occurs when a law school asks someone to leave because of inadequate academic performance. “Other attrition” occurs when someone leaves law school for non-academic reasons (and has not transferred to another law school).

1. Overall First-Year Attrition has Declined for Three Years

My January 2018 blog noted that overall first-year attrition (“academic attrition” combined with “other attrition”) increased each year from 2010-11 through the 2015-16 academic year, going from 5.81% to 7.33%, before sliding back to 6.46% in 2016-17. (In this analysis, with a few schools in the process of closing or discontinuing ABA accreditation removed from the database, the overall attrition for 2016-17 decreased to 6.21%.) That downward trend in overall attrition has continued with overall attrition dropping to 6.11% in the 2017-2018 academic year and then to 5.77% in the 2018-19 academic year and finally to 3.41 in the 2019-20 academic year.

Table 1 — Overall First-Year Attrition for Classes Entering in 2016, 2017, 2018, 2019

	Beg. Enrollment	Academic Attrition	% Academic	Other Attrition	% Other	Total Attrition	% Attrition
2016-17	35,439					2199	6.21%
2017-18	36,288	1277	3.52	941	2.59	2218	6.11%
2018-19	37,570	1171	3.12	998	2.66	2169	5.77%
2019-20	37,500	550	1.47	729	1.94	1279	3.41%

The simplest explanation for the increase in overall attrition rates over the period from 2010-11 to 2015-16 and then the decrease in overall attrition rates in 2016-17, 2017-18, 2018-19 and 2019-20 is the [LSAT composition of the entering class](#). As the percentage of students in the entering class with a high LSAT score of less than 150 increased, the attrition rates increased. Once the percentage of students in the entering class with a high LSAT score of less than 150 began to decrease, the attrition rates decreased. This is explained more clearly in the following discussion.

The more dramatic decrease in attrition in the 2019-20 academic year may partly be attributable to the stronger entering class profile, but it would seem likely that the Covid-19 pandemic played a significant role as well. As a number of law schools shifted to pass-fail grading, the existing policies for dismissal based on GPA became less functional, so a number of law schools that shifted to pass-fail grading may have made a determinations not to dismiss students for academic under-performance under their existing GPA-based policies, at least not at the end of the first-year. (While I have not tracked upper-level attrition, it would be interesting next year to see if there is a corresponding increase in academic attrition of second-year students.)

Perhaps unexpectedly, particularly in the midst of the pandemic, other attrition also declined significantly. One might have anticipated that the added stresses associated with the shift to an online learning format and the realities of social distancing and increased social isolation might have nudged a larger number/percentage of students to consider dropping out of law school. Indeed, one might have expected that with less academic attrition, some at risk students might have opted out of law school (and been categorized as other attrition). But these data indicate that, in fact, fewer students decided to withdraw from law school in 2019-20 than in the prior two years.

2. Academic Attrition Rates Increase as Law School Median LSAT Decreases

Notably, there are different rates of attrition across law schools in different LSAT categories. The following chart breaks down attrition by groups of law schools based on median LSAT for the law school for the entering class each year from 2017-18 to 2018-19 to 2019-20. For each year, the chart shows the average first-year attrition rates for law schools with a median LSAT of 160 or higher, of 155-159, of 150-154 and less than 150. In addition, it breaks out “academic attrition” and “other attrition” as separate categories for each category of law school for each year, and then provides the overall average academic attrition, other attrition, and total attrition rate each year.

Table 2 — Average First-Year Attrition Rates by Category of Law Schools Based on Median LSAT

MEDIAN LSAT	#	2017-18 AA – OA – Total	#	2018-19 AA—OA – Total	#	2019-20 AA—OA--Total
160+	11,773	0.31 - 1.27 - 1.58	13,841	.33 – 1.43 – 1.76	13,815	0.11 - 0.30 - 0.41
155-159	8651	1.94 – 2.43 – 4.37	8464	1.85 – 2.67 – 4.52	9661	0.8 – 2.2 – 3.0
150-154	9608	4.98 – 3.35 – 8.33	10,777	4.88 – 3.56 – 8.44	10,255	2.6 – 3.2 – 5.8

<150	6256	9.51 – 4.14 – 13.65	4488	9.87 – 4.23 – 14.1	3769	5.2 – 3.8 – 9.0
Total/Avg.	36,288	3.52 – 2.59 – 6.11	37,570	3.12 – 2.66 – 5.77	37,500	1.47 - 1.94 - 3.41

When looking at this data, some things are worth noting.

First, as one moves from law schools in the highest LSAT category to the lowest LSAT category, academic attrition, other attrition, and overall attrition all increase, although the increase is more pronounced with academic attrition than with other attrition and overall attrition. Even with a marked decrease in attrition in the 2019-20 academic year, this pattern holds.

Second, while each category of law schools saw a modest increase in total attrition between 2017-18 and 2018-19, the overall average attrition rate dropped between 2017-18 and 2018-19 because of a shift in population of students from the <150 category to the 150-154 category and the 160+ category. (Similarly, when overall attrition rates were increasing between 2010-11 and 2015-16, it is largely because of a shift in population of students from the 160+ category to the <150 category.)

Third, the decrease in academic attrition in 2019-20 was experienced across all four categories of law schools but was most pronounced among law schools with a 150-154 median LSAT and law schools with a median LSAT less than 150. By contrast, the decrease in other attrition was most pronounced among law schools with median LSATs in the 160+ category.

3. Increasing Variability in Attrition Rates

While it may make sense that “academic attrition” increases as law school median LSAT decreases, when one looks at the data within each LSAT category, there is a surprising range of academic attrition rates across law schools, with variability increasing significantly as median LSAT scores decrease. There was much less variability with respect to “other attrition.” Chart 1 provides a pictorial representation of the data described below for the 2018-19 academic year. (I have not run this analysis yet for 2019-20, but this chart looks very similar to the chart covering 2015-16 in the January 2018 blog post.)

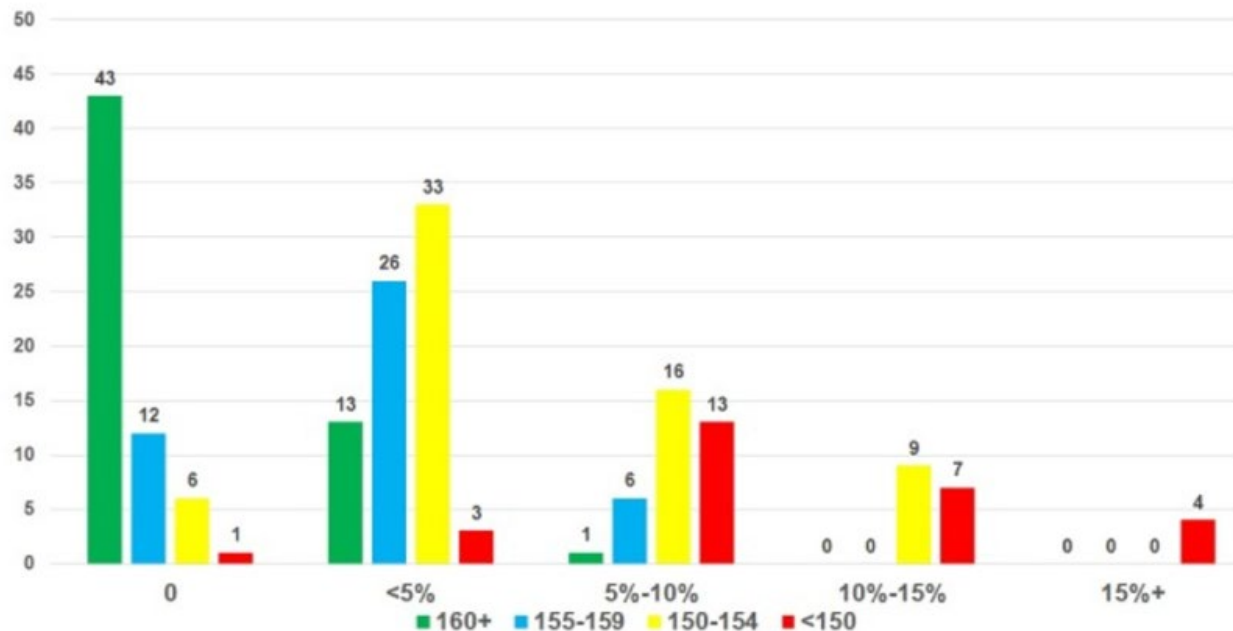
There were 57 law schools with a median LSAT of 160+ in 2018-19, of which 43 (roughly 75%) had an academic attrition rate of 0. Of the other 14, only two had academic attrition rates above 2%. With respect to overall attrition, 20 were under 2% with only four above 5% (with a high of 8.6%).

There were 44 law schools with a median LSAT of 155-159 in 2018-19, of which 12 had an academic attrition rate of 0 (nearly 30%). Of the other 32, only six had academic attrition rates above 5%. With respect to overall attrition, only nine were under 2% while five were above 10% (with a high of 14.3%).

There were 64 law schools with a median LSAT of 150-154 in 2018-19, of which six had an academic attrition rate of 0 (less than 10%). Of the other 58 law schools, 25 had academic attrition rates above 5% with nine of those being above 10%. With respect to overall attrition, only five were under 2%, with 21 above 10% (with a high of 36.7%).

Finally, there were 28 law schools with a median LSAT <150 in 2018-19, of which one had an academic attrition rate of 0. Of the other 27, 11 had an academic attrition rate over 10%. With respect to overall attrition, only one was under 2%, with 22 above 10% (with a high of 25%).

Chart 1: Variability of Academic Attrition Rates Across Law Schools in Four LSAT Categories for 2018-19



This phenomenon of much greater variability in attrition rates among law schools with a median LSAT of less than 155 may merit further attention. For law schools with a similar 50th percentile LSAT and 25th percentile LSAT for their entering classes, what can explain a range of academic attrition from 1% or 2% to more than 15% or 20%? Does one school have a much higher standard for academic good standing and dismissal? Does one school have a much more robust academic support program?

A further question without an answer at the moment is how this varied approach to academic attrition ultimately impacts bar passage results. If we have two law schools with comparable entering class profiles in states with comparable cut scores and bar passage percentages, does the law school with a higher rate of academic attrition show a higher bar passage rate when compared to the law school with a much lower rate of academic attrition? (I hope to explore this question in a subsequent blog posting.)

4. Overall Attrition and Interpretation 501-3

Early in 2017, the Council for the Section of Legal Education and Admissions to the Bar approved a change to Standard 501, dealing with Admissions. Interpretation 501-3 reads as follows: “A law school having a cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that the law school is not in compliance with the Standard.” This presented an issue for six law schools in 2018-19, each of which had a non-transfer attrition rate of more than 20%.

5. Ethnicity and Attrition

Up until the 2016-17 academic year, the publicly-reported attrition data did not provide any information regarding the gender or ethnicity of students leaving law school. Therefore, we didn't know whether women experienced different rates of attrition than men or whether students of different ethnic backgrounds had different rates of attrition. With the release of the 2016-17 data, attrition is now broken out by gender and by ethnicity.

Table 3 — Overall First-Year Attrition by Ethnicity for 2016-17 through 2019-20

	Overall Attrition	Students of Color	%	White Students	%	Non-Resident or Unknown	%
2016-17	2199	944	42.9	1122	51.0	133	6.0
2017-18	2218	941	42.4	1146	51.7	131	5.9
2018-19	2169	893	41.2	1164	53.7	112	5.2
2019-20	1279	464	36.3	747	58.4	68	5.3

Table 3 shows that students of color are experiencing overall attrition at disproportionate rates, as they comprise over 36% of students experiencing attrition in 2019-20 (and higher rates in the previous three years), while they comprise roughly 30-31% of first-year students over these four years. Over this four-year period, however, the situation has improved for students of color, as they have gone from representing nearly 43% of those experiencing attrition to just over 36%, while white students have gone from representing 51% of those experiencing attrition to 58.4%. (Kylie Thomas and Tiffane Cochran at AccessLex Institute wrote a [blog](#) on attrition and ethnicity in September 2018 focused on the data reported in December 2017. With three more years of data, even with an improving picture for students of color, the disproportionate burden of attrition on students of color merits increased attention.)

Table 4 provides disaggregated information, distinguishing academic attrition from other attrition, with SOC representing students of color, W representing white students and NRU representing non-resident students and students of unknown race/ethnicity.

Table 4 — Academic and Other Attrition by Ethnicity for First-Years in 2017-18, 2018-19 and 2019-20

	First-Year Academic Attrition							First-Year Other Attrition						
	Total	SOC	%	W	%	NRU	%	Total	SOC	%	W	%	NRU	%
2017-18	1277	628	49.2	584	45.7	65	5.1	941	313	33.3	562	59.7	66	7
2018-19	1171	571	48.8	540	46.1	60	5.1	998	322	32.3	624	62.5	52	5.2
2019-20	550	262	47.6	258	46.9	30	5.5	729	202	27.7	489	67.1	38	5.2

Table 4 shows that students of color, who represented roughly 30-31% of the matriculants in 2017, 2018 and 2019, experienced a disproportionate share of “academic attrition,” with students of color representing a larger percentage than white students of those experiencing academic

attrition in all three years (with the gap narrowing slightly each year). Of the 1277 first-year students who experienced academic attrition in 2017-18, 628 (49.2%) were students of color while 584 (45.7%) were white students. Of the 1171 first-year students experiencing academic attrition in 2018-19, 571 (48.8%) were students of color while 540 (46.1%) were white students. Of the 550 first-year students experiencing academic attrition in 2019-20, 262 (47.6%) were students of color while 258 (46.9%) were white students.

With respect to “other attrition,” however, the results are much closer to proportional. Of the 941 first-year students who experienced other attrition in 2017-18, 562 (59.7%) were white students while 313 (33.3%) were students of color. Of the 998 first-year students who experienced other attrition in 2018-19, 624 (62.5%) were white students while 322 (32.3%) were students of color. Of the 729 first-year students who experienced other attrition in 2019-20, 489 (67.1%) were white students while 202 (27.7%) were students of color. Thus, in the 2019-20 academic year, students of color appear to have experienced disproportionately less other attrition.

The key point here is that when one looks at the disproportionate experience of overall attrition among students of color, the major reason for the disproportionate incidence of overall attrition among students of color is academic attrition, not other attrition.

Table 5 — Academic Attrition by Ethnicity for First-Years Across Law Schools in Four LSAT Categories for 2017-2020

	Total Students	Total Academic Attrition	# White	% White	# Students of Color	% Students of Color	2019 Students of Color as % of Matrics
160+	39,429	96	39	40.6%	50	52.1%	28.7%
155-159	26,776	400	213	53.3%	166	41.5%	28.3%
150-154	30,640	1267	600	47.4%	592	46.7%	30.3%
<150	14,513	1235	530	42.9%	653	52.9%	43%
Total	111,348	2998	1382	46.1%	1461	48.7%	30.6%

Table 5 provides a disaggregated view of academic attrition across law schools in four different LSAT categories with data combined over the three academic years from 2017-18, 2018-19 and 2019-20. This disproportionate share of academic attrition for students of color is manifested in each of the four categories of law schools over this period. (Note that because students of color represent a larger proportion of matriculants at law schools with a median LSAT less than 150, the percentages actually are less disproportional in this category of law schools than in the other categories of law schools.)

There would appear to be a few possible explanations for this disproportionate rate of academic dismissal among students of color.

First, given the disparate performance on the LSAT for different ethnic groups, at some law schools, it may be that in trying to increase the diversity of the class the law schools are admitting students of color who disproportionately fill the bottom third of the class in terms of entering class profile at that law school. Regardless of ethnicity, given the correlations between LSAT and first-year grades, these are the students most likely to face academic challenges. If this population of students is disproportionately students of color at a given law school, it would not be surprising to see students of color represented disproportionately among those experiencing academic attrition.

Second, it is possible that students of color experience less sense of “belonging” in law school, particularly if they are first-generation students or students from a lower socioeconomic community, without a social support network connected to the legal profession. This also may make it more challenging for these students to find success and to perform to their abilities in law school.

Third, particularly for students of color who come from a lower socioeconomic community, if they do not have significant scholarship assistance, and have family obligations or financial challenges, they may need to work more than their peers from higher socioeconomic communities to make ends meet, which may impair their ability to perform up to their potential. (For example, the [LSSSE](#) has recent data showing that students and graduates of color carry greater indebtedness.) At most law schools without a part-time program, the law school model traditionally is structured around a “full-time” student — who is “all-in” on being a law student — committing 55-65 hours a week to the study of law. It may be that this model is less functional for students of color from lower socioeconomic communities than it is for white students from higher socioeconomic communities who have greater financial resources (perhaps both individually and within their family).

There likely are other factors that also contribute to this disproportionate experience of academic attrition among students of color. This would merit greater research attention.

To the extent that law schools want to diversify their student bodies in an effort to foster greater diversity in the profession, law schools need to find ways to help students of color find more success in law school so that academic attrition does not disproportionately affect students of color.

(I am grateful to Tiffane Cochran and Scott Norberg for helpful insights and comments on earlier drafts of this blog.)

Source: [Attrition Analysis for 2018, 2019, 2020 – With A Focus On Ethnicity](#), Dec. 22, 2020
TaxProf Blog