



A collaboration between Suited
and Write.Law



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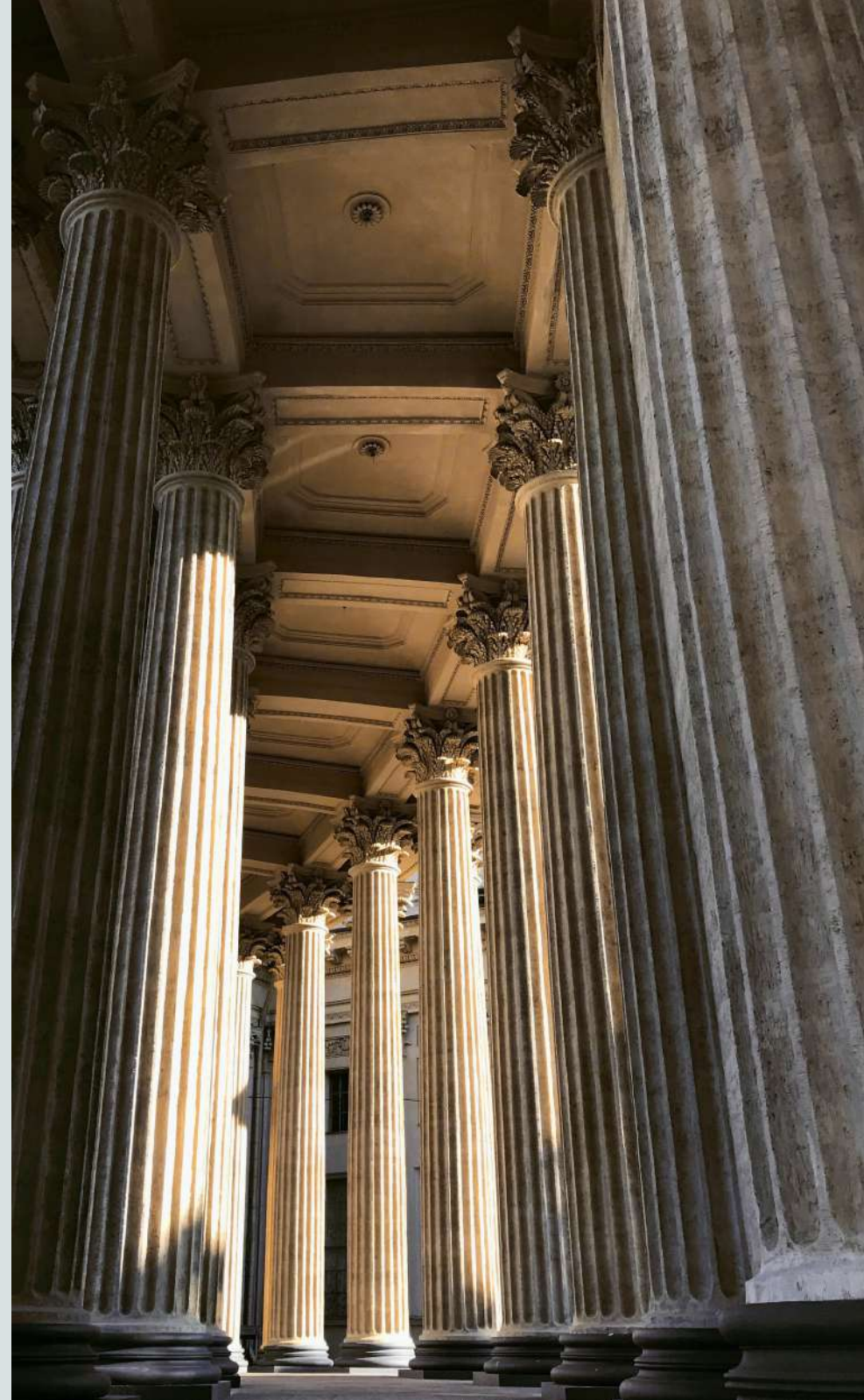
SUITED

Hire Character, Train Skill

Why Both Are Necessary to Produce
High-Performing Attorneys

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Foreword

Write.Law, the writing, tech, and practice skills training platform for legal professionals, and Suited, the AI-predictive recruiting network for law firms, have partnered to bring together two areas that are central to the progression and modernization of the legal industry; AI-recruiting techniques and legal skills training.

In order to cultivate high functioning practices, firms must embrace two central ideas. First, considering factors beyond traditional credentials is necessary for discovering high-potential candidates. And second, investing in training or upskilling this talent, even directly out of law school, is a modern-day must.

Using predictive analytics, hiring teams are able to expand their recruiting funnels to include more candidates. With a high degree of accuracy, AI-enabled tools can alert you to the candidates who have a high probability of success by identifying the unbiased traits and competencies that drive performance.

However, it is understood that today's law students are often not adequately prepared to create tangible or tactical impact on day-one in their roles. The legal ecosystem has changed due to the rapidly evolving marketplace, and the technical skills required to keep up are ever expanding. This is why hiring for "hard skills" out of law school is challenging, and why identifying potential over expertise is often more effective for building powerful teams.

If this is the reality, what fundamental traits and competencies should firms be looking for? If firms are going to invest in training and upskilling programs, are certain candidates more likely to thrive and develop than others? And finally, what type of training is most relevant and useful in today's world?

Write.Law addresses this "legal skills gap" by working with law students, practicing attorneys, law schools, and law firms to improve the legal acumen of law professionals through legal writing, tech, legal practice, and other areas.

Suited works with law firms to help automatically screen their talent pool for high-potential candidates, without bias. Using assessments, Suited creates custom AI models that identify which key employee traits lead to high performance and cultural fit. By only measuring relevant factors proven to be predictive of on-the-job success, Suited is able to remove adverse impact from the recruiting process.

Together, we have identified that a combination of intrinsic characteristics and learned skills can produce highly motivated and trainable attorneys who will take firms to the next level. Our hope is that firms will conclude great talent can come from anywhere, regardless of background, grades, or law school rank - it's simply a matter of identifying the candidates who possess the raw talent to succeed, and adequately upskilling them to become allstar attorneys.

Introduction

“Making a sow’s ear out of a silk purse.”

— The Reverend Jonathan Swift and
Justice Antonin Scalia

When asked about students’ chances of obtaining a clerkship with a Supreme Court justice, Justice Antonin Scalia was once quoted as saying to an audience of American University law students, “By and large, I’m going to be picking from the law schools that basically are the hardest to get into. They admit the best and the brightest, and they may not teach very well, but you ‘can’t make a sow’s ear out of a silk purse.’”

Scalia was not so shyly expressing two distinct ideas; the first being that law schools do not adequately prepare their students to function in the professional world. To his credit, it is a widely understood fact that new attorneys do not have many of the foundational skills needed to thrive in a modern legal practice.



Second, Justice Scalia believed that you cannot take non-top tier law students and transform them into “outrageously successful” attorneys. He continued, “If they come in the best and the brightest, they’re probably going to leave the best and the brightest.” While the legal skills gap has shown itself to be alive and well, Scalia’s second point is unfounded. In the same speech, he acknowledged that “one of the best law clerks” he ever had, Jeff Sutton, now the Chief United States Circuit Judge of the U.S. Court of Appeals for the Sixth Circuit, was a graduate of Ohio State. The data proves this beyond a

single anecdote. Across the thousands of practicing attorneys in Big Law who have completed the Suited assessment, of the attorneys who attended a T-14 school, 56.5% are high performers, and 43.5% are average or low performers. For the attorneys who did not attend a T-14 school, 55.1% are high performers, and 44.9% are average or low performers. The difference in this breakdown is not statistically significant, meaning those who attend elite law schools are no more likely to be high performers than those who do not.

There is no statistical significance in performance outcomes between attorneys who attended elite law schools and those who did not.





However, the assumption that a candidate with a top school or a high GPA will be more trainable, and therefore more successful, is an understandable one. Though it is this type of thinking that has plagued the industry with bias, homogeny, and a persistent skills gap.

There are certain measurable personality traits, workplace competencies, and relevant skills that have proven critical to on-the-job success as a practicing attorney. As it turns out, law school rank has little to do with it. Additionally, the capacity to learn those critical skills is also distinct from traditional resume factors.

As many legal scholars have explained, law schools have changed little over the past 150 years. But modern legal practice requires an array of skills that law schools do not teach the bulk of their students—like technology competency, interpersonal communication skills, emotional intelligence, leadership skills, teamwork skills, time management, business acumen, process and project management skills, and more. Indeed, commentators have noted for years that,

“For most lawyers, legal knowledge will become a skill, not a practice, during this decade.”

So, keeping these facts in mind, what makes a truly great attorney? The answer is not a simple one, as many traits can lead to high performance. This is great news for those who want to prioritize inclusion, since this means there are many ways to be a great attorney—even within the same firm. Even better, AI can help us easily identify these diverse determining factors for success.

However, there are two distinct traits that can help us determine which candidates or employees may be most suited for advancement via upskilling—trainability and the motivation to learn. The presence of these traits may not only be necessary to be adequately upskilled, but are also linked to long-term attorney success. Ultimately, it is the combination of the firm-specific determining factors for success, including the desire and capacity to learn, that will allow attorneys to meet the needs of the modern law practice.

The Skills Gap

“The future belongs to those who learn more skills and combine them in creative ways.”

— Robert Greene

Law schools teach students substantive legal principles and a limited set of skills like critical thinking and, at some schools, basic legal writing. These are the same set of skills that have been taught at American law schools for decades.

Because of this, the presence of the legal skills gap is no surprise to most practitioners, and the private legal sector has been belaboring the point for years. Scholars have also identified skills gaps in even experienced attorney groups. We have observed the gap widen with development of legal technologies, alternative legal service providers, consumer sophistication, and changing regulation in the industry.

Several surveys confirm that experienced legal practitioners observe a significant skills gap in new attorneys. In one popular survey, 95 percent of attorneys believed that recently graduated law

students lacked key practical skills at the time of hiring.¹ In another survey, only 23 percent of practicing attorneys believed that recent law school graduates were generally ready to do their jobs.²

One of the largest legal-skill studies ever done, which involved over 24,000 subjects, provides even more compelling evidence of this skills gap. The Foundations survey concluded that 19 of the 20 skills most valued by practitioners are not taught in standard law school curriculum.³ These missing skills, especially professional competencies, were ever more important to midsize and big firms.

The Altman Weil 2018 Chief Legal Officer Survey of 279 law department leaders found that nearly all the most sought-after skills in lawyers are not taught by law schools.⁴ The 2019 Association of Corporate Counsel survey of 1,639 respondents who identified themselves as the highest-ranking lawyer within a firm concluded the same.⁵

19 of the 20 skills most valued by practitioners are not taught in standard law school curriculum.

The skills most valued by practitioners:

- | | |
|---|---|
| 01. Keep information confidential | 11. Conscientiousness |
| 02. Arrive on time for meetings, appointments, and hearings | 12. Common sense |
| 03. Honor commitments | 13. Intelligence |
| 04. Integrity and trustworthiness | 14. Effectively research the law |
| 05. Treat others with courtesy and respect | 15. Take individual responsibility for actions and results |
| 06. Listen attentively and respectfully | 16. Regulate emotions and demonstrate self-control |
| 07. Promptly respond to inquiries and requests | 17. Speak in manner that meets legal and professional standards |
| 08. Diligence | 18. Strong moral compass |
| 09. Have a strong work ethic and put forth best effort | 19. Write in a manner that meets legal and professional standards |
| 10. Attention to detail | 20. Exhibit tact and diplomacy |



Another of the largest surveys of legal practitioners asked law graduates to reflect on their law school education. Most were not “enthusiastic about the specific role of their law schools in the transition to practice.” On the question of whether law school prepared them well for their legal careers, nearly half said no. Asked to rate the value of activities they completed during their law school career, respondents rated their first-year curriculum significantly lower than the work they did outside of their school.

The State Bar of California Task Force on Admissions Regulation Reform suggested that new lawyers needed training on a host of topics “not covered by doctrinal learning” like “problem solving” and “time management.”⁶

An endless array of scholars and commentators have also examined these skill gaps at length, concluding the same as practitioners: there is a wide gulf between standard legal education and the skills lawyers deploy in on-the-job practice.⁷ Many law schools subscribe to the “law schools teach theory, not practice” mantra.⁸ The Carnegie Foundation issued a report on the education of lawyers. The report concluded that:

“Most law schools give only casual attention to teaching students how to use legal thinking in the complexity of actual law practice. Unlike other professional education, most notably medical school, legal education typically pays relatively little attention to direct training in professional practice. The result is to prolong and reinforce the habits of thinking like a student rather than an apprentice practitioner, conveying the impression that lawyers are more like competitive scholars than attorneys engaged with the problems of clients.”



Over 83% of private and public legal teams rate that recent law graduates are “significantly lacking” in key skill areas.

Finally, one of the largest efforts to explore the law school skills gap collected the learning outcomes of 193 accredited law schools and compared them with the skills identified most important by practitioners. The result was a mismatch. For example, only 16 percent of law schools included a learning outcome for client interviewing, despite this skill being at the top of many practitioner surveys.⁹

Write.Law has developed data on this front as well. According to our client surveys, over 83% of both private and public legal teams rate that recent law graduates are “significantly lacking” in key skill areas. Legal teams rate these missing skill areas as a “high priority” in their hiring and professional development strategies. Write.Law has also

collected anonymous competency data from the thousands of law students and new lawyers it has trained. More than 78% of recent law graduates are not competent in basic skills needed to perform modern legal work, including word processing and spreadsheets, basic legal writing conventions, persuasion and other written communication skills, oral presentation skills, process and project management skills, and management skills generally.

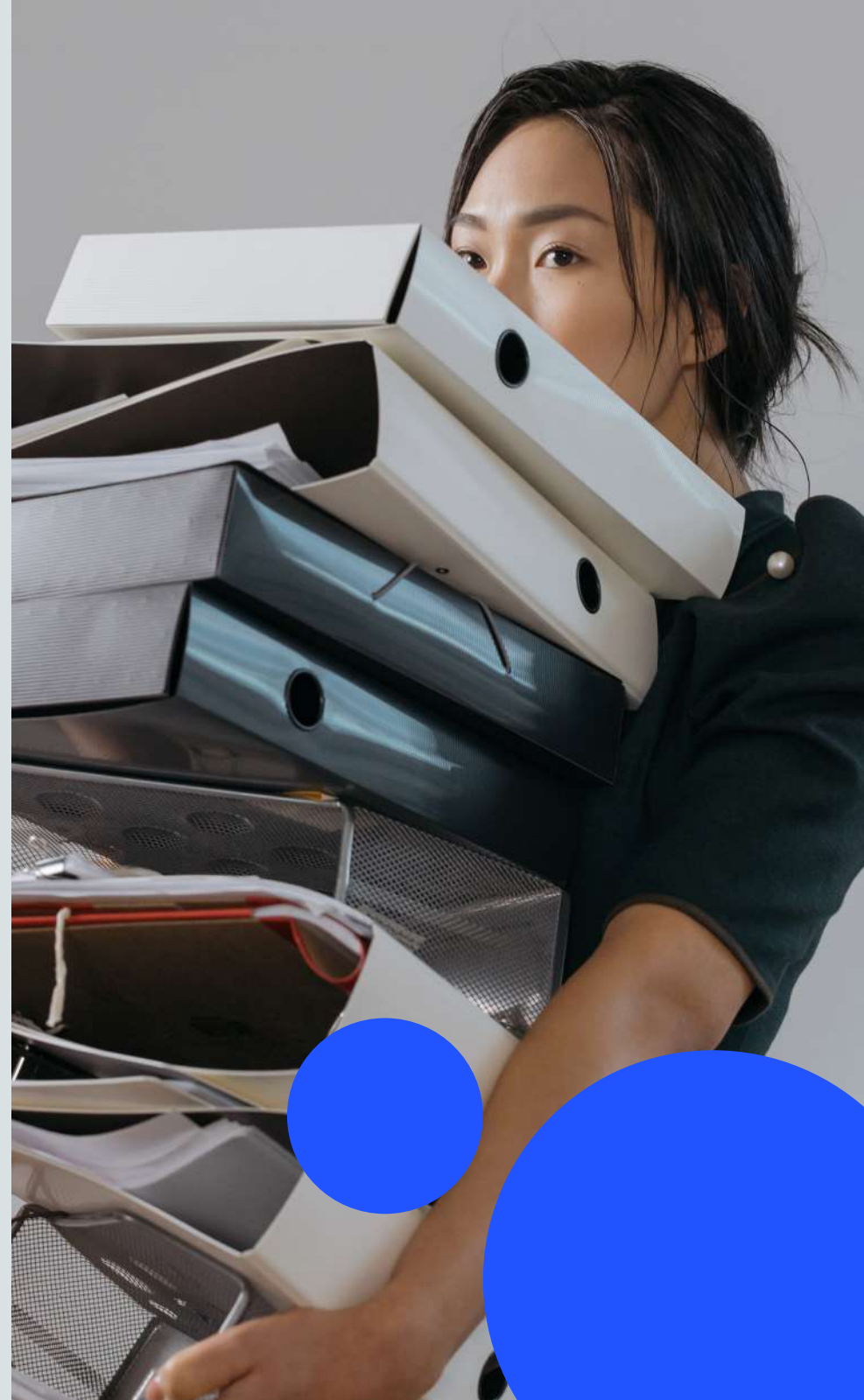
Because many schools don't feel the market pressure to train their students, law school rank can not be relied upon to make accurate hiring decisions. Instead, firms must get to the heart of what makes someone, or what will make someone, a successful attorney.

Predicting Potential

“Our potential is one thing. What we do with it is quite another.” — Angela Duckworth

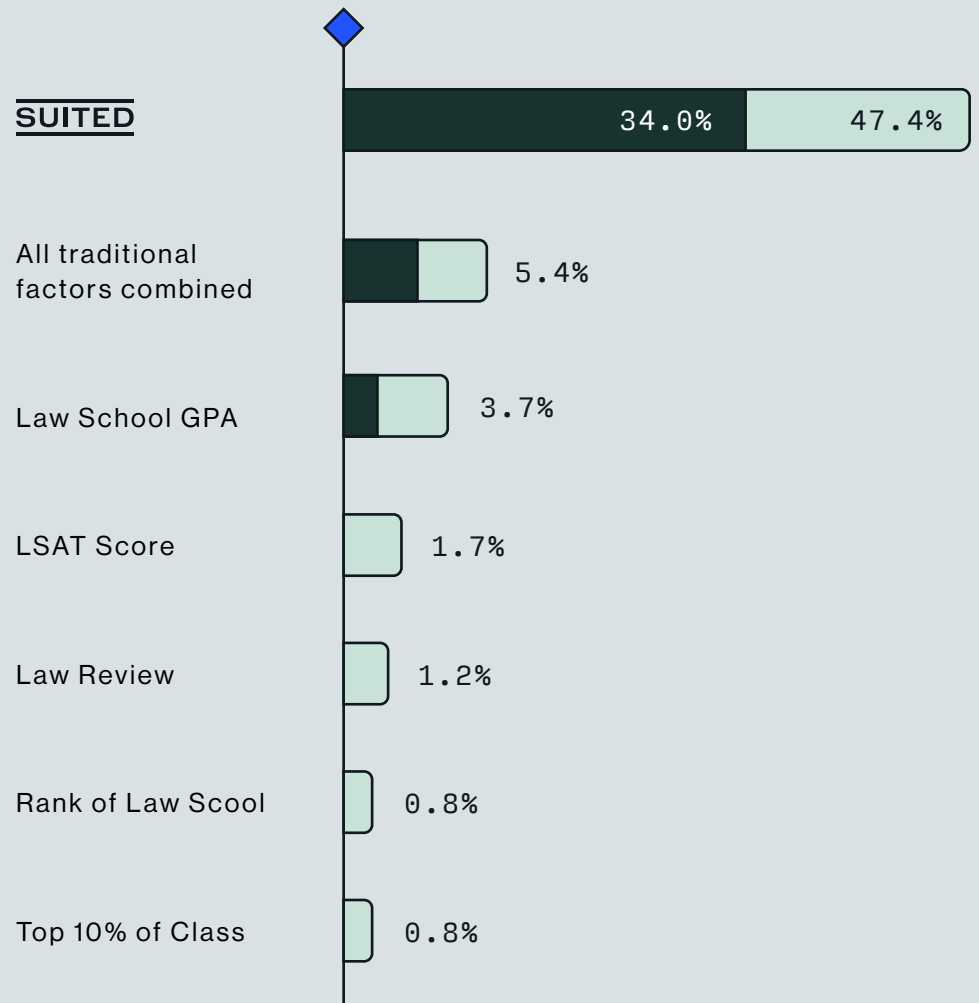
How can hiring teams know, with a high degree of accuracy, who to bring into their practices? As previously mentioned, while law school is an excellent place to learn the law, it does not necessarily prepare a candidate for the day to day of being an attorney. Historically, firms have used GPA, law school rank, class rank, and other traditional factors as proxies for preparedness, intelligence, and an estimation of the rigor a candidate can handle.

However, Suited's data has shown that these metrics that hiring decision makers typically associate with “promise” are not correlated to on-the-job success*. Yet, in absence of other available information, they are the most often used criteria for firms to narrow down their applicant pools to a size that can be managed in their processes.





*Factors and their correlation to performance:



The factors that do correlate with success largely depend on the firm, as each law firm has its own unique set of values, working styles, and cultures. Thankfully, AI is able to pick up on the significance of these factors and consider more than 10,000 statistical relationships between traits and job performance, providing fair and accurate insight into the potential of each candidate.

The psychometric traits measured in the Suited assessment relate directly to behaviors that are relevant to on-the-job performance as an attorney. The following traits are measured across all firms:

Initiative

Dependability

Cooperation

Personal efficacy

Analytical thinking

Building relationships

Integrity

Conscientiousness

Resilience

Self-awareness



The Suited assessments also measure a candidate's values. Values serve as guiding principles in a person's life, and when applied to the workplace, can explain an individual's decision-making, attitudes, and behavior. The assessment measures the following values:

-
01. Achievement
.....
- 02. Benevolence / Altruism
.....
- 03. Conformity
.....
- 04. Equity
.....
- 05. Power
.....
- 06. Security
.....
- 07. Self-Direction
.....
- 08. Simulation
.....
- 09. Tradition
.....

Keep in mind, the significance given to each of these traits and values will vary firm to firm, and the relationship between them is not linear, meaning having more or less of something is not always best. Instead, we are able to look at how these factors interact with one another, and different firms inevitably value different combinations.



Trainability and Learning Motivation

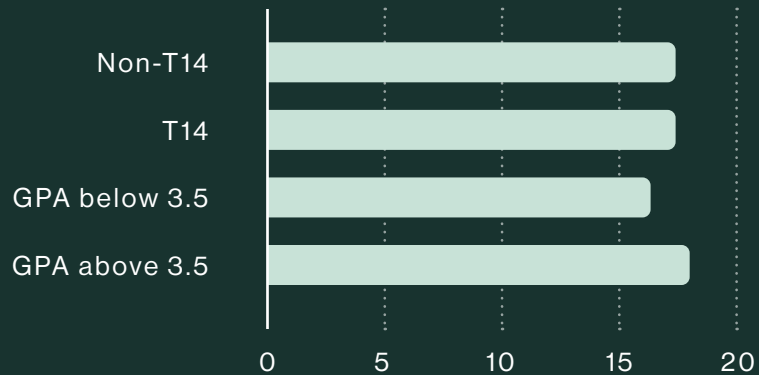
“Learning something new is fun.”

— Alex Trebek

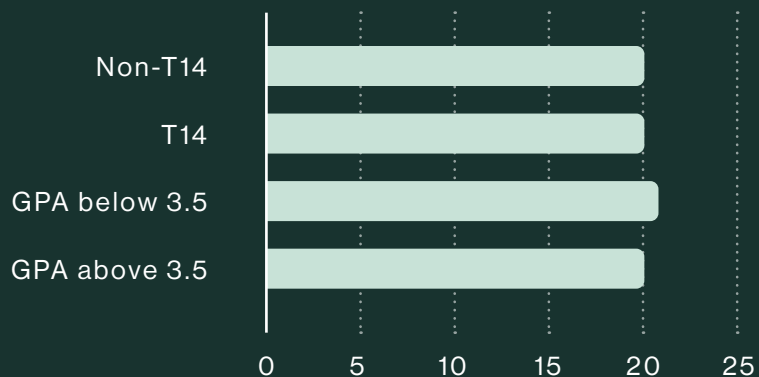
If GPA and law school rank don't tell us what we need to know about how a candidate will perform, can they tell us how likely someone is to “take” to on-the-job training? It would be easy to assume that a candidate who attends a top school or has a high GPA must be trainable and possess a high degree of learning motivation.

However, our data tells a different story. Trainability and learning motivation (T/LM) do not vary by law school ranking or GPA. On the surface, these results may feel counterintuitive. But the reality is that this is consistent with research indicating that other factors, like socio-economic status, family history in the legal profession, course and instructor quality, and personal networks all have an outsized influence on what law school someone attends and their GPA.

Trainability:



Learning motivation:



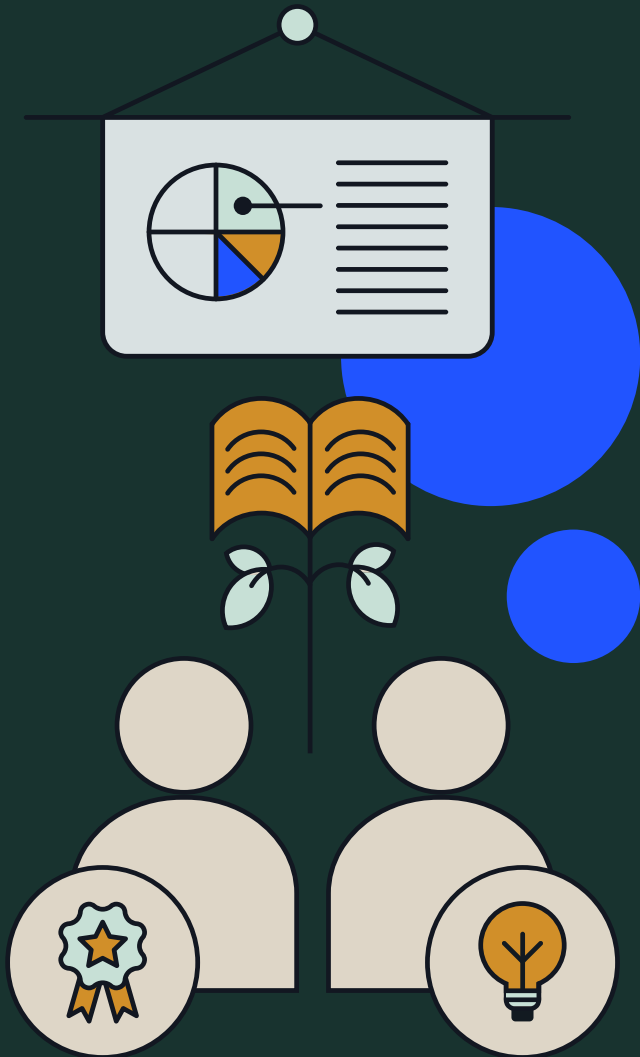
So why should we care about trainability and learning motivation? Because it captures something more critical to long-term growth and success than GPA or law school selection.

Two concepts are important to this discussion. The first is trainability, which is defined as the capacity of an individual to benefit from training and to gain proficiency in a particular skill.¹⁰ Second is learning motivation, defined as the desire of the trainee to learn the content of a specific training program.¹¹

Considered side by side, learning motivation is essential to someone starting and engaging in training, and trainability impacts how likely someone is to actually grow or change from participating in that training.

Much research has been conducted that demonstrates these concepts to be personality-driven; and we completed a thorough review of the current literature to uncover the personality traits consistently linked to one's T/LM.

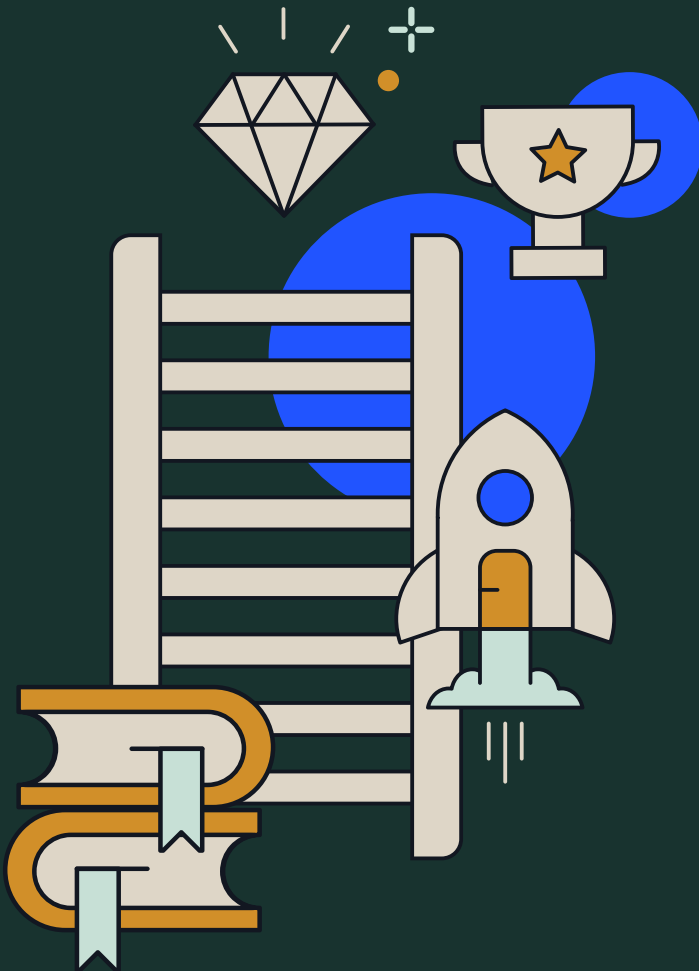




01. Trainability

Trainability, or the ability to grow from what one has learned, has connections to personality traits related to being curious and striving to produce quality work. People who net high in these traits tend to exhibit behaviors such as the ability to learn new things, to identify personal goals for growth, and to work thoroughly and effectively.

Additionally, the research indicates that the interaction of high levels of conscientiousness and achievement-striving can provide clues as to how trainable a candidate may be.



02. Learning Motivation

Learning motivation differs slightly from trainability. Specifically, those that are motivated to learn have the willingness to pursue and complete training, which increases their engagement in the learning. Learning motivation has connections to personality traits related to taking meaningful action, applying knowledge, and demonstrating ambition to achieve results. People who net high in these traits tend to exhibit behaviors such as the ability to leverage their strengths and acknowledge their weaknesses, to apply knowledge to solve problems and evaluate solutions, and to take ownership over their work and careers.

While not specifically designed to measure T/LM, Suited's assessment measures many of the personality traits that contribute to one's inherent levels of these concepts, all of which is supported by existing research. This is how we were able to correlate GPA, university selection, and performance to the motivation to learn and the ability to internalize training.

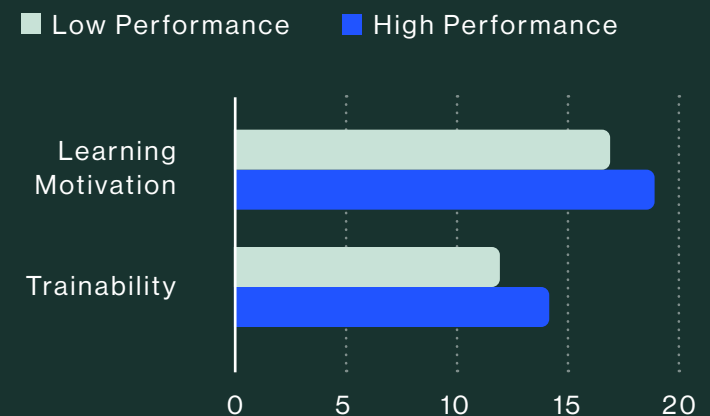
Our data indicates that a candidate's fit with an organization is independent of their T/LM. Meaning, T/LM on their own don't necessarily predict whether a candidate will be a good fit for the organization in the near term. This is because "fit" is a much broader concept that is driven by a much wider range of skills, personality traits, values systems, and approaches to managing on-the-job stress. In fact, we have found that very few traits can stand alone in predicting future performance and fit.

However, organizational fit in the present moment doesn't always translate into long-term success. Someone can be a good fit for a particular firm upon being hired, but, according to our data, may fall behind if they don't demonstrate much interest or engagement in training and learning new skills.

A candidate who shows interest and motivation related to ongoing learning and training may have the highest chances for long-term success, as there is a direct relationship between the highest performing attorneys in our data set and the presence of T/LM* (see graph on right). This implies that being a good immediate fit to the organization, in addition to high levels of T/LM, may correlate with lasting fit and high performance.



*LM/T by Employee Performance:



A Next-Gen Approach to Upskilling the Next Generation

“Live as if you were to die tomorrow.
Learn as if you were to live forever.”

— Mahatma Gandhi

Some lawyers and legal professionals believe that the only way to upskill in legal is through exhaustive in-person training or years of on-the-job practice. But research suggests that eLearning can boost learning and retention, including for lawyers—especially when eLearning leverages proven learning principles like microlearning.

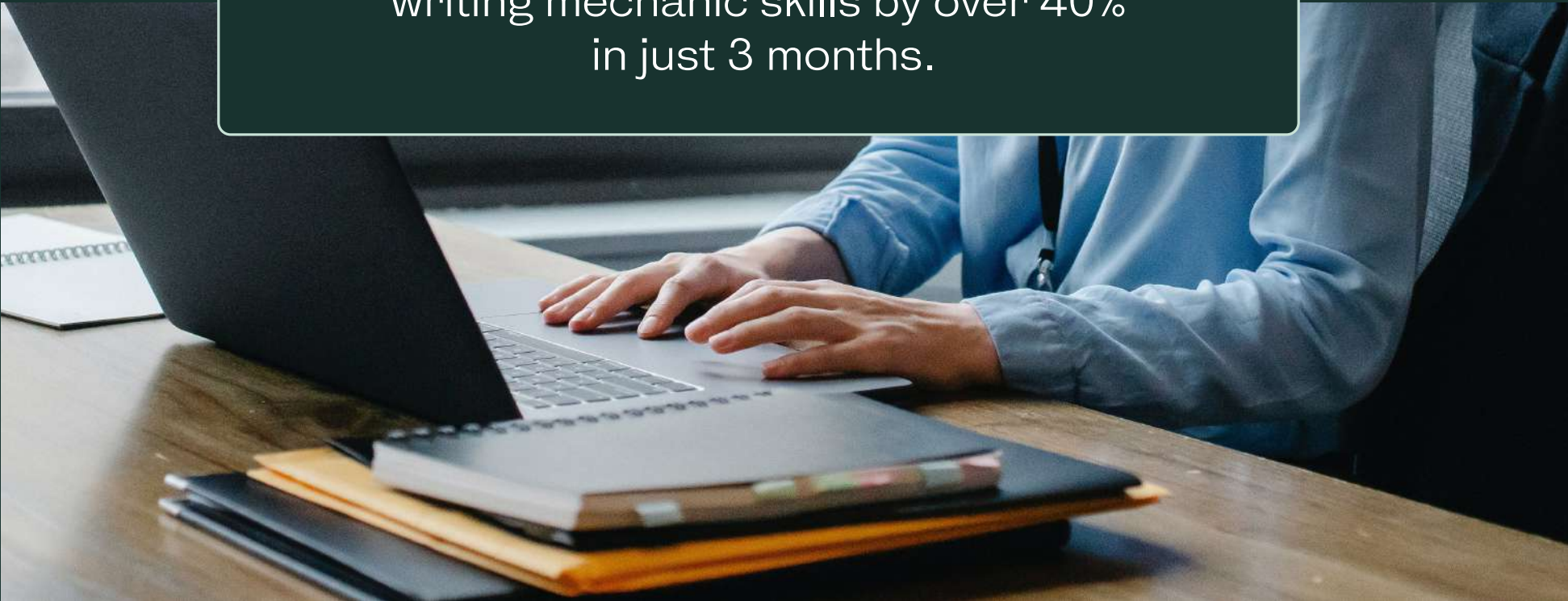
First, Write.Law data shows that lawyers and legal professionals can meaningfully improve their critical skills, like writing and technology competency, through self-paced upskilling. Write.Law users participated in targeted writing assessments before and after completing a three-month eLearning program. These assessments showed an improvement of over 40% in writing mechanics skills. Learners were better able to identify and correct writing problems like passive voice, confusing sentence structure, and imprecise word choice.

Second, a large body of research supports upskilling’s effectiveness when delivered through high-quality eLearning. Harvard research concluded that eLearning lessons halved student distraction, tripled note-taking effectiveness, and students’ overall retention of the content improved.¹²

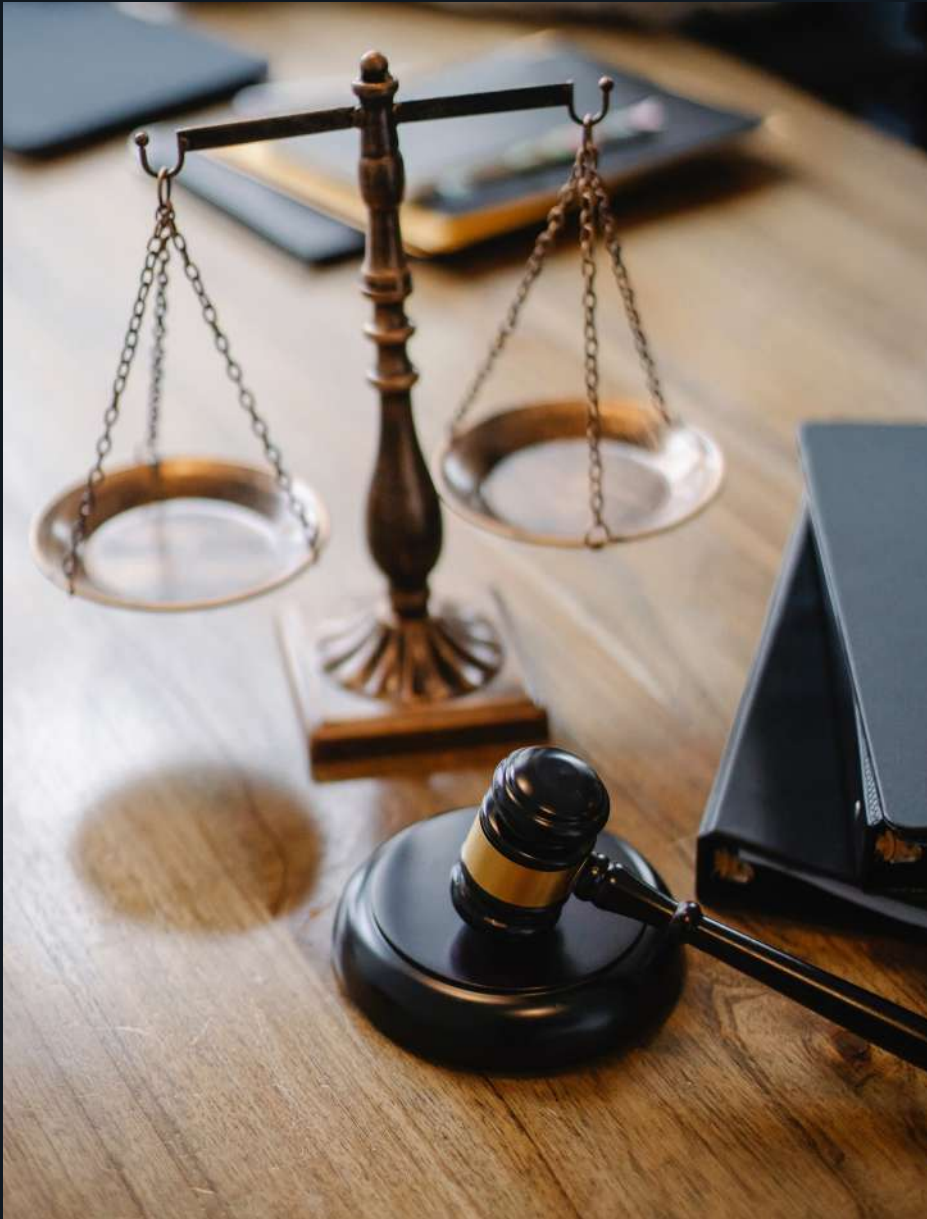
The Research Institute of America found that self-paced eLearning increased student retention rates from 25% to 60%. And for legal learners, eLearning may be even more effective. The average employee can only spare about 24 minutes a week to professional development (and that number could be much less for busy lawyers).¹³ Traditional in-person or on-the-job upskilling solutions require hours (or days) of time. But eLearning solutions can be bite-sized and flexible, taking as little as 10 minutes to see meaningful improvement.

Effective upskilling through eLearning requires leveraging learning science: like gamification, microlessons, multimedia, spaced repetition, interleaving, and actionable knowledge. Microlearning has been shown to improve overall learning by 18% compared to traditional teaching.¹⁴ Other studies suggest long-term retention may be improved by up to 80%.¹⁵ Recent research has shown that microlessons

result in “an increase in knowledge, more certainty in decisions about practical applications, and an increase in confidence in performing skills.”¹⁶ In one study, “participants ranging from 35-44 and 45-54 found microlearning more effective in their job role and participants were able to either immediately apply or took little time to apply knowledge learned from this training method to their job role.”¹⁷



eLearners can improve their
writing mechanic skills by over 40%
in just 3 months.



The majority of respondents reported that they would “rather learn in short bursts on their own time” than use traditional training. This is in line with previous research showing that employees want information delivered quickly, on their own time, with the flexibility of learning on multiple devices.¹⁸

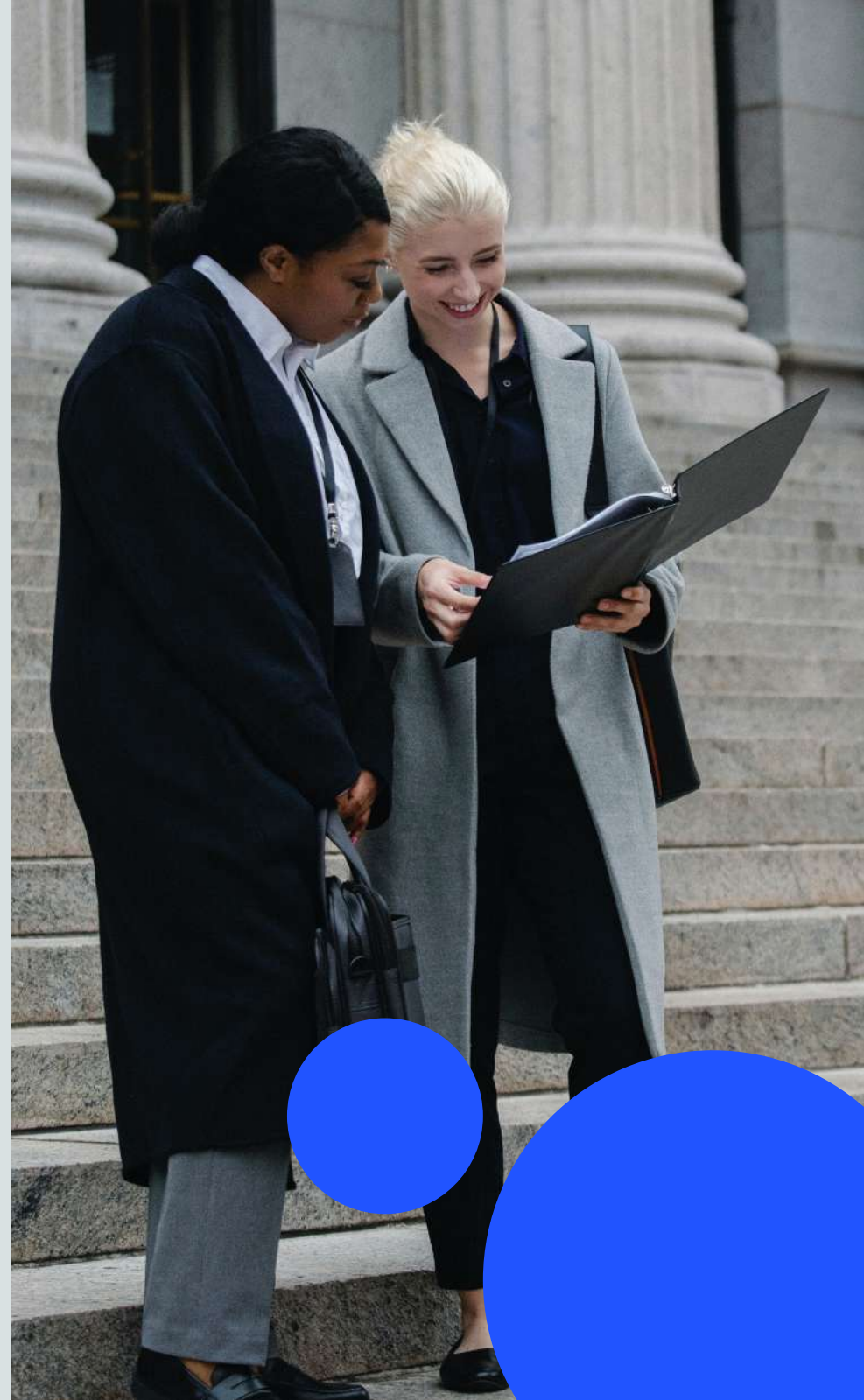
The latest generation of lawyers benefits even more from effective eLearning. Generation-Z learners have “a marked preference for learning visually through instructional videos” and simulations rather than reading and listening. They also prefer flexible learning that leverages technology. Fifty-nine percent of Generation Z “has been so immersed in technology in every aspect of their lives that they no longer see it as a transformative phenomenon[on],” but instead “a normal, integral part of life.”

The New Maxims of Equity

“I have a dream that one day this nation will rise up and live out the true meaning of its creed. ” — Martin Luther King Jr.

The goal of evaluating talent on metrics other than GPA, class rank, and university selection is to not only increase the accuracy of your hiring decisions, but also to create equity.

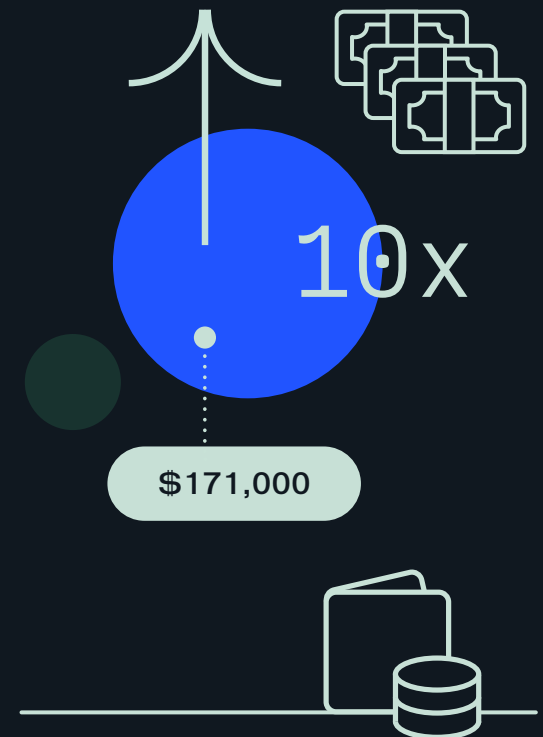
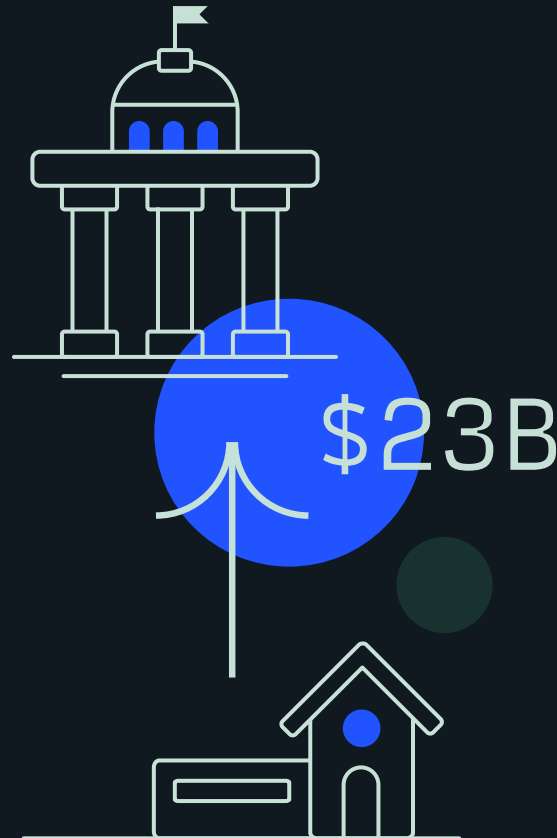
Most colleges still use SAT scores as a standard for determining admission. And because access in elementary, middle, and high school to things like STEM programs, advanced placement courses, technology, and guidance counselors, can affect college entrance exams, and therefore internship opportunities and future job prospects. Families with discretionary income can meaningfully improve the chances for their children through college entrance exam prep classes and more easily leverage relationships for internships and mentoring.





Children whose parents make more than \$200,000 a year score about 250 points higher on the SAT than children whose parents make \$40,000-\$60,000.¹⁹

School districts attended predominantly by students of color receive \$23 billion less in funding than primarily white districts.²⁰



And when the net worth of a typical white family is \$171,000, nearly ten times greater than that of a family of color,²¹ inequities are created that are impossibly difficult to overcome.

This may be why only 6% of freshmen at elite universities are Black.²²



When you hire for potential instead of prestige, and universally upskill that talent, you allow for a fair and thorough redistribution of opportunity within your practice.

Capitalizing on employees' growth mindset will not only improve the overall performance of your firm, but also sets up a roadmap for underrepresented groups to advance at the same pace as everyone else. Law firms that lean into this new way of thinking will also find it easier to attract, retain, and promote a diverse set of employees who perform at the highest levels. ●

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