

# PATTERNS IN *YALE LAW JOURNAL* ADMISSIONS AND STUDENT SCHOLARSHIP

Ian Ayres<sup>1</sup> & Anthony Cozart<sup>2</sup>

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1. Ian Ayres is the William K. Townsend Professor at Yale Law School. He is an economist and lawyer who has statistically tested for race and gender discrimination in a variety of contexts. *See, e.g.*, IAN AYRES & JONATHAN BOROWSKY, A STUDY OF RACIALLY DISPARATE OUTCOMES IN THE LOS ANGELES POLICE DEPARTMENT (2008); IAN AYRES, PERVASIVE PREJUDICE? UNCONVENTIONAL EVIDENCE OF RACE AND GENDER DISCRIMINATION (2001); Ian Ayres, *Fair Driving: Gender and Race Discrimination in Retail Car Negotiations*, 104 HARV. L. REV. 817 (1991).
  2. Anthony Cozart was a research assistant for Ayres at Yale Law School from 2014 to 2015.

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## I. INTRODUCTION

This Report<sup>3</sup> supplements the *Full Participation in the Yale Law Journal* report (*Full Participation Report*).<sup>4</sup> It uses data from first-year editor admissions, as well as student scholarship submissions, for Volumes 123, 124, and 125 to highlight patterns and trends in participation in the *Yale Law Journal* (*YLJ*). We connect estimates and statistics from our quantitative analysis to the extensive qualitative findings in the *Full Participation Report*.<sup>5</sup>

We begin by examining the admissions process. The structure of our empirical analysis reflects the process of becoming an editor: the decisions to register for the Sourcecite Exam, to sit the Sourcecite Exam, and to complete the Critical Essay and Diversity Statement. We refer to these decisions as “stages,” because they are the junctures at which the pool of students who might become editors diminishes as a result of applicant performance or interest.

We use nested logistic regressions to test whether certain variables were statistically significant predictors of participation and/or success at various stages in the admissions process. In particular, after including a variety of control variables, we test whether race and gender statistically impacted the likelihood of participation or success at these various stages. We then construct estimates of the “probability of success” by race, gender, volume, and undergraduate institution for each stage. Our discussion focuses on

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3. This report was commissioned by and in consultation with the *Yale Law Journal*. The contract commissioning the report gave Ayres and Cozart the right to independently test and draw any conclusions from the data, and gave the board of *YLJ* the right not to release portions of the report. The *YLJ* board did not exercise that right.
  4. Susan Sturm & Kinga Makovi, *Full Participation in the Yale Law Journal*, *YALE L.J.* (Nov. 9, 2015), <http://www.yalelawjournal.org/news/full-participation-in-the-yale-law-journal>.
  5. Readers may find it helpful to refer to *id.* at 72-90, which describe *YLJ*'s application process in greater detail, when considering our quantitative findings.

probabilities instead of regression coefficients expressed as log odds or odds ratios, which may be less familiar to some readers. These probabilities are estimates, calculated using logistic regression coefficients and controlling for differences in values of other variables, such as participation in another journal at Yale Law School (YLS) or having attended Harvard, Yale, or Princeton as an undergraduate. We calculate  $p$ -values to determine whether the shortfalls between minority groups and white applicants are statistically significant, and emphasize that for many of these estimated differences we cannot reject the null hypothesis that the true difference is zero. For these statistically insignificant estimates, we cannot rule out the possibility that the estimated differences are due to chance.

We present results for each of the three stages of the admissions process in Parts III, IV, and V. We begin by examining the first step in the process of becoming an editor: taking the Sourcete Exam, commonly referred to as the “*Bluebook* Exam,” which is open to all first- and second-year students in the spring of each year.<sup>6</sup> We restrict our analysis of the decision to apply to *YLJ* to first-year students in the 2012-2013, 2013-2014, and 2014-2015 academic years, for admission to Volume 123, 124, and 125 respectively. Our logistic regression coefficients provide evidence that black and Asian first-year students may be more likely to become applicants than white first-year students. More generally, these estimates reflect the different approaches of some minority students and affinity groups towards participating in *YLJ*; Parts II and III of the *Full Participation Report* identify and discuss in detail many of these attitudes.<sup>7</sup>

We continue in Parts IV and V by estimating how personal, educational, and family characteristics influence applicant performance on the two components of the admissions process. Performance on the first component, the Sourcete Exam, determines whether an applicant is invited to participate in the “Writing Component” of the admissions process, which includes the Critical Essay and Diversity Statement. Students are asked to complete the Critical Essay and Diversity Statement in the following summer. We refer to the logistic regressions that identify predictors of passing the Sourcete Exam as the “second stage.” The “third stage” uses the same empirical tools as before to consider what characteristics, conditional on having passed the Sourcete Exam, predict becoming an editor. Regression models in stages two and three use the same variables, or “covariates,” which we categorize together as either student, family, educational, or YLS-related characteristics.

Our results for the first, second, and third stages indicate that gender is not an important predictor of registering to take the Sourcete Exam or of success on the admissions

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6. Transfer students have the opportunity to apply in early August, before matriculating at YLS in the fall, and again in the spring of that same year.
  7. This highlights a limitation of the data: we are unable to say that students from a minority group are more or less likely to participate in admissions as a direct consequence of the encouragement or concern by affinity group at YLS. Instead our results provide a more general (reduced-form) snapshot of participation.

components for the years we have data. Moreover, intersectionality effects in the second and third stages are not pronounced: men and women for all minority groups have roughly similar probabilities of success at each stage. However, we find marginally significant evidence that among students who passed the Sourcete Exam that black women were 15 percentage points less likely than white women to become editors ( $p$ -value = 0.076). Among students who took the Sourcete Exam, LGBTQ status was also not a statistically significant predictor of success on the exam or in becoming an editor. Regression estimates for the second stage indicate that Hispanic students were less likely than non-Hispanic white students to pass the Sourcete Exam (the log odds for Hispanics are 1.317 lower than for whites;  $p$ -value = 0.018); however, estimates for the third stage (both conditional on taking the Sourcete Exam and conditional on passing the Sourcete Exam) do not suggest Hispanic students are less likely to become editors. We find no statistically significant shortfalls for black, East Asian, and South Asian students relative to white students in both the second and conditional third stage regressions, except we find marginal statistical evidence among those who passed the Volume 123 Sourcete Exam that black students were less likely than white students to become editors ( $p$ -value = 0.055). We do find that East Asian students may be more likely than white students to become editors in the third stage regression that conditions on taking the Sourcete Exam (their log odds are 0.731 higher, although this is only weakly statistically significant from zero).

There are four caveats to keep in mind in interpreting this Report. First, our regressions do not control for all the potential non-race influences on admission process success, such as how familiar a student is with the *Journal* or its admissions. It is possible that adding additional controls would have produced statistically significant differentials. Second, our analysis is limited to a subset of the potentially relevant outcomes (such as becoming an editor). For example, we do not analyze whether certain types of editors receive more mentoring than others. Third, our analysis is limited by data available from the admissions process of three volumes. The limited number of applicants of particular races may limit the power of our tests and hinder our ability to identify statistically significant differences. For example, our ability to test for some intersectional effects of race and gender combined with other factors is at times incomplete because of insufficient observations with particular interactions of interest. Finally, our regressions are not well-suited for distinguishing among a variety of different reasons why two student groups might display differential admission rates—including, *inter alia*, differential interest, ability, education, effort, access to information, or discriminatory (in either disparate treatment or disparate impact sense) mentoring or assessment. Because of our limited controls, limited outcomes, limited observations, and limited ability to distinguish among different causal mechanisms, it is accordingly important that our regression results be read together with the empiricism of the *Full Participation Report* to gain a better understanding of what drives the admissions process and how it is perceived by participants in the process.

We also examine patterns in student scholarship, and present these results in Part VI. Using a similar logistic regression approach as in our analysis of admissions data, we test

if race, gender, class year, and scholarship type predict if a Note or Comment submitted to *YLJ* is resubmitted or accepted for publication. None of the indicators for race are statistically significant, suggesting that submissions by minority students are just as likely as submissions by white students to be resubmitted or accepted for publication.<sup>8</sup> We also estimate, conditional on being an editor, the effect of race and gender on having a Note or Comment accepted.

This Report proceeds as follows. Part II describes the three datasets used in our analysis. Parts III, IV, and V present logistic regression results for each of the stages in *YLJ* admissions. Part VI reviews student scholarship patterns and discusses logistic regression results. Part VII discusses results.

## II. DATA

We use three datasets, labeled “Admissions Data,” “First-Year Class Data,” and “Student Scholarship Data,” which are described in more detail below.

*Admissions Data:* This dataset contains self-reported student information and admissions scores for all applicants to Volumes 123, 124, and 125.<sup>9</sup> Summary statistics for admissions to each volume are presented in Table 1. Across the three volumes, 420 students, excluding transfers and including rising third-year students, registered to take the Sourcecite Exam. Of the students who registered for and sat for the Sourcecite Exam, 81% (121/149) passed in Volume 123, 77% (103/134) passed in Volume 124, and 94% (108/115) passed in Volume 125. Between four and six students in each volume passed the Sourcecite Exam but, for whatever reason, did not complete a Critical Essay and Diversity Statement. Of the students that completed the Writing Component, the following percentages became editors: 49% (56/115) in Volume 123; 65% (63/97) in Volume 124; and 55% (57/104) in Volume 125.

Data for transfer students and students who did not participate in the admissions process but who Noted-on later are not included in the statistics reported in Table 1.<sup>10</sup> The admissions process is different for transfers as a result of the schedule at the start of the academic year. In order to afford them similar conditions for writing the Critical

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8. Without data on all students at YLS, we do not explore whether minority students are as likely to submit student scholarship as their white counterparts. Instead we present summary statistics of unique scholarship submitted, by race, in Panels D and E of Table 12.
  9. *YLJ* has not had a consistent data collection and retention policy, which is an action item the current volume is working to change. For example, data for applicants to Volume 123 do not include the test scores for each applicant, but instead binary variables for each stage of the admissions process. Data for applicants to Volume 124 and 125 include the same binary indicators as well as test scores for each applicant. More consistent policies in the future should help the *Journal* to better evaluate participation levels and the effects of efforts to increase participation.
  10. The term “Noted-on” refers to the process of becoming an editor as a result of having a Note accepted for publication in the *Journal*.

Essay and Diversity Statement (during several weeks while class is not in session), transfers write their Critical Essay and Diversity Statement over the summer as the first component of the admissions process and sit for the Sourcecite Exam when classes are in session in the fall. Ten transfer students applied to Volume 123. Three passed the Writing Component, and one student joined as an editor. For Volume 124, thirteen transfer students applied, seven passed the Critical Essay and Diversity Statement components, and four students joined as editors. For Volume 125, eight transfer students applied, six passed the Critical Essay and Diversity Statement components, and three joined as editors. Nine students Noted-on across the three volumes (to date).

**Table 1. Overview of Admissions Process**

	V123 FYE		V124 FYE		V125 FYE	
	N	%	N	%	N	%
First Year Class Size	204	100%	201	100%	200	100%
Registered for the Sourcecite Exam	155	76%	138	69%	127	64%
Registered, But Did Not Sit Sourcecite Exam	6	3%	4	2%	12	6%
Sat Sourcecite Exam	149	73%	134	67%	115	58%
Passed Sourcecite Exam	121	59%	103	51%	108	54%
Did Not Complete CE and/or Diversity Statement	6	3%	6	3%	4	2%
Completed CE & Diversity Statement	115	56%	97	48%	104	52%
Became Editor	56	27%	63	31%	57	29%

*Notes.* “V123 FYE” refers to first-year editors on Volume 123. Data for transfer students are not included in these statistics. Students who did not participate in the admissions process but who Noted-on are excluded from these statistics. Figures include rising second- and third-year students.

Scores for each component of the process of becoming an editor vary considerably across volumes. Differences in mean raw diversity scores reflect variation in student performance as well as the scoring guidelines used by each editorial board. Each volume used different grading guidelines for the Sourcecite Exam, Critical Essay, and Diversity Statement.<sup>11</sup> Each component tested for several qualities, and each score is an aggregate of sub-scores. For example, Critical Essay scores are the sum of three sub-scores, and Diversity Statement scores are the sum of at least five sub-scores (and often more) for

11. The volumes have also used different naming conventions. Volume 123 referred to the Sourcecite Exam as the “Source & Citation Exam,” and asked applicants to write a “Personal Statement” that focused on diversity. Volumes 124 and 125 asked applicants to complete a “Diversity Statement.”

each volume. The mean, standard deviation, relative standard deviation, minimum, maximum, and highest possible score are presented in Table 2 for each volume.

**Table 2. Summary Statistics of Component Scores**

	Mean	Std. Dev.	Relative Std. Dev. ( $\sigma/\mu$ )	Min	Max	Highest Possible Score
<i>Raw Sourcecite Exam Score</i>						
V123	272.99	21.99	8%	226.5	324	371
V124	263.84	42.62	16%	134	329	366
V125	313.3	37.99	12%	137	363	417
<i>Raw Critical Essay Score</i>						
V123	11.77	2.26	19%	6.6	16.3	20
V124	13.64	2.04	15%	6	17.5	20
V125	13.91	1.85	13%	7.5	18.25	20
<i>Raw Diversity Statement Score</i>						
V123	9.56	5.3	55%	0.5	18.5	20
V124	3.17	2.03	64%	0.33	9.67	25
V125	5.73	2.32	40%	2	15	15

Entirely separate from the Diversity Statement, each applicant was asked to provide information on race, gender, sexual orientation, educational background, and family characteristics at the time they registered for the Sourcecite Exam. We present this information in Table 3, grouping together data across all three volumes and calculating the percent of applicants in each demographic group. For many questions students had the option of indicating that they preferred not to disclose information instead of answering the question or leaving it blank. We categorize these students as “Did Not Disclose.” This response is different from leaving the question blank; we refer to those answers as “No Information Provided.”

**Table 3. Summary Statistics of Demographic & Applicant Information for All Applicants, Including Transfers and Third-Year Students, to Volumes 123, 124, and 125**

	% of Applicants
<i>Student Characteristics:</i>	
White	56%
Black or African American	9%
Hispanic	6%
American Indian or Alaska Native	<1%
East Asian (including Chinese, Japanese, and Korean)	12%
South Asian (including Bangladeshi, Indian, and Pakistani)	4%

Race: Other (e.g., “Arab/North African”)	1%
Multiracial <sup>12</sup>	6%
Race: Did Not Disclose	6%
Race: No Information Provided	6%
Male	54%
Female	45%
Other Gender (e.g., Trans, None)	<1%
LGBTQ	9%
<i>Political Views:</i>	
Democratic, Liberal, or Progressive	35%
Republican, Conservative, or Libertarian	9%
Moderate	17%
Other (e.g., Independent)	6%
Did Not Disclose	44%
<i>Family Characteristics:</i>	
Family Income: Less than \$30,000	4%
Family Income: \$30,000 to \$59,000	7%
Family Income: \$60,000 to \$99,000	12%
Family Income: \$100,000 to \$150,000	12%
Family Income: \$150,000 to \$250,000	15%
Family Income: Greater than \$250,000	19%
Family Income: Did Not Disclose	23%
Family Income: No Information Provided	8%
Parent Education: No more than HS Diploma (Both Parents)	3%
Parent Education: Some College (Both Parents)	8%
Parent Education: College Graduates (Both Parents)	26%
Parent Education: Graduate School (Both Parents)	45%
Parent Education: Law School (At Least One)	11%
<i>Educational Background:</i>	
Undergrad: Public	17%

12. Twenty-five students who indicate they are multiracial were for this table assigned to a race category using the following algorithm: first, 7 multiracial students who indicated that they were “Black or African American” and another race were assigned to black, then of the remaining 18 multiracial students, 9 of these students who indicated that they were “Hispanic” and another race were assigned to “Hispanic,” then of the remaining 9 multiracial students, 1 student who indicated that he or she was “American Indian or Alaska Native” and another race was assigned to “American Indian or Alaska Native,” then of the remaining 8 multiracial students who indicated they were Asian and white were assigned to their indicated “East Asian” or “South Asian” group. We also tested two alternative assignment schemes for multiracial students. Both of the approaches include an indicator variable for multiracial in each regression. The first approach allows student observations to have more than one race indicator equal to one (this is the case for all multiracial students). The second approach does not include multiracial students in the racial indicators, so that, for example, the East Asian variable, for example, does not include students who are “East Asian and white.” The regression results for these alternative racial assignments of the 27 multiracial observations did not appreciably affect the statistical significance of any of the racial disparities reported below.



Undergrad: Private, Non-Ivy	35%
Undergrad: Private, Ivy (All Schools)	43%
Undergrad: Private, Harvard-Yale-Princeton	29%
Undergrad: No Information Provided	6%
Ph.D.	2%
Master's Degree	8%
<i>YLS-related characteristics:</i>	
Rising Third-Year Student	6%
Small Group: Constitutional	28%
Small Group: Contracts	16%
Small Group: Procedure	2%
Small Group: Torts	9%
Small Group: Other (e.g., Transfer)	5%
Small Group: No Information Provided	40%
Other Journal: Leadership Editor	25%
Other Journal: Editor	22%
Other Journal: None, No Information Provided, or Missing	53%

*Notes.* Values may not add up to 100% for each variable as a result of students reporting multiple values. Data include all applicants to *YLJ* (both first- and second-year students). Family income data are for the years the student was in high school (pre-college). Volume 123 did not collect data on participation in other journals at YLS. "Other Journal: Leadership Editor" includes Managing, Lead, Executive, Submissions, Articles, Comments, Features, and Production Editors.

*First-Year Class Data:* Every year the YLS administration provides statistics to the American Bar Association (ABA) on all first-year students at YLS in "Standard 509" disclosures.<sup>13</sup> We use only the observations from the Admissions Data for first-year students and these statistics to create a dataset, described in Table 4, that includes all first-year students in the 2012-2013, 2013-2014, and 2014-2015 academic years.<sup>14</sup> This dataset includes 605 first-year students: 380 first-year students from the Admissions Data, and 225 first-year students who did not apply to the *Journal*.<sup>15</sup>

13. ABA disclosed data on the first-year class of students at YLS was retrieved using 509 disclosures accessed here: A.B.A. REQUIRED DISCLOSURES, <http://www.abarequireddisclosures.org> [<http://perma.cc/TLG2-PZYY>].

14. For example, 84 applicants to Volume 123 from the first-year class in 2012-2013 reported their race as "white." Using the ABA-disclosed information, we calculate that there are 52 (136 - 84 = 52) white first-year students who did not register to take the Sourcecite Exam. We expand the dataset to include an additional 52 "white" observations, all of which have the indicator variable "apply" equal to zero. We repeat this procedure for all race-volume combinations so that our dataset has the same number of observations (in total, and for each race) as the ABA-disclosed information.

15. There may be discrepancies in what students report to YLS and to *YLJ* when applying to become an editor. For example, the same student may report to YLS as "Multiracial" and to *YLJ* as "East Asian (e.g., Chinese/Japanese/Korean)." There were also years for which the number of applicants to *YLJ* who did not disclose racial information exceeded the number of students whose race, effectively, is not disclosed in the ABA data (e.g., "Non-Resident Alien" or "Do Not Know"). For our first-stage regression, we drop 9 race non-disclosing observations from the *YLJ* data so that the number of observations for each first-year class in our data matches the actual number of first-year students. As

**Table 4. First-Year Class Data, by Race and Gender**

	V123	V124	V125
White	136	118	119
Black or African American	16	17	15
Hispanic	14	13	16
American Indian or Alaska Native	0	1	2
Asian	18	36	26
Two or More Races	9	5	5
Nonresident Alien or Don't Know	11	11	17
Men	112	105	98
Women	92	96	102
Total	204	201	200

*Notes.* The disclosures do not make a distinction between “East Asian” and “South Asian” students.

*Student Scholarship Data:* This dataset combines the observations from the “Admissions Data” of applicants who became editors and data on all Notes and Comments submitted to *YLJ* Volumes 123, 124, and 125. It is used in Part VI to examine whether gender or race are correlated with the likelihood of submitting or resubmitting student scholarship, and of having student scholarship accepted for publication. Regression estimates for student scholarship submitted by editors use different demographic data than regression estimates for all submitted student scholarship, regardless of editor status.<sup>16</sup>

a robustness check, we also re-ran the regressions contained below in Table 5 dropping all race nondisclosing observations from ABA data (reducing the total number of observations by 39) and found no substantial difference in the sign, size, or significance of the race coefficients.

16. Regression estimates for all submitted student scholarship, regardless of editor status, use self-reported demographic information provided at the time the Note or Comment was submitted. Several students did not provide demographic information at the time of submitting scholarship; wherever possible, we use data from the admissions dataset or other row observations for the same student to fill in gaps in student scholarship demographic data. The regression analysis of student scholarship submitted by editors uses demographic data for all editors. Observations in the admissions dataset for editors that applied to Volume 123, however, do not include names, which we need to identify Notes and Comments submitted by editors. To overcome this, we first match the publicly available list of first-year editor names for Volume 123 to student scholarship to identify the self-reported race for each of these editors. Following this first step, only row observations for first-year editors for Volume 123 that did not submit any scholarship do not have demographic data; we fill in this demographic data for only the first-year editors for Volume 123 that did not submit student scholarship by drawing on race and gender data, that we have coded using photographs and names (allowing uncoded values when there was not consensus across multiple coders) from the 2012-2013 academic year YLS Inside Facebook. See generally Ajay Mehra et al., *At the Margins: A Distinctiveness Approach to the Social Identity and Social Networks of Underrepresented Groups*, 41 ACAD. MGMT. J. 441, 443 (1998) (coding race in part from school directory).

### III. FIRST STAGE: MODELING STUDENT PARTICIPATION IN *YLJ* ADMISSIONS

The *Full Participation Report* details how informal interactions, such as participation in student groups (such as Yale Law Women), differential access to editors on *YLJ*, and other sources of information guide and inform students interested in *YLJ*. Many of these student and affinity groups are concerned with the outcomes of their members in *YLJ* admissions; some clearly encourage members to participate, conveying, “*YLJ* and other gold stars are worthwhile.”<sup>17</sup> We cannot clearly identify the effects of affinity groups on participation in *YLJ* admissions. We instead begin our analysis by examining the representativeness of students who participate in *YLJ* admissions with respect to the first-year class of students at YLS.<sup>18</sup> The regression model includes volume fixed-effects and uses Huber-White, “robust” standard errors. We estimate, using the First-Year Class Data and logistic regressions, the following model:

$$\text{Applied} = \alpha + \beta_1 \text{Race} + \gamma(\text{YLJ Volume}) + \varepsilon, \quad (1)$$

where the dependent variable, “Applied,” indicates whether the student participated in the first stage of the admissions process by completing the Sourcecite Exam and “Race” includes an indicator for each minority group listed in Table 4. Table 5 presents logistic regressions results for equation (1).<sup>19</sup> The table shows that black and Asian first-year students are more likely to participate in the admissions process. The log odds of applying are 0.947 higher for black first-year students than white first-year students and statistically significant. The log odds for Asian first-year students are 1.427 higher than for white students and statistically significant. Estimates for the log odds of Hispanic students of any race are negative but not statistically significant from zero.

**Table 5. First Stage Regression Estimates Using ABA Disclosure**

Dependent Variable: Applied	(I)
Black or African American	0.947*** (0.346)
Hispanic	-0.187 (0.328)
American Indian or Alaska Native	0.738

17. Sturm & Makovi, *supra* note 4, at 55.

18. We are unable to explore the intersectionality between race and gender with this approach because the ABA disclosures do not provide information, for example, on the number of black women in the first-year class for each academic year. An alternative approach might use data from the YLS Inside Facebook to estimate the intersectionality between race and gender at the first stage.

19. We estimated alternative versions of equation (1) that split up the variable “Other,” and we found that the size of the estimated race coefficients and the statistical significance of each do not change.

	(1.191)
Asian	1.427***
	(0.313)
Other	1.022***
	(0.340)
Volume 124	-0.177
	(0.216)
Volume 125	-0.587***
	(0.215)
Observations	605

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*Notes.* \*\*\* indicates  $p < 0.01$ . Coefficients are reported as log odds. Robust standard errors are reported in parentheses. The dependent variable, “Applied,” is an indicator for whether the student completed the first stage of the admissions process, the Sourcecite Exam. East Asian and South Asian are grouped together. “Other” includes “Two or More Races,” “Non-Resident Alien,” and “Did Not Disclose.”

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To examine whether women are more or less likely than men to demonstrate interest in the *Journal* by registering to take the Sourcecite Exam, we run a logistic regression analogous to equation (1) that replaces the indicator variables for race with an indicator variable for gender. The coefficient for the female indicator in this regression is -0.1849 but this coefficient is not statistically significant. Thus, while in our sample of volumes a lower proportion of women than men applied for the *Journal* (60% for women versus 63% for men), we cannot reject the possibility that the difference is a product of chance ( $p$ -value = 0.276).

The *Full Participation Report* describes in detail the interactions, perceptions, student aspirations, and other opportunities at YLS that shape the decision to participate in *YLJ* admissions. Research presented in the *Full Participation Report* suggests students of some identity groups may be more ambivalent about participating in *YLJ*, and as such, may study less or start studying later for the Sourcecite Exam. Our regression in Table 5 does not distinguish the effects of each of these factors; instead, it provides a broad understanding of the participation patterns in *YLJ* admissions.

We use the regression coefficients in Table 5 to calculate the probability that a student completes the Sourcecite Exam. These probabilities are estimates, constructed by holding the covariates included in our regression model at the same (mean) values for all applicants.<sup>20</sup> We estimate that black first-year students are 21 percentage points more likely than white first-year students to take the Sourcecite Exam. Hispanic students are

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20. For the first stage, the coefficients for the volume-fixed effects (-0.177 and -0.587), which are the only non-race covariates, are weighted by the frequency of observations.

approximately as likely as white students to take the Sourcecite Exam, and Asian students are 29 percentage points more likely.

**Table 6. Estimated Probabilities of Taking the Sourcecite Exam**

	Probability	Differential	<i>p</i> -value
White	54%		
Black or African American	75%	21%	0.006
Hispanic	49%	-5%	0.567
American Indian or Alaska Native	71%	17%	0.535
Asian	83%	29%	0.000
Other	77%	23%	0.003

*Notes.* Estimated probabilities are constructed using logistic regression estimates from Table 5. *P*-values reported are based upon Table 5 coefficients testing that the estimated probability of taking the Sourcecite Exam for first-year students of that minority group is equal to the estimated probability of taking the Sourcecite Exam for white first-year students. We adopt this procedure of testing the estimated probabilities for each minority group below in Tables 8, 10, and 15, and use the same “margins” command in Stata for each stage.

#### IV. SECOND STAGE: IDENTIFYING PREDICTORS OF SOURCECITE EXAM PERFORMANCE

We estimate predictors of passing the Sourcecite Exam with a logistic regression that, in its simplest form, includes student gender, race, and sexual orientation. In a nested structure, we expand the set of regression covariates to include family characteristics, student educational background, and YLS-related characteristics like class year and participation in other journals. All regressions include fixed-effects for each volume. We address concerns that error terms may be correlated across volumes by calculating robust standard errors. The dataset used for the second and third stages is the Admissions Data provided by Volumes 123, 124, and 125.

Written as an equation, our simplest second stage regression is:

$$\text{Passed Bluebook Exam} = \alpha + \beta_1(\text{Race}) + \beta_2(\text{Gender}) + \beta_3(\text{Sexual Orientation}) + \gamma(\text{YLJ Volume}) + \varepsilon \quad (2)$$

The fully specified regression model is:

$$\text{Passed Bluebook Exam} = \alpha + \beta(\text{Student Characteristics}) + \delta(\text{Family Characteristics}) + \varphi(\text{Educational Background}) + \sigma(\text{YLS Experience}) + \gamma(\text{YLJ Volume}) + \varepsilon \quad (3)$$

“Student Characteristics” include gender, race, sexual orientation, and student political views. “Family Characteristics” include parent education and family income. “Educational Background” includes indicators for public undergraduate institution, Ivy, or Harvard-Yale-Princeton, as well as whether the applicant has completed or is currently pursuing a master’s degree or Ph.D. The base category for educational background is having attended a private, non-Ivy undergraduate institution with no postgraduate (masters or Ph.D.) education. The indicator variable for Ivy is set to one if the applicant went to any of the eight Ivy League schools. The coefficient for Harvard-Yale-Princeton is the effect, in addition to that of having attended an Ivy, of attending Harvard, Yale, or Princeton. Lastly, “YLS Experience” includes indicators for class year (“rising 3L”), first-year small group field, and participation in another journal at YLS.

Our sample includes the 398 applicants across the three volumes that were not transfer students. For each variable with missing information we create a “missing” factor level and include it in our regression, allowing us to use the greatest number of data observations as possible.

Table 7 presents logistic regression estimates of the nested equations expressed in equations (2) and (3). We do not estimate a statistically significant difference in Sourcecite Exam performance of male or female applicants in any of the nested regressions; the coefficient for the female indicator is small and not significant from zero in columns I-IV. Estimates for the effect of the LGBTQ indicator are negative but only weakly statistically significant from zero in two of the nested regressions.

Hispanic applicants, however, are less likely than white applicants to pass the exam. Our estimates suggest that the log odds of passing the Sourcecite Exam component for Hispanic applicants are between 0.929 and 1.317 lower than those for white applicants. These coefficients are statistically significant at the 90% and 95% confidence levels. The *Full Participation Report* suggests that this differential pass rate might be caused by differential “encouragement early on to invest time and energy in preparing for the Sourcecite Exam” or by differential interest in *YLJ* participation by some members of Yale’s Latino Law Students Association.<sup>21</sup> Students of other races (“Race: Other” in Table 7) are also less likely to pass the Sourcecite Exam, although the sample size of this group is extremely small ( $N = 5$ ).

Additional results from this stage include that students with “Political Views: Other” (e.g., Independent) tend to do worse than those who identify as Democratic, Progressive,

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21. Sturm & Makovi, *supra* note 4, at 68. A concern with reporting such estimated shortfalls is that the reporting might cause stereotype threat among future Hispanic applicants taking the Sourcecite Exam. We emphasize, as reported below in Table 8, that more than two-thirds of Hispanic applicants are predicted to pass the Sourcecite Exam. See *What Can Be Done To Reduce Stereotype Threat?* REDUCINGSTEREOTYPETHREAT.ORG, <http://www.reducingstereotypethreat.org/reduce.html> [<http://perma.cc/6GRE-WJMW>] (discussing stereotype threat and possible methods for reducing its prevalence).

or Liberal (the base category); that students with better-educated parents tend do worse (but this effect is estimated with varying statistical significance, and an *f*-test for joint significance suggests parent education does not have an effect ( $p$ -value = 0.2502)), and that 3L status strongly predicts passing the exam. Applicants who report having parents earning several categories of income greater than \$60,000 while they were in high school are more likely, at varying degrees of statistical significance levels, to pass the Sourcecite Exam than applicants with parents earning less than \$30,000.

Coefficients for the indicator of having at least one parent with a law degree are positive but not statistically significant from zero; we cannot reject the possibility that the effect is no effect. Similarly, our estimates for the effect of having attended a public or Ivy undergraduate institution, as opposed to a private non-Ivy undergraduate institution, are positive but not statistically significant. The effect of having attended Harvard, Yale, or Princeton, however, is positive and marginally statistically significant. The effects of having participated in another journal, either as an editor or in an elected leadership role, are positive and statistically significant. A joint test of statistical significance confirms that participation in another journal has an effect on Sourcecite Exam performance ( $p$ -value = 0.035).

We are unable to identify from the regression why a particular characteristic has differential probability of passing the Sourcecite Exam. As mentioned in the introduction, the marginally statistically significant chance of Harvard-Yale-Princeton students to pass might be caused *inter alia*, by “differential interest, ability, education, effort, access to information, discriminatory (in either disparate treatment or disparate impact sense) mentoring or assessment.” However, qualitative research presented in the *Full Participation Report* provides clues to understanding this result: first-year students from Harvard, Yale, and Princeton are much more likely to know at least one *YLJ* editor, who might have imparted key information about what, how much, and when to start studying.<sup>22</sup> Section III.A of the *Full Participation Report* provides a more detailed and comprehensive discussion of this relationship.

**Table 7. Second Stage Regression Estimates**

Dependent Variable: Pass Sourcecite Exam	(I)	(II)	(III)	(IV)
Female	0.120 (0.298)	-0.0543 (0.320)	-0.119 (0.331)	-0.107 (0.341)
Black or African American	-0.811* (0.454)	-0.780 (0.498)	-0.743 (0.514)	-0.490 (0.567)
Hispanic	-0.929* (0.528)	-1.183** (0.528)	-1.123** (0.514)	-1.317** (0.555)

22. Sturm & Makovi, *supra* note 4, at 59 (see Table titled “Percentage of 1Ls Who Knew *YLJ* Editors Upon Arrival at YLS”).

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East Asian	0.818 (0.551)	0.984* (0.544)	0.944 (0.579)	0.951 (0.588)
South Asian	0.373 (0.767)	0.674 (0.691)	0.736 (0.686)	0.886 (0.816)
Race: Other	-2.487** (1.111)	-2.954** (1.184)	-2.656** (1.237)	-2.638** (1.342)
Race: Not Disclosed or Missing	-0.796* (0.431)	-0.143 (0.564)	-0.142 (0.593)	0.0272 (0.651)
LGBTQ	-0.419 (0.468)	-0.857* (0.493)	-0.889* (0.521)	-0.691 (0.561)
Repub.-Conservative-Libertarian		-0.466 (0.686)	-0.606 (0.681)	-0.442 (0.735)
Political Views: Moderate		-0.930* (0.557)	-0.678 (0.578)	-0.836 (0.600)
Political Views: Other		-1.757*** (0.634)	-1.559** (0.613)	-1.711*** (0.664)
Political Views: Not Disclosed or Missing		-1.018 (0.927)	-1.029 (0.978)	-1.889 (1.181)
Parent Education: Some College		-0.203 (1.391)	-0.566 (1.400)	-1.038 (1.379)
Parent Education: Both College		-1.619 (1.222)	-1.894 (1.199)	-2.113* (1.204)
Parent Education: Some Grad School		-1.475 (1.215)	-1.755 (1.205)	-2.040* (1.221)
Parent Education: Not Disclosed or Missing		-2.051* (1.209)	-2.128* (1.193)	-2.436** (1.188)
Parent Education: At least 1 JD		0.699 (0.615)	0.580 (0.590)	0.420 (0.584)
Family Income: 30-59k		-0.228 (0.963)	-0.120 (0.924)	0.403 (0.910)
Family Income: 60-99k		1.570* (0.903)	1.561* (0.845)	1.827** (0.842)
Family Income: 100-149k		0.481 (0.856)	0.783 (0.817)	1.230 (0.778)
Family Income: 150-250k		1.003 (0.882)	1.115 (0.859)	1.598* (0.847)
Family Income: 250k+		0.874 (0.879)	0.886 (0.870)	1.434* (0.823)



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Family Income: Not Disclosed	0.821 (0.809)	0.817 (0.772)	1.315* (0.717)
Undergrad: Public		0.176 (0.427)	0.172 (0.451)
Undergrad: Ivy		0.392 (0.501)	0.527 (0.517)
Undergrad: Harvard-Yale-Princeton		0.981* (0.577)	0.988* (0.574)
Undergrad: Not Disclosed or Missing		0.0636 (0.597)	-0.0610 (0.615)
Master's Degree		-0.679 (0.673)	-0.639 (0.585)
Ph.D.		-0.310 (1.692)	0.0885 (1.110)
Rising 3L			2.011* (1.047)
Small Group: Contracts			-0.275 (0.544)
Small Group: Procedure			-1.641* (0.892)
Small Group: Torts			-0.777 (0.574)
Small Group: Not Disclosed or Missing			2.221 (1.453)
Other Journal: Editor			1.163** (0.580)
Other Journal: Leadership Editor			1.494** (0.589)
Volume 124	-0.380 (0.301)	-0.972 (0.817)	-0.937 (0.856)
Volume 125	1.434*** -0.452	1.106 (0.834)	1.155 (0.889)
Constant	1.666*** -0.291	3.508** (1.489)	3.315** (1.486)
Observations	396	396	396

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*Notes.* \*\*\* indicates  $p < 0.01$ , \*\*  $p < 0.05$ , and \*  $p < 0.1$ . Coefficients are reported as log odds. Robust standard errors are reported in parentheses. Column (I) corresponds to equation (2), columns (II) and (III) expand the set of covariates, and column (IV) corresponds to equation (3).

The regression sample includes 396 applicants, instead of the entire sample ( $N = 398$ ), because the indicator for “American Indian or Alaska Native” perfectly predicts the dependent variable equal to 1. The reference (or “base”) categories, which can be thought of as the characteristics against which we measure the effect of belonging to another group (e.g., Female) are: Male, White, Heterosexual Sexual Orientation, Democratic-Liberal-Progressive, Parent Education: No College, Family Income: Less than \$30,000, Undergrad: Private, Small Group Field: Constitutional, Other Journal: None, and Volume 123.

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We also estimated regression models that interact gender and race, and gender and LGBTQ status, but found that none of these interacted coefficients are statistically significant.

We use the regression coefficients from column IV in Table 7 to calculate the probability that a student passes the Sourcecite Exam. These estimates are constructed using the same steps as the estimated probabilities reported in stage one. We hold all covariates at the same (mean) values for all applicants, regardless of race, gender, sexual orientation, or other covariates. This allows us to separate differences in success rates that result from educational background, such as having a graduate degree or having attended Harvard, Yale, or Princeton; and those potentially attributable to minority status, gender, or sexual orientation.

The probabilities listed in Table 8 differ from those that might be easily calculated using the raw data.<sup>23</sup> For example, there were 22 white men who took the Sourcecite Exam in Volume 125, and 21 of these applicants passed the exam. This observed success rate for white men in Volume 125, 95%, is less than the estimated probability of 97% (seen in Panel B of Table 8). This is because our estimated probabilities predict what the likelihood of passing would be for applicants with the mean level of nonrace factors, while the actual Volume 125 white males taking the Sourcecite Exam had different values of these control variables.

We calculate and present in Panel A of Table 8 the estimated probabilities of passing the Sourcecite Exam for students of different races (but who are similarly situated with all nonrace variables set to their average values). Hispanic students are less likely than white students to pass the Sourcecite Exam, even after controlling for actual differences in values of our covariates ( $p$ -value = 0.018).

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23. The divergence is one reason why, along with a data retention policy, the *Journal* might wish to do periodic regression analysis of its data.

Panel B then estimates Volume-specific racial effects. Only the shortfalls identified in Panel B for Hispanic students for volumes 123 and 125 are statistically significant at traditional 5% levels.<sup>24</sup> Racial disparities are similar for Volumes 123 and 124, but have narrowed for Volume 125. The average Sourcecite Exam raw score for Volume 125 (313.3) was much higher than the scores for Volumes 123 and 124 (272.99 and 263.84), and changes were made in training and outreach, described in detail in the *Full Participation Report*.<sup>25</sup>

Panel C presents shortfalls for the combination of race and having gone to an Ivy League school as an undergraduate. Hispanic applicants who did not go to an Ivy League school are 22 percentage points less likely to pass the Sourcecite Exam than white students who did not go to an Ivy League school. This shortfall is statistically significant ( $p$ -value = 0.006). Collinearity in the interacted regression model used to produce the regression  $p$ -values in the far right column prevents us from testing if Hispanic students who went to an Ivy League school are more or less likely to pass than white students who went to an Ivy League school.

Gender-Race differentials, listed in Panel D, indicate that gender is not an important predictor of success on the Sourcecite Exam. Male and female subgroups for all of the minority groups display statistically similar pass rates.

**Table 8. Estimated Probabilities of Passing Sourcecite Exam**

<b>Panel A: Race</b>				
<b>Race</b>		<b>Probability</b>	<b>Differential</b>	<b><math>p</math>-value</b>
White		90%		
Black or African American		85%	-5%	0.388
Hispanic		71%	-19%	0.018
East Asian		96%	6%	0.106
South Asian		96%	6%	0.278
Not Disclosed		90%	0%	0.967
<b>Panel B: Race-Volume</b>				
<b>Race</b>	<b>Volume</b>	<b>Probability</b>	<b>Differential</b>	<b><math>p</math>-value</b>
White	123	85%		
White	124	83%		
White	125	97%		
Black or African American	123	78%	-7%	0.599
Black or African American	124	75%	-8%	0.299

24. At any of the most common levels of statistical significance (10%, 5% and 1%) it is possible for a finding of statistical significance to be spurious. For example, at a 5% level, one in twenty (five out of a hundred) results may be significant as a matter of chance.

25. Sturm & Makovi, *supra* note 4, at 124.

Black or African American	125	95%	-2%	0.181
Hispanic	123	61%	-24%	0.033
Hispanic	124	57%	-26%	0.121
Hispanic	125	90%	-7%	0.033
East Asian	123	94%	8%	0.543
East Asian	124	93%	10%	0.174
East Asian	125	99%	2%	0.543
South Asian	123	93%	8%	0.354
South Asian	124	92%	9%	0.354
South Asian	125	99%	2%	0.354
Not Disclosed	123	86%	0%	0.671
Not Disclosed	124	83%	0%	0.070
Not Disclosed	125	97%	0%	0.919

***Panel C: Race-Undergrad Ivy***

<b>Race</b>	<b>Ivy</b>	<b>Probability</b>	<b>Differential</b>	<b>p-value</b>
White	No	88%		
White	Yes	93%	5%	0.308
Black or African American	No	82%	-6%	0.316
Black or African American	Yes	88%	-4%	0.926
Hispanic	No	66%	-22%	0.006
Hispanic	Yes	77%	-16%	-
East Asian	No	95%	7%	0.058
East Asian	Yes	97%	4%	0.607
South Asian	No	95%	7%	0.465
South Asian	Yes	97%	4%	0.465
Not Disclosed	No	88%	0%	0.164
Not Disclosed	Yes	93%	0%	0.665

***Panel D: Race-Gender***

<b>Race</b>	<b>Gender</b>	<b>Probability</b>	<b>Differential</b>	<b>p-value</b>
White	Male	91%		
White	Female	90%	-1%	0.753
Black or African American	Male	85%	-5%	0.872
Black or African American	Female	84%	-6%	0.319
Hispanic	Male	72%	-19%	0.083
Hispanic	Female	70%	-20%	0.100
East Asian	Male	96%	6%	0.993
East Asian	Female	96%	6%	-
South Asian	Male	96%	5%	0.338
South Asian	Female	95%	6%	0.341
Not Disclosed	Male	91%	0%	0.682
Not Disclosed	Female	90%	0%	0.638

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*Notes.* *P*-values reported are calculated by adding interaction terms to the regression in column IV (for example, Panel B regressions include race interacted with volume), and testing if the minority coefficients for a group or subgroup are statistically different than the comparator white group or subgroup. Estimates for American Indian or Alaska Native are not calculated in Tables 8, 10, and 15 as a result of the indicator variable perfectly predicting the dependent variable in regression results reported in Tables 7 and 9.

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## V. THIRD STAGE: IDENTIFYING PREDICTORS OF BECOMING A FIRST-YEAR EDITOR, CONDITIONAL ON PASSING THE SOURCECITE EXAM

We model the next stage of the admissions process by estimating the probability that an applicant becomes a first-year editor, conditional on passing the Sourcecite Exam and having completed the Writing Component. The scores from each component, including the Sourcecite Exam score, are used to calculate a weighted composite score that determines whether an applicant is offered admission to the *Journal*. The regression models are the same as equations (2) and (3) from stage two with the exception that the dependent variable is now an indicator for whether the applicant became an editor. Estimates are “conditional” in the sense that applicants who do not pass the Sourcecite Exam are not included in our regression sample.<sup>26</sup> This explains why the number of observations decreases from 398 in stage two to 317 in stage three.

Logistic regression estimates, presented in Table 9 below, indicate that race, gender, and sexual orientation do not predict whether an applicant, conditional on passing the Sourcecite Exam, becomes an editor. The effects of race, gender, and sexual orientation are not distinguishable from zero; *p*-values are greater than 0.10, the weakest of the traditional thresholds for determining statistical significance.

The empirical evidence presented in the *Full Participation Report* suggests that “prior opportunities to practice critical inquiry” may have a greater effect on performance at this stage of the admissions process: “Many of the Editors we interviewed identified some kind of experience with editing or critical writing before they came to YLS, including journalism, undergraduate or graduate thesis writing, serving as an editor or teacher for other students, or completing a doctoral dissertation.”<sup>27</sup> Estimates for indicator variables for masters or Ph.D. are not statistically significant from zero. However, estimates for the effects of participation in another journal at YLS are positive

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26. Describing our estimates as “conditional on having passed the Sourcecite Exam” is not the same as “holding Sourcecite Exam scores constant,” as the scores factor into whether an applicant performs well enough across all three components to be offered admission.

27. Sturm & Makovi, *supra* note 4, at 80-81.

and statistically significant, suggesting that students benefit from the experiences and the opportunities for critical inquiry they may afford.<sup>28</sup>

Several characteristics, however, do predict becoming an editor. Applicants with both parents having graduated from college are predicted to have a better chance than those applicants with parents with high school level education, although this difference does not remain significant in the fully specified model in column IV.<sup>29</sup> In interpreting these results, however, we should keep in mind that we would expect three or four coefficients to be marginally significant (at the 10% level) as a matter of chance.

**Table 9. Third Stage Logistic Regression Estimates, Conditional on Passing Sourcecite Exam**

Dependent Variable: Becoming an Editor	(I)	(II)	(III)	(IV)
Female	0.287 (0.240)	0.254 (0.263)	0.229 (0.272)	0.200 (0.289)
Black or African American	-0.613 (0.437)	-0.570 (0.487)	-0.593 (0.502)	-0.619 (0.530)
Hispanic	0.361 (0.581)	0.638 (0.654)	0.632 (0.658)	0.642 (0.671)
East Asian	0.328 (0.344)	0.527 (0.394)	0.494 (0.416)	0.737 (0.459)
South Asian	0.132 (0.518)	0.0366 (0.545)	0.0593 (0.539)	-0.00249 (0.679)
Race Not Disclosed or Missing	-0.101 (0.378)	0.676 (0.539)	0.675 (0.577)	0.508 (0.590)
LGBTQ	-0.110 (0.455)	0.213 (0.489)	0.176 (0.504)	0.500 (0.519)
Republican/Conservative/Libertarian		-0.710 (0.552)	-0.671 (0.591)	-0.849 (0.596)
Political Views: Moderate		0.556 (0.387)	0.693* (0.397)	0.652 (0.421)
Political Views: Other		-0.180 (0.749)	-0.260 (0.707)	-0.504 (0.736)
Political Views: Not Disclosed or Missing		-0.744 (0.711)	-0.709 (0.714)	-0.284 (1.023)
Parent Education: Some College		0.485 (0.552)	0.312 (0.574)	0.259 (0.606)

28. A joint test of statistical significance for other journal participation confirms this conclusion ( $p$ -value = 0.0053).

29. Moreover, a test of equality of the parent education categories indicates that they are not jointly significant ( $p$ -value = 0.44).

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Parent Education: Both College	1.097**	0.968*	0.751
	(0.485)	(0.505)	(0.525)
Parent Education: Some Grad School	0.648	0.467	0.289
	(0.432)	(0.455)	(0.483)
Parent Education: At least 1 JD	0.329	0.308	0.526
	(0.428)	(0.441)	(0.454)
Family Income: 30-59k	0.434	0.671	1.192
	(1.451)	(1.361)	(1.209)
Family Income: 60-99k	0.406	0.637	1.004
	(1.372)	(1.274)	(1.103)
Family Income: 100-149k	-0.145	0.212	0.759
	(1.385)	(1.294)	(1.134)
Family Income: 150-250k	-0.256	0.0474	0.507
	(1.383)	(1.292)	(1.133)
Family Income: 250k+	0.117	0.258	0.641
	(1.374)	(1.279)	(1.114)
Family Income: Not Disclosed	0.392	0.690	1.209
	(1.369)	(1.278)	(1.133)
Undergrad: Public		-0.210	-0.228
		(0.420)	(0.439)
Undergrad: Ivy		0.155	0.125
		(0.403)	(0.422)
Undergrad: Harvard-Yale-Princeton		0.311	0.410
		(0.388)	(0.396)
Undergrad: Not Disclosed or Missing		-0.589	-0.478
		(0.612)	(0.664)
Master's Degree		0.270	0.434
		(0.519)	(0.565)
Ph.D.		-0.993	-1.072
		(1.094)	(1.372)
Rising 3L			-1.475**
			(0.720)
Small Group: Contracts			-0.725*
			(0.398)
Small Group: Torts			-0.648
			(0.517)
Small Group: Not Disclosed or Missing			0.787
			(1.063)
Other Journal: Editor			1.929***
			(0.586)
Other Journal: Leadership Role			1.613***
			(0.543)
Volume 124	0.441	-0.425	-0.388
			-0.632

	(0.282)	(0.687)	(0.690)	(0.802)
Volume 125	0.222	-0.594	-0.627	-0.714
	(0.277)	(0.648)	(0.669)	(0.784)
Constant	-0.160	-0.247	-0.509	-1.928
	(0.241)	(1.608)	(1.543)	(1.538)
Observations	317	309	309	304

*Notes.* \*\*\* indicates  $p < 0.01$ , \*\*  $p < 0.05$ , and \*  $p < 0.1$ . Coefficients are reported as log odds. Robust standard errors are reported in parentheses.

The regression sample (the number of observations) is different in columns I-IV as a result of the indicator variables perfectly predicting the dependent variables (“American Indian or Alaska Native” perfectly predicts success in all four regressions; “Race Other” and “Parent Education: No College” predict failure in columns II-IV; and “Small Group: Procedure” perfectly predicts success in column IV). We drop data for applicants who passed the Sourcecite Exam but did not complete the Critical Essay component from this regression sample. We use the same base categories as in our regressions for stage two. Refer to Table 7 for more information.

We calculate the probability that an applicant becomes an editor, conditional on passing the Sourcecite Exam, using the same procedure as in stage two. None of the shortfalls in Panel A are statistically significant. Black students were 15 percentage points less likely in Volume 123 to become editors, conditional on passing the Sourcecite Exam, and this difference was marginally significant ( $p$ -value = 0.055), although this difference did not persist in Volumes 124 and 125. For Volume 125, Hispanic students who passed the Sourcecite Exam were estimated to be statistically more likely than their non-Hispanic white counterparts to become editors ( $p$ -value = 0.061). None of the shortfalls in Panel C are statistically significant. Black women were 15 percentage points less likely than white women, conditional on passing the Sourcecite Exam, to become editors, and this difference was marginally significant ( $p$ -value = 0.076).

**Table 10. Estimated Probabilities of Becoming an Editor, Conditional on Passing Sourcecite Exam**

<b><i>Panel A: Race</i></b>				
<b>Race</b>	<b>Probability</b>	<b>Differential</b>	<b><i>p</i>-value</b>	
White	53%			
Black or African American	37%	-15%	0.242	
Hispanic	68%	15%	0.339	
East Asian	70%	17%	0.109	
South Asian	53%	0%	0.997	
Not Disclosed	65%	12%	0.390	
<b><i>Panel B: Race-Volume</i></b>				
<b>Race</b>	<b>Volume</b>	<b>Probability</b>	<b>Differential</b>	<b><i>p</i>-value</b>
White	123	63%		
White	124	48%		



White	125	46%		
Black or African American	123	48%	-15%	0.055
Black or African American	124	33%	-15%	0.244
Black or African American	125	31%	-15%	0.914
Hispanic	123	76%	13%	0.564
Hispanic	124	63%	16%	0.734
Hispanic	125	61%	16%	0.061
East Asian	123	78%	15%	0.392
East Asian	124	66%	18%	0.489
East Asian	125	64%	18%	0.003
South Asian	123	63%	0%	0.046
South Asian	124	48%	0%	0.175
South Asian	125	46%	0%	0.797
Not Disclosed	123	74%	11%	0.560
Not Disclosed	124	60%	13%	0.373
Not Disclosed	125	58%	13%	0.088

***Panel C: Race-Undergrad Ivy***

<b>Race</b>	<b>Ivy</b>	<b>Probability</b>	<b>Differential</b>	<b>p-value</b>
White	No	51%		
White	Yes	54%	3%	0.767
Black or African American	No	36%	-15%	0.484
Black or African American	Yes	39%	-15%	0.329
Hispanic	No	66%	15%	0.934
Hispanic	Yes	69%	15%	0.302
East Asian	No	69%	18%	0.467
East Asian	Yes	71%	17%	0.104
South Asian	No	51%	0%	0.843
South Asian	Yes	54%	0%	0.775
Not Disclosed	No	63%	12%	0.120
Not Disclosed	Yes	66%	12%	0.537

***Panel D. Race-Gender***

<b>Race</b>	<b>Gender</b>	<b>Probability</b>	<b>Differential</b>	<b>p-value</b>
White	Male	50%		
White	Female	55%	5%	0.490
Black or African American	Male	35%	-15%	0.616
Black or African American	Female	40%	-15%	0.076
Hispanic	Male	66%	15%	0.273
Hispanic	Female	70%	15%	0.902
East Asian	Male	68%	18%	0.229

East Asian	Female	72%	17%	0.371
South Asian	Male	50%	0%	0.538
South Asian	Female	55%	0%	0.676
Not Disclosed	Male	63%	12%	0.065
Not Disclosed	Female	67%	12%	0.142

*Notes.* *P*-values reported are calculated by adding interaction terms to the regression in column IV (for example, Panel B regressions include race interacted with volume), and testing if the minority coefficients for a group or subgroup are statistically different than the comparator white group or subgroup. Refer to Table 7 for more information.

To this point, all of our third stage analysis has been conditional on having passed the Sourcecite Exam. An alternative approach is to instead condition on having taken the Sourcecite Exam. We present logistic regression coefficients in Table 11 that are conditional on taking the Sourcecite Exam, as opposed to conditional on passing the Sourcecite Exam. These regressions give an indication of the combined effects of the Sourcecite Exam, Critical Essay, and Diversity Statement on becoming an editor. We find that the indicator for black applicants is weakly statistically significant and negative in the simplest nested regression (column I), and the indicator for East Asian applicants is weakly statistically significant and positive in three of our four regressions (columns II-IV). Joint tests for political views, parent education, parent income in high school, and small group do not suggest these variables have a statistically significant impact on becoming an editor.

**Table 11. Third Stage Logistic Regression Estimates, Conditional on Taking Sourcecite Exam**

Dependent Variable: Becoming an Editor	(I)	(II)	(III)	(IV)
Female	0.246 (0.217)	0.0887 (0.238)	0.0620 (0.243)	0.0992 (0.253)
Black or African American	-0.756* (0.400)	-0.472 (0.448)	-0.512 (0.464)	-0.576 (0.503)
Hispanic	-0.306 (0.451)	-0.144 (0.469)	-0.0738 (0.449)	-0.0786 (0.433)
East Asian	0.461 (0.312)	0.691** (0.349)	0.609* (0.365)	0.731* (0.392)
South Asian	0.227 (0.489)	0.376 (0.489)	0.439 (0.494)	0.376 (0.600)
Race Not Disclosed or Missing	-0.302 (0.335)	0.562 (0.434)	0.611 (0.479)	0.492 (0.510)
LGBTQ	-0.172 (0.407)	-0.0870 (0.434)	-0.0982 (0.459)	0.195 (0.464)
Republican/Conservative/Libertarian		-0.524 (0.499)	-0.497 (0.542)	-0.612 (0.541)

Moderate	0.225 (0.348)	0.424 (0.359)	0.482 (0.387)
Political Views: Other	-0.722 (0.585)	-0.721 (0.543)	-0.812 (0.580)
Political Views: Not Disclosed or Missing	-0.864 (0.601)	-0.923 (0.630)	-0.744 (0.916)
Parent Education: Some College	0.760 (0.522)	0.446 (0.524)	0.367 (0.536)
Parent Education: Both College	0.929** (0.409)	0.692 (0.429)	0.538 (0.447)
Parent Education: Some Grad School	0.740* (0.383)	0.468 (0.398)	0.337 (0.417)
Parent Education: At least 1 JD	0.487 (0.399)	0.468 (0.409)	- -
Family Income: 30-59k	1.254 (1.199)	1.243 (1.098)	0.530 (0.433)
Family Income: 60-99k	1.661 (1.134)	1.624 (1.027)	1.250 (1.031)
Family Income: 100-149k	1.096 (1.126)	1.220 (1.027)	1.642* (0.949)
Family Income: 150-250k	1.067 (1.110)	1.106 (1.014)	1.319 (0.947)
Family Income: 250k+	1.319 (1.109)	1.216 (1.019)	1.137 (0.944)
Family Income: Not Disclosed	1.518 (1.076)	1.517 (0.984)	1.272 (0.945)
Undergrad: Public		-0.124 (0.359)	1.627* (0.913)
Undergrad: Ivy		0.424 (0.357)	-0.102 (0.368)
Undergrad: Harvard-Yale-Princeton		0.379 (0.357)	0.399 (0.370)
Undergrad: Not Disclosed or Missing		-0.453 (0.556)	0.492 (0.366)
Master's Degree		0.0999 (0.418)	-0.355 (0.578)
Ph.D.		-1.088 (0.923)	0.129 (0.465)
Rising 3L			-0.753 (1.193)
Small Group: Contracts			-1.255* (0.666)
Small Group: Procedure			-0.607

				(0.373)
Small Group: Torts				0.475 (0.911)
Small Group: Not Disclosed or Missing				-0.616 (0.445)
Other Journal: Editor				1.893*** (0.515)
Other Journal: Missing				1.730*** (0.489)
Volume 124	0.318 (0.250)	-0.633 (0.577)	-0.664 (0.610)	-0.513 (0.717)
Volume 125	0.512** (0.257)	-0.333 (0.544)	-0.408 (0.579)	-0.199 (0.688)
Constant	-0.541** (0.216)	-1.669 (1.316)	-1.662 (1.255)	-3.161** (1.300)
Observations	391	381	381	381

*Notes.* \*\*\* indicates  $p < 0.01$ , \*\*  $p < 0.05$ , and \*  $p < 0.1$ . Coefficients are reported as log odds. Robust standard errors are reported in parentheses.

The regression sample (the number of observations) is different in columns I-IV as a result of the indicator variables perfectly predicting the dependent variables (“American Indian or Alaska Native” perfectly predicts success in all four regressions; “Race Other” and “Parent Education: No College” predict failure in columns II-IV). We use the same base categories as in our regressions in Table 7. Refer to Table 7 for more information.

## VI. PATTERNS IN STUDENT SCHOLARSHIP

We adopt a similar logistic regression approach to examine data for Notes and Comments submitted to Volumes 123, 124, and 125 (through the September 2015 drop date; therefore Volume 125’s last drop date is missing from this analysis). This analysis is closely related to the qualitative research presented in Part VI of the *Full Participation Report*. Table 12 presents summary statistics of Notes and Comments. We consider “Unique Submissions” in order to identify the number of pieces of scholarship that are submitted to *YLJ* in each volume. Resubmissions are not included in this count. For example, if a student submits a Note, and after receiving a “Revise and Resubmit” grade, resubmits an edited version of the same Note, we treat these two entries in the dataset as one submission. Despite the *Journals* efforts to encourage students to resubmit their work, the fraction of unique submissions that are resubmitted is low. This is due to authors choosing not to resubmit a Note or Comment, or authors submitting multiple Notes and Comments and subsequently focusing on a subset of submitted scholarship.

**Table 12. Summary Statistics of Student Scholarship**

	Volume 123	Volume 124	Volume 125 <sup>30</sup>
<b>Panel A: Unique Submissions, by Gender</b>			
All	161	160	111
Men	108	91	61
Women	53	66	46
Gender: Did Not Disclose	0	3	4
<b>Panel B: Resubmissions, by Gender</b>			
All	30	29	26
Men	22	24	16
Women	8	5	10
<b>Panel C: Accepted for Publication, by Gender &amp; Type</b>			
All	21	24	19
Notes	14	13	10
Comments	7	11	9
Men	15	17	13
Women	6	7	6
<b>Panel D: Unique Submissions, by Race<sup>31</sup></b>			
White	106	114	78
Black	9	7	5
Hispanic	6	7	4
Asian	30	27	21
Other	5	0	1
Race: Did Not Disclose	5	5	2
<b>Panel E: Unique Submissions Per YLS Student, by Gender and Race</b>			
Men	0.33 (325)	0.27 (336)	0.19 (318)
Women	0.18 (290)**	0.23 (290)	0.16 (290)
White	0.28 (385)	0.30 (385)	0.20 (382)
Black	0.23 (40)	0.16* (43)	0.12 (42)
Hispanic	0.14* (43)	0.16* (43)	0.10* (42)
Asian	0.39** (76)	0.31 (87)	0.27 (79)
Other	0.17 (29)	0.00** (24)	0.05* (22)
Race: Did Not Disclose	0.12** (42)	0.11** (44)	0.05** (40)

30. Submissions to Volume 125 were incomplete at the time of this writing; therefore, data for the last drop date are missing.

31. We write in the Introduction that, without data on all students at YLS, which would allow us to explore whether minority students are as likely to submit student scholarship as their white counterparts, we present summary statistics of unique scholarship submitted, by race, in Panels D and E of Table 12.

*Notes.* The number of accepted Notes and Comments differs from the number of published Notes and Comments as a result of students electing to not publish the scholarship. Panel E expresses the number of unique submissions by students of each race as a fraction of the total number of students at YLS of each race (reported parenthetically); these data come from the same ABA disclosures that are discussed in Part II and in the Appendix. \* and \*\* denote statistical significance at the 10% and 5% levels. “Other” includes students who did not report as white, black, Hispanic, and Asian, or did not disclose.

We first estimate, conditional on becoming an editor, the impact of race and gender on participation in *YLJ* student scholarship. Our regression models include gender, race, and fixed-effects for the volume when an editor first became an editor. The dependent variable in column I of Table 13 is an indicator for having submitted a Note or Comment. For column II it is an indicator for having a Note or Comment accepted. Our estimate for the fixed-effects for Volume 125 is large and negative in part because few students who became editors in Volume 125 have submitted Notes and Comments since they became editors in July. The number of observations in the columns differs as a result of variables perfectly predicting the dependent variable for column II.

**Table 13. Logistic Regression Estimates for Notes and Comments Submission and Acceptance by *YLJ* Editors**

	(I)	(II)
<i>Dependent Variable:</i>	<i>Note or Comment Submitted</i>	<i>Note or Comment Accepted</i>
Female	-0.128 (0.374)	-0.551 (0.568)
Black or African American	-0.843 (0.845)	0.426 (1.226)
Hispanic	0.726 (0.843)	- -
Asian	-0.215 (0.466)	0.799 (0.648)
Other	- -	2.163* (1.260)
Race Not Disclosed	-0.996 (1.161)	- -
Volume 124	-0.362 (0.399)	-0.978* (0.549)
Volume 125	-3.530*** (0.853)	- -
Constant	0.437 (0.355)	-1.124*** (0.434)
Observations	171	110

*Notes.* \*\*\* indicates  $p < 0.01$ , \*\*  $p < 0.05$ , and \*  $p < 0.1$ . Coefficients are reported as log odds. Robust standard errors are reported in parentheses.

“East Asian” and “South Asian” are grouped together in the self-reported student scholarship data. Indicators for “Gender: Other” and “Race: Other” perfectly predict success in column I; the indicator variable for “American Indian or Alaska Native” perfectly predict failure in column I; and indicator variables for “Gender: Other,” “Hispanic,” “American Indian or Alaska Native,” “Race Not Disclosed,” and “Volume 125” perfectly predict failure in column II—meaning no students with these indicators = 1 have had a Note or Comment accepted.

We broaden our analysis by considering submitted Notes and Comments, regardless of whether the student is an editor (which is not a requirement for submitting or publishing scholarship in *YLJ*). Both regression models reported in Table 14 include race, gender, class year, an indicator for the submission being a Note, an indicator for *YLJ* editor status, and fixed-effects for the volume scholarship was submitted. Column I looks at the likelihood that a Note or Comment will be resubmitted, conditional on the piece of scholarship not being accepted for publication at the time it is first submitted. Column II looks at the likelihood, among all submissions, that a Note or Comment is accepted.<sup>32</sup>

**Table 14. Logistic Regression Estimates for Notes and Comments Resubmission and Acceptance**

	(I)	(II)
<i>Dependent Variable:</i>	<i>Resubmitted</i>	<i>Accepted</i>
Female	-0.700** (0.285)	-0.478 (0.319)
Black or African American	-0.440 (0.663)	-1.371 (1.054)
Hispanic	-1.689 (1.035)	- -
Asian	-0.383 (0.369)	-0.148 (0.368)
Other	-0.464 (1.218)	-0.171 (1.192)
Race: Not Disclosed	0.211 (0.827)	0.186 (0.976)
2L	1.358 (1.066)	1.213 (1.109)
3L	1.580 (1.072)	1.379 (1.102)
Class Year: Not Disclosed	2.075	1.377

32. We estimate regressions for columns I and II of Table 14 that split up the regression sample into editors and noneditors, finding that the negative and statistically significant female coefficient in column I of Table 14 is due to female noneditors being less likely, at a 90% confidence level, to resubmit student scholarship.

	(1.338)	(1.432)
Note <sup>33</sup>	-0.154 (0.297)	-0.792*** (0.301)
Editor	0.259 (0.302)	0.807*** (0.307)
Volume 124	0.104 (0.309)	0.0946 (0.352)
Volume 125	0.306 (0.327)	0.126 (0.379)
Constant	-2.470** (1.113)	-2.501** (1.078)
Observations	397	408

*Notes.* \*\*\* indicates  $p < 0.01$  and \*\*  $p < 0.05$ . Coefficients are reported as log odds. Robust standard errors are reported in parentheses.

Coefficients in column I are conditional on the piece of scholarship not being accepted for publication immediately. “East Asian” and “South Asian” are grouped together in the self-reported student scholarship data. The variable “Gender: Other or Not Disclosed” perfectly predicts failure in column I, and “Hispanic” and “Gender: Other or Not Disclosed” perfectly predict failure in column II.

We do not find that indicators for black, Asian, or students of other ethnicities predict whether a Note or Comment is resubmitted or accepted for publication. We are unable to estimate a coefficient for the indicator for “Black or African American” in column I and for the indicator for “Hispanic” in column II as a result of no variation in the dependent variable for these categories.

Female students are estimated to be less likely than male students to resubmit a Note or Comment, conditional on the scholarship not being accepted immediately for publication; the log odds that a female student resubmits a Note or Comment are 0.70 lower than for male students, and this result is statistically significant. Submissions by second- and third-year students are less likely to be resubmitted than those submitted by first-year students, although neither coefficient is statistically significant from zero. Submissions by second- and third-year students may be more likely to be accepted than those by first-year students. Lastly, Notes are much less likely to be accepted than Comments, and editors are more likely to have scholarship accepted.<sup>34</sup>

33. We interact indicator variables for Note and Female, to test whether women are more likely to resubmit or have a Note or a Comment accepted. We do not find statistically significant interaction coefficients for either regression analogous to those presented in columns I and II of Table 14, suggesting that the reduced chance of women resubmitting scholarship is independent of whether scholarship by a female student is a Note or a Comment.

34. Data for students who submitted scholarship do not include the full set of covariates from the Admissions Data presented in Table 3.



## VII. DISCUSSION

We consider the estimated probabilities of success at each of the three admissions stages in greater detail; Table 15 presents these probabilities side-by-side. We emphasize again that these probabilities are estimates, constructed using our estimated logistic regression coefficients and confidence intervals. Some of the differences in success rates may seem large, such as black applicants being 5 percentage points less likely than white applicants to pass the Sourcecite Exam. This shortfall highlights the importance of interpreting our estimated probabilities together with the statistical tests (and resulting  $p$ -values): although we estimate the probability of success to be lower for black applicants at this stage, we cannot reject the possibility that the success rate at this stage is the same as the white applicant success rate. We fail to reject the null hypothesis that the success rates are the same; the  $p$ -value is 0.388.

For the first stage, black students are statistically more likely to have applied than white students. Then, conditional upon having taken the Sourcecite Exam, black students are 5 percentage points less likely to pass the exam, and 16 percentage points less likely to join the *Journal*. These two differentials (reproduced from Tables 8 and 10), however, are not statistically significant. Hispanic applicants are less likely to pass the Sourcecite Exam but may be more likely to become an editor, conditional on having passed the Sourcecite Exam, than non-Hispanic white applicants. South Asian students perform comparably to white students on the Sourcecite Exam. East Asian applicants are more likely to pass the Sourcecite Exam, and, conditional on passing the Sourcecite Exam, are more likely than white applicants who pass the Sourcecite Exam to become an editor.

**Table 15. Overview of Estimated Probabilities of Success at Each Stage, By Race**

	1st Stage, Taking the Sourcecite Exam		2nd Stage, Passing the Sourcecite Exam, Conditional on Taking Sourcecite Exam		3rd Stage, Becoming an Editor, Conditional on Taking Sourcecite Exam		Submitting Scholarship, Conditional on Becoming an Editor	
	<i>Pr.</i>	<i>p-value</i>	<i>Pr.</i>	<i>p-value</i>	<i>Pr.</i>	<i>p-value</i>	<i>Pr.</i>	<i>p-value</i>
White	54%		90%		53%		28%	
Black	75%	0.006	85%	0.388	37%	0.242	15%	0.342
Hispanic	49%	0.567	71%	0.018	68%	0.339	45%	0.371
East Asian	83%	0.00	96%	0.106	70%	0.109	24%	0.684
South Asian			96%	0.278	53%	0.997		

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*Notes.* “Pr.” stands for the estimated probability of success. *P*-values reported are the same as those reported in Tables 6, 8, and 10. The estimated probabilities for “East Asian” for the first stage and for student scholarship are probabilities constructed from regression coefficients that combine “East Asian” and “South Asian” as a result of the data. “American Indian or Alaska Native” and “Other Race” are not reported as a result of the indicator variables perfectly predicting the dependent variable in Tables 8 and/or 10.

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Each of the columns of the table are estimates holding the nonrace variables at the mean observation value of their respective regression, but the number of observations change and hence the mean nonrace qualities change as we move across the columns. The 1st Stage column (reproduced from Table 6) uses the entire first-year class as its observational benchmark, the second and third stage columns use those who took the Sourcecite Exam as their observational benchmark. The last column (which contains the estimated probabilities derived from Table 13) is limited to those who became editors. The second column is reproduced from Table 8 (Panel A), while the third column analogously calculates the probability of becoming an editor, conditional just on having taken the Sourcecite Exam (as opposed to Table 10 which was conditional on having *passed* the Sourcecite Exam).

In the third column of Table 15, we find that East Asian applicants are the only minority group to have a statistically significant difference from white applicants in the third stage regression, conditional on having taken the Sourcecite Exam. East Asian applicants are 18 percentage points more likely to become an editor than white applicants. This estimate is weakly significant at the 10% level. Although the estimate of the probability of becoming an editor is lower for black applicants than white applicants, we are unable to reject the null hypothesis that the possibilities are equal for black and white applicants. The estimate of becoming an editor for Hispanic applicants is also not statistically significant from that for white applicants.

We consider the relationship between the first and second, and first and third stages by presenting “net probabilities” below in Table 16. Column I is the joint probability of having taken the Sourcecite Exam and passed the Sourcecite Exam. Column II is the joint probability of having taken the Sourcecite Exam and of becoming an editor. We see that the differences among white, black, and Hispanic students arising in the first stage do not result in large differences in the net probability of becoming an editor, as seen in column II of Table 16.

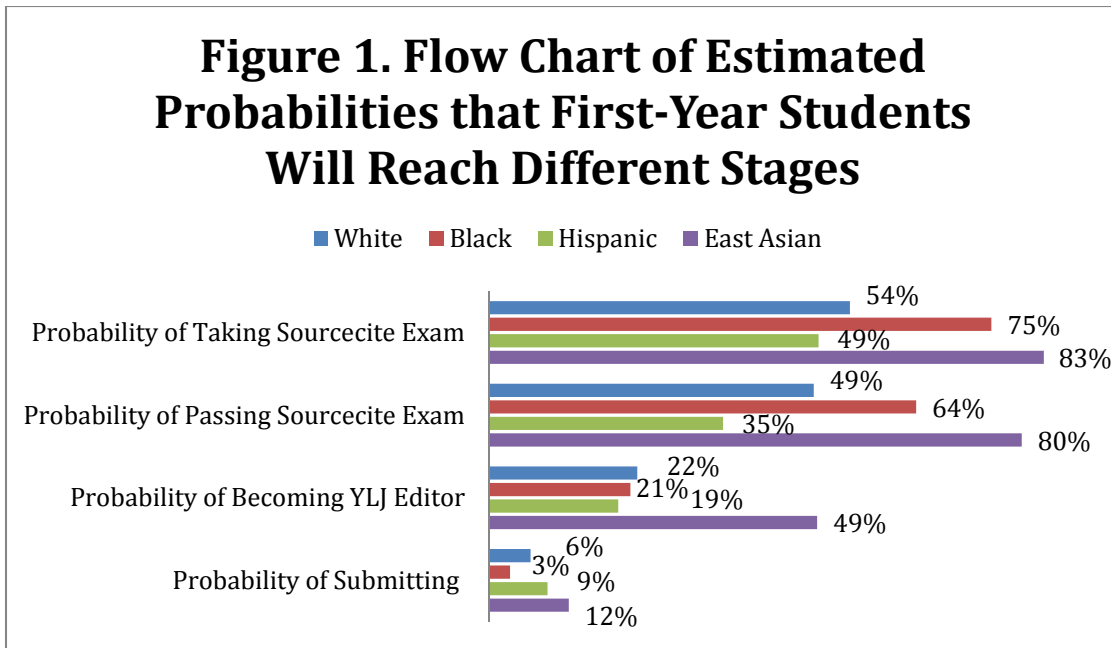
**Table 16. Net Probabilities**

	(I) Taking and Passing Sourcecite Exam	(II) Taking Sourcecite Exam and Becoming Editor
White	49%	22%
Black	64%	21%
Hispanic	35%	19%
East Asian	80%	49%

South Asian 80% 42%

*Notes.* The net probability in column I of taking and passing the Sourcecite Exam is  $Pr(\text{1st Stage}) \times Pr(\text{Conditional 2nd Stage})$ ; the net probability in column II of taking the Sourcecite Exam and becoming an editor is  $Pr(\text{1st Stage}) \times Pr(\text{3rd Stage, Conditional on Taking the Sourcecite Exam})$ . The estimate for “East Asian” and “South Asian” in column I uses the first stage probability for all Asian students; recall our first stage data groups together East Asian and South Asian students.

Figure 1 summarizes the results and reports the estimated probabilities from Table 15, which explains how we construct the estimates for each stage, holding covariates at the same (mean) values, and tests for statistical significance.<sup>35</sup>



Graphically, the Figure redisplayes the previous estimates to give a sense of the relative rate of attrition for different racial groups at various stages.

## VIII. CONCLUSION

Our analysis of participation in admissions to and student scholarship for *YLJ* Volumes 123, 124, and 125 complements the qualitative research in the *Full Participation Report*. We model each of the three stages of the admissions process—registering, taking the

35. The estimates for “Probability of Submitting” in Figure 1 are made by multiplying the “Probability of Becoming *YLJ* Editor” from the Figure with the probabilities of submitting scholarship reported in the right-hand column of Table 15. The estimates for the “Probability of Taking Sourcecite Exam” and “Probability of Submitting” for East Asian students use estimates from regressions that combine together East Asian and South Asian.

Sourcecite Exam, and completing the admissions cycle by submitting a Critical Essay and Diversity Statement—with interrelated, reduced-form, logistic regressions and report estimates as probabilities that control for differences in other variables.

Our analysis in many instances fails to uncover robust statistically significant shortfalls for minorities, women, or LGBTQ students (relative to white/male/heterosexual students). We find, however, that:

- Among first-year students, black and Asian students were statistically more likely than white first-year students to register to take the Sourcecite Exam (Table 6);
- Among those students who took the Sourcecite Exam, Hispanic students were statistically less likely than non-Hispanic white students to pass the exam (Table 7);
- Among those who passed the Sourcecite Exam, black women were marginally statistically less likely than white women to become editors, and for Volume 123 applicants, black students were marginally less likely than white students to become editors (Table 10);
- Among students eligible to submit Notes and Comments, black and Hispanic students for some volumes were marginally less likely than white students to submit, and for Volume 123, women were statistically less likely than men to submit (Table 12); and,
- Among editors whose initial publication submissions were rejected, women were less statistically likely than men to resubmit (Table 14).

It is useful in interpreting these results to keep in mind the four caveats mentioned in the Introduction as well as our call that our results be read in conjunction with analysis of the qualitative research contained in the *Full Participation Report*.