

Discussion of Rothstein and Yoon  
**“Mismatch in Law School”**  
and  
**“Affirmative Action in Law School Admissions:  
What Do Racial Preferences Do?”**

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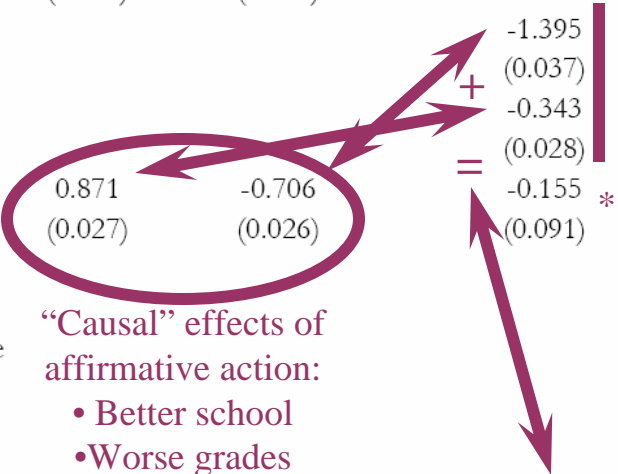
# Roadmap: What do We Learn?

1. Understanding Sander's Argument: **It is wrong**
2. Understanding Mismatch
  - ❑ An intuitive upper bound: **Effects cannot be v. negative**
  - ❑ An intuitive lower bound: **Effects may even be positive**
  - ❑ Effects at other margins: **Are often positive!**
3. Understanding Affirmative Action
  - ❑ Effects on black enrollment: **Huge decline**
  - ❑ Effects on mismatch: **And mismatch doesn't disappear**
4. Stepping back...

# Explaining Mismatch (or “Explaining Sander”)

Appendix Table A. Comparison with Sander's results for dropout

	Tier	First year law school GPA (standardized)	Drop out (logit)		
			Sander (Table 5.6)		
			(1)	(2)	(3)
LSAT	0.099 (0.001)	0.038 (0.001)		-0.073 (0.004)	-0.070 (0.006)
Undergraduate GPA	0.724 (0.016)	0.280 (0.015)		-0.006 (0.056)	0.010 (0.060)
First year law school GPA (standardized)			-1.395 (0.037)		
Tier			-0.343 (0.028)		
Black	0.871 (0.027)	-0.706 (0.026)	-0.155* (0.091)	0.223 (0.081)	
Bottom quintile					0.027 (0.078)
Black*bottom quintile					0.281 (0.090)
Black*top 4 quintiles					-0.032 (0.181)
Implied AA effect			0.686		



“Causal” effects of affirmative action:  
 • Better school  
 • Worse grades

Negative effects of bad grades > Positive effects of good school

Rothstein and Yoon: Intuitive upper bound

Driven by bottom quintile - Where selection bias may be largest

\* Spec check: No race effect | negative effects of affirmative action.

Notes: All models include controls for family income, part-time status, gender, and three racial/ethnic categories (Asian, Other, and Hispanic) whose coefficients are not shown here. Columns 1 and 2 report OLS coefficients; columns 3-5 report logit coefficients.

# How Large is Mismatch?

## 1. Intuitive Upper bound: What if all black disadvantage were due to mismatch?

Assume all other factors are “race-neutral”\*

\* More fully:

1. No race gap if all attend unselective schools
2. Similar treatment effect of a Harvard education for “lawyers makers”

Table 5. Regression estimates of black-white difference in outcomes

	Law school graduation	Bar passage		FT emp.	Good job	Ln(salary)
		Any	If attempted			
	(1)	(2)	(3)	(4)	(5)	(6)
Full sample						
Black	-0.033 (0.008)	-0.091 (0.011)	-0.094 (0.010)	0.051 (0.038)	0.208 (0.046)	0.100 (0.045)

“Mismatch” can only be negative for some outcomes

## 2. Intuitive Lower bound: Compare blacks in top schools with blacks in lower schools | X

Assume no selection on unobservables

Table 4. Regression estimates of selectivity effects on outcomes: Selective-unselective comparison

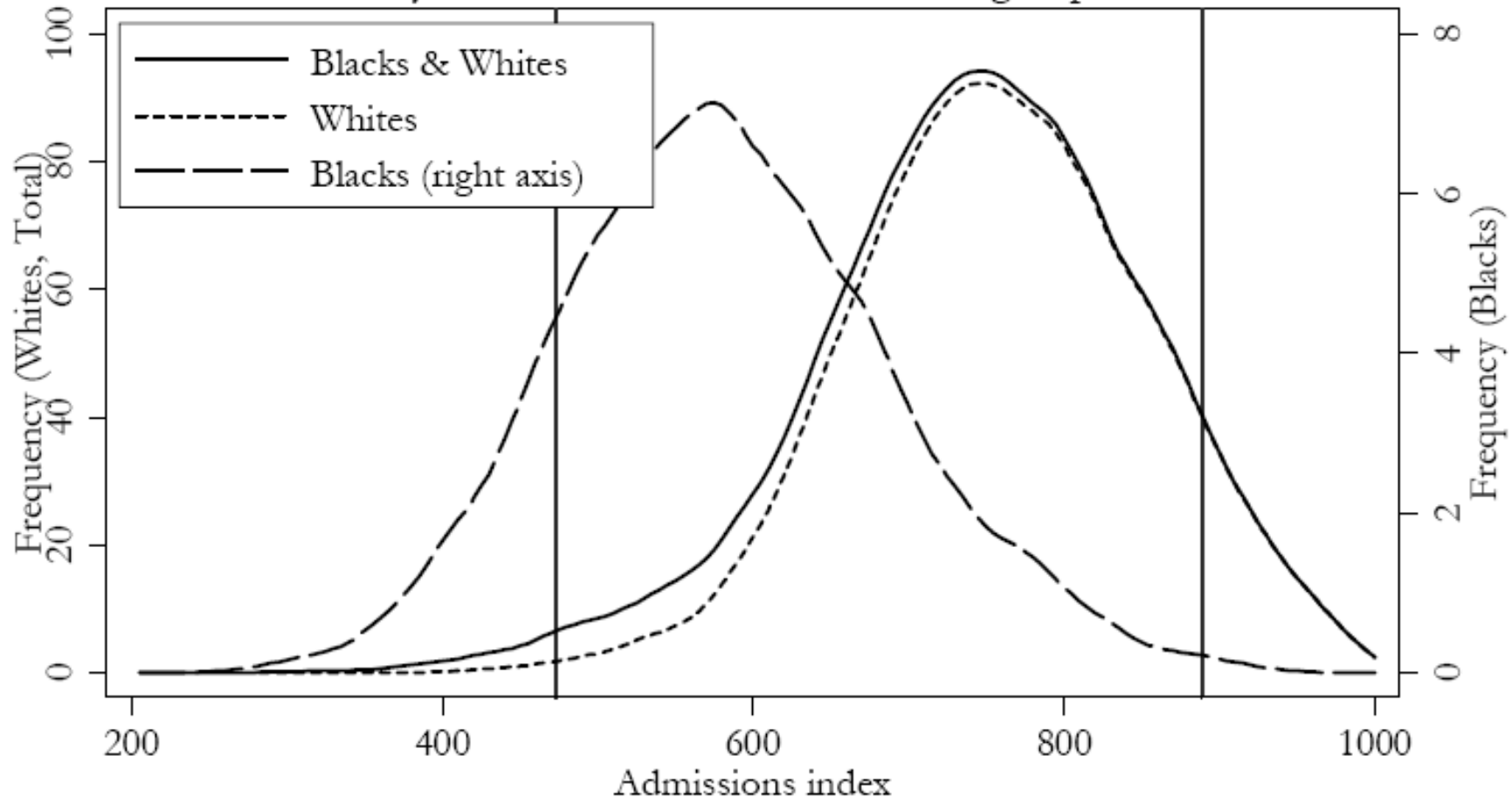
	Law school graduation	Bar passage		FT emp.	Good job	Ln(salary)
		Any	If attempted			
	(1)	(2)	(3)	(4)	(5)	(6)
Blacks						
Selective	0.049 (0.024)	-0.007 (0.029)	-0.002 (0.029)	0.054 (0.043)	0.021 (0.052)	0.227 (0.053)

Cannot reject positive effects of “mismatch”

# Black and White Applicant Pools

Density of admissions index among black and white BPS respondents

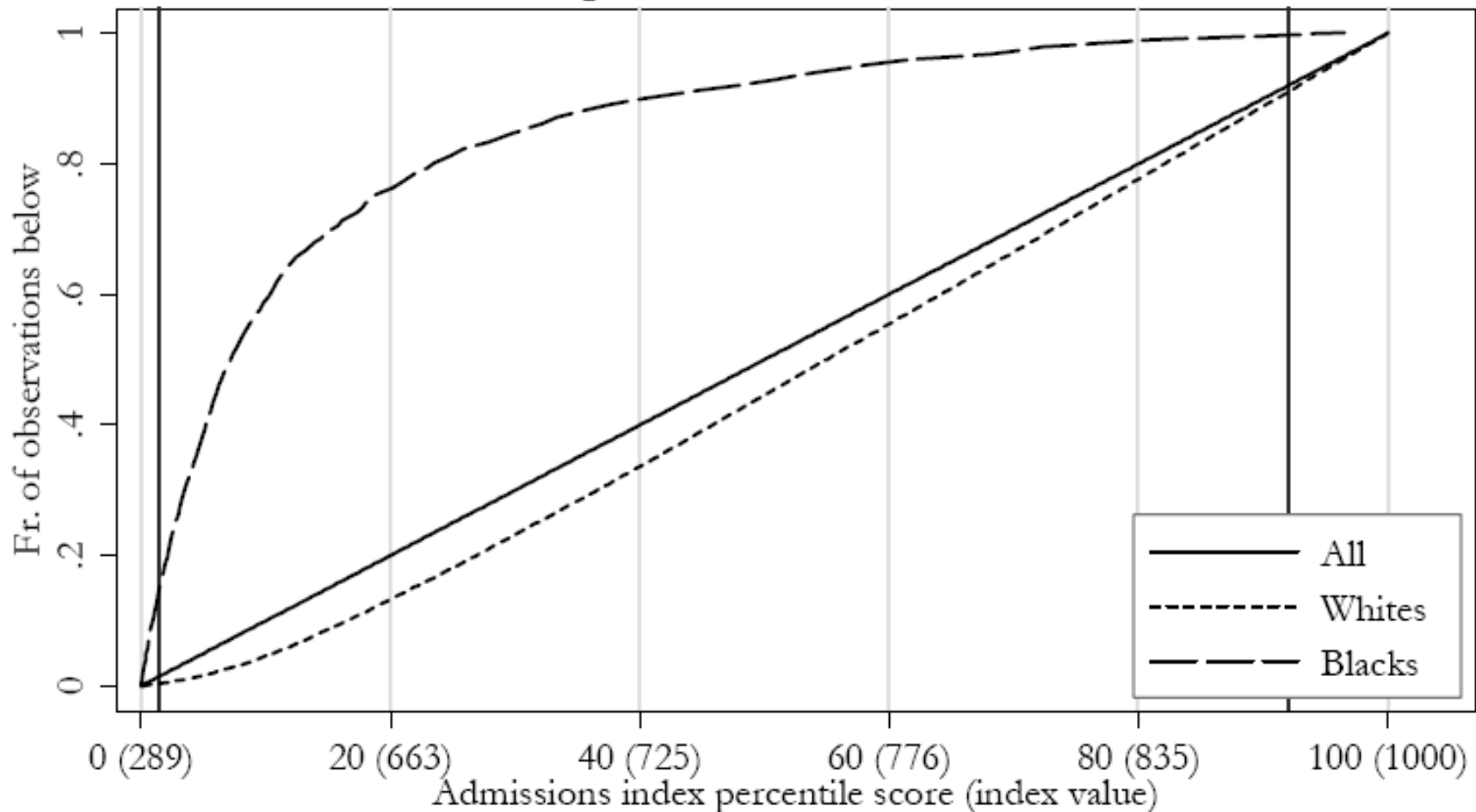
Scaled by number of observations in each group



Note: Admissions index is  $400 \cdot \text{UGPA} + 600 \cdot \text{LSAT}$ , after standardizing each to range from 0 to 1. Vertical lines indicate trimming points for analyses that are limited to the region of common support.

# Black and White Admissions

CDFs of admissions index percentile scores for blacks and whites



Note: Figure displays CDFs of the percentile scores--which by construction are uniformly distributed in the full sample--for whites and blacks separately. Vertical lines indicate trimming points for analyses that are limited to the region of common support.

# Effect of Race-Blind Admissions

Table 4.4

## Black-white gaps in admissions

	Number of black students	
	Actual	Simulated
	(1)	(2)
All matriculants	2,928	1,077
By cluster		
Elite	242	24
Public Ivy	460	103
2nd Tier Public	842	196
2nd Tier Private	698	473
3rd Tier	165	196
Minority	521	85

# Methodological Lessons

- In order to say something sensible about affirmative action, need:
  - Sander: A structural model
    - » Plus conjecture
  - Ho: Variation in affirmative action
  - Rothstein and Yoon: Quantitative guesstimation
    - » Easy to bound effects of mismatch: Small
    - » Enrolment effects of eliminating racial preferences: Huge



# Empirical Law and Economics

- ❑ Mismatch hypothesis:
  - Affirmative action
    - » Lower standards for historically under-represented groups
  - Technology of legal scholarship
    - » Finding a fit with one's aptitudes > Prestige
  - Choices
    - » Yet targets of affirmative action choose prestige
  - Outcomes
    - » Poor scholarship by recipients of affirmative action
- ❑ Is it time to end affirmative action in empirical law and economics?
  - Recent empirical debates
    - » More gun, More crime
    - » Deterrent effects of the death penalty
    - » Mismatch in law schools
  - What have we learned?
  - At what cost?
  - Who are the agenda-setters?
- ❑ How?