The Impact of One Florida Initiative on Florida's Public Law Schools:
A Critical Race Theory Analysis

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For years, the legal profession in the United States has offered various initiatives intended to increase minority representation (e.g., internships, mentoring programs, etc.). However, these initiatives have had minimal success in diversifying the ranks of the legal community (Glater, 2001). Sadly, the dearth of minorities, especially Blacks, in the legal profession as a whole, is compounded as the nation's law schools continue to be woefully lacking in the enrollment of racial and ethnic minorities ("Among the," 2007).

While underrepresentation is pervasive throughout the legal profession, even greater levels of nonminority overrepresentation occur in elite law firms (Barker, 2005; Glater, 2001). Data from large U.S. law firms indicates a similar trend. Between 2008 and 2009, the 200 largest law firms in the country terminated 6 percent of their attorneys. Minority lawyers were disproportionately af-

fected by terminations, with 8% of minority lawyers losing their jobs. However, not all minority group representation was affected at the same rate. African American lawyers and partners were disproportionately impacted during this time, as 13% of Black lawyers were lost. In other words, one in every six Black nonpartners was let go. Further, the number of Black partners also declined, decreasing by 16% (Barker, 2010).

In Florida's legal profession, the landscape is similar to the nation as a whole. There is a lack of production in minority law graduates, which has largely been attributed to their lack of access to, and representation in, publicly supported law schools (Herbert, 1999). For example, in 2004 the Florida Bar Association (FBA) reported 74,125 members, of whom only 43,007 reported their race. Of the 43,007 reported number, minorities made up less than 10%. By comparison, minorities represented more than 20% of Florida's population during this period (U.S. Census, 2002). This suggests a lack of proportional representation, whereby the percentage of minorities in the state was not reflected in the profession (Wood, 2008). The lack of representation of Blacks in the legal profession mirrors that of enrollment disparities in Florida law schools, where Blacks (308 students) lagged behind Whites (1,808 students) and Hispanics (405 students) during 2006.

Nationally, the American Bar Association (ABA) has found that the percentage of minorities enrolled in law schools has decreased in recent years (Mallory, 2005). Decreasing minority representation in law schools was identified at the beginning of the millennium, when Chambliss (2004) found that the percentage of minority law school students had diminished "from 20.6% in 2001-2002 to 20.3% in 2003-2004" (p. 2). Chambliss described the reduction of minority enrollment in the profession as "extremely troubling" (p. 2). However, what Chambliss identified was not part of temporary ebb in law school representation, but rather, a more pronounced long-term trend. In an analysis of 15 years of law school data from 1992 to 2008, the Society of American Law Teachers (2009) reported that the percentage enrollment of Black and Hispanic law students decreased by 8.6%.

The Miles to Go study conducted by the ABA's Commission on Racial and Ethnic Diversity found that African-American representation in law is less than in any other profession. For instance, Mallory (2005) noted "African Americans made up only 3.9% of all lawyers, compared to 4.4 % of all physicians, 5.6% of college and university professors, 7.8% of computer scientists, and 7.0% of accountants and auditors" (p. 5). From data provided by the ABA, Blacks make up only 4% of the nation's lawyers, even though Blacks represent 13% of the population of the United States. This lack of proportional representation has far-reaching effects in terms of distrust of the legal system by racial minorities. The underrepresentation of Black lawyers suggests that Black plaintiffs and defendants will be less likely to participate in court cases with lawyers and judges who share the same racial/ethnic affiliation (Mallory, 2005; Randall, 2004). This circumstance is disturbing, given the historical antipathy of the Black community to the legal system that has, in many respects, failed Black communities.

Encouraging more racial diversity in the legal profession should be an important national goal, especially for states like Florida, California, Texas and others, that have experienced fast-growing minority populations during the last decade (U.S. Census Bureau, 2010). The affirmative action debate in public universities remains an area of intense focus, especially in light of: (1) The passage of Proposition 209 in 1996, which eliminated affirmative action programs in California; (2) Supreme Court rulings in the State of Michigan (see the *Gratz v. Bollinger* and *Grutter v. Bollinger* cases issued June 23, 2003), which simultaneously struck down student admissions policies at the University of Michigan that provided minority applicants with additional points and affirmed the need for affirmative action policies; (3) The passage of the Michigan Civil Rights Initiative of 2006, which prevented preferential treatment of minority groups in public institutions; and (4) Efforts to bring Civil Rights Initiatives to Arizona, Colorado, Missouri, Nebraska and Oklahoma by 2008 (Antonio & Muniz, 2007; *Gratz v. Bollinger*, 2003; *Grutter v. Bollinger*, 2003; Ryman & Benson, 2007). Florida is among several states (e.g., California, Michigan, Nebraska, and Washington) that have shed the use of traditionally defined affirmative action. The next section addresses how the affirmative action saga unfolded in Florida.

One Florida Initiative (OFI)

Traditionally, affirmative action has served to aid minorities in overcoming past discrimination by mandating policies, initiatives and measures designed to advance proportional representation of racial/ethnic groups. However, in Florida, affirmative action took an alternative path, being redefined in the One Florida Initiative (OFI) through an executive order established by then Governor Jeb Bush. Enacted on November 9, 1999, this executive order sought to increase diversity in education and contracting within the state by revising agendas for tests, race-based admission practices, and contract set-asides (Office of the Governor, 1999). According to Bush, the initiative was "an effort to increase diversity and opportunities in state contracting without using discriminatory policies" (Executive Order 99-281, 1999). In doing so, OFI redefined affirmative action as a race neutral policy, rather than one that relied on racial preferences, set-asides, and race-based quotas, specifically as they related to university admissions. Bush proclaimed that "The OFI is diversity without quotas, preferences, or set-asides and it [is] designated not to abandon affirmative action, but to substantively redefine it" (Bush, 2000, p. 1).

With regard to higher education, the OFI plan initiated the Talented Twenty Percent program for undergraduate education. The program substituted race and ethnic-based admissions guidelines by guaranteeing students admission to one of the 11 State University System of Florida institutions without regard to his or her American College Test (ACT) or Scholastic Assessment Test (SAT) scores, as long as the student graduated from a Florida public high school and was in the top 20% of his or her class. According to Bush (2000), the Talented Twenty program was expected to increase minority enrollment by approximately 1,200 students. While much of the press around the OFI focused on the impact of the executive order

on undergraduate education, the order itself had a direct influence on admissions policy and practice throughout all postsecondary levels of education, professional education, and state contracting. In this study, the focus was on the effect of the OFI on racial/ethnic diversity in Florida's law schools and the state's legal profession. The manner in which the OFI was enacted is as unique as the nature of the order itself. The OFI was proposed in October 1999, and then voted on and approved the next week by the Board of Regents (BOR) without input from citizens, students, faculty members, or community leaders. The BOR approved it with what was described as almost no plan, and very little in the way of guidance on how the program would be implemented in the state's public colleges and universities. After the OFI was approved, a task force set up by the Governor made recommendations to the BOR and would inform them how this policy would be implemented statewide (Hilton, 2007).

Following the announcement of the initiative, one state representative and a state senator launched a sit-in protest demonstration in the office of past Lieutenant Governor Frank Brogan. After 25 hours, past Governor Jeb Bush finally agreed to meet with the two state legislators, which resulted in a series of public hearings in Tampa, Miami, and Tallahassee to hear citizens' comments on the proposed initiative. Following the hearings, Bush indicated that he was indeed planning to enact the OFI in response to the needs of Floridians (Paget-Clark, 1999). The lofty goals of diversification espoused by supporters of the OFI are laudable. However, it is unclear whether the executive order served its purpose in advancing diversity (Marin, Lee, & Orfield, 2003). In particular, little is known about the effect (if any) of the OFI on law school students. In this study, we address this lack of information by investigating whether or not the OFI advanced diversity among Florida's law school students.

Purpose and Significance of the Study

The purpose of this study is to examine the impact of the OFI on racial diversity in Florida's public law schools and legal profession using the lens of Critical Race Theory (CRT). This study seeks to determine what, if any, impact this event has had on recruitment, admissions, and enrollment of Florida's public schools of law as well as racial diversity within the state's legal profession.

Florida is a significant case for analysis because, like California, Washington, Texas, and Michigan, it is part of a growing number of states that aim to modify conventional affirmative action race-based policies. The state of Nebraska recently took similar action in 2008, while others such as Colorado, Arizona, Oklahoma, and Missouri are considering anti-affirmative action legislation (Ryman & Benson, 2007; Antonio & Muñiz, 2007). This research sheds much-needed light on the issue of achieving greater diversity and on the continuing debate over programs and policies that alter 'traditional' concepts of affirmative action. As a result of the OFI and other ballot initiatives (e.g., Proposition 209 in California and Initiative 200 in Washington), American colleges and universities have begun to reconsider their

admissions policies and recruitment practices. Their stated intention is twofold: (1) to ensure compliance with extant law and (2) to better negotiate a commitment to diversity. The research presented serves as an initial study for others to add to in the future. It also provides valuable information to the institutions to effectively diversify their law schools.

In order to fully assess the impact of this event, this research was conducted to determine whether the OFI affected student applications, admissions, enrollment, and Law School Admission Test (LSAT) scores. These areas of inquiry were guided by the following four hypotheses and alternative hypotheses:

H_{o1}: There is no significant difference in the percentage of minority applicants to public law schools prior to 1998 and following implementation of the OFI in 1999.

H_{a1}: There is a significant difference in the percentage of minority applicants to public law schools prior to and following implementation of the OFI.

H_{o2}: There is no significant difference in the percentage of minorities admitted to public law schools prior to and following implementation of the OFI.

H_{a2}: There is a significant difference in the percentage of minorities admitted to public law schools prior to and following implementation of the OFI.

H_{o3}: There is no significant difference in the percentage of minorities enrolled in public law schools prior to and following implementation of the OFI.

H_{a3}: There is a significant difference in the percentage of minorities enrolled in public law schools prior to and following implementation of the OFI.

H_{o4}: There is no significant difference in the average LSAT scores of public law schools prior to and following implementation of the OFI.

H_{a4}: There is a significant difference in the average LSAT scores of public law schools prior to and following implementation of the OFI.

As noted, the African-American community has the ubiquitous perception that they are unfairly treated in the criminal justice system (Hurwitz & Peffley, 2005). Given this notion, and the unique manner in which an executive order was used to modify existing laws, this study employs CRT as a guiding framework (Bell, 1980; Ladson-Billings & Tate, 1995). This framework is discussed in the next section.

Theoretical Framework: Critical Race Theory

In the 1970s, CRT emerged from the field of Critical Legal Studies (CLS). CLS is a framework used by legal scholars to examine disparities in the criminal justice system, focusing specifically on the role of race and racism in disproportionate outcomes for minorities (DeCuir & Dixson, 2004). Delgado (1995) indicated that CLS originated as a result of the Civil Rights Movement's legal strategy to achieve racial justice. The framework for CLS is predicated on historical court decisions and laws such as the Dred Scot decision, the *Naturalization Act of 1790*, *Ozawa v. United States* (1922), and *Scott v. Sandford* (1856) (Cooper, 2002).

Scholars in education, most notably Gloria Ladson-Billings, extended the CLS framework to education, referred to as CRT. The philosophical ideology undergirding CRT was expressed by Harris (2002), who noted that CRT not only "coheres in the drive together to excavate the relationship between the law, legal doctrine, ideology, and racial power, but the motivation of CRT is not merely to understand this vexed bond between law and White racial power but to change it" (p. 1218). Crenshaw, Gotanda, Peller, and Thomas (1995) expressed the position that CRT represents a racial analysis, intervention, and critique of traditional civil rights theory, on one hand, and critical legal studies, on the other. Critical race theorists such as Delgado, Crenshaw, and Bell concentrated on legal, constitutional, and civil rights concerns, which also included affirmative action.

CRT suggests that race and racism are central to the experiences of individuals in U.S. society. Further, it suggests that disproportionate outcomes for minority students in education are a result of their racialized experiences in an oppressive society and are endemic to a sociopolitical system that reifies hierarchical structures and outcomes for dominant groups (Crenshaw, Gotanda, Peller, & Thomas, 1995; Ladson-Billings & Tate, 1995). In an effort to provide structure to the CRT perspective, Solórzano, Ceja, and Yosso (2000) described five central elements of CRT, they include: "(a) the centrality of race and racism and their intersectionality with other forms of subordination, (b) the challenge to dominant ideology, (c) the commitment to social justice, (d) the centrality of experiential knowledge, and (e) the transdisciplinary perspective" (p. 63).

The centrality of race and racism suggests that racial/ethnic affiliation is central to the experience and educational subjugation of Black (and other minority) students. However, CRT also acknowledges the role of other forms of subjugation (e.g., class, gender, ability status) in the experiential realities of people of color. The challenge to the dominant ideology refers to CRT scholars' commitment to countering dominant master-narratives, perceptions, and more. This is accomplished through CRT's social justice orientation, which seeks to disrupt hostile power structures and enhance parity across all sociopolitical and economic systems.

CRT advances social justice by esteeming the experiential knowledge and reality of society's downtrodden. Further, the social justice orientation is also advanced through scholarship that acknowledges multiple disciplinary perspectives (e.g., history, sociology, and psychology) (Solórzano, Ceja, & Yosso, 2000; Solórzano & Ornelas, 2002; Solórzano & Villalpando, 1998).The CRT framework was used in this study to analyze how laws are employed to advance the progress of Whites. Examining these issues, through the lens of CRT, is helpful to researchers who seek answers to questions that are concerned with racial diversity within colleges and universities and affirmative action policy. Critical race theorists have long been interested in minorities' access to higher education, particularly, their lack of access to predominately White institutions (PWIs) as a means of maintaining White superiority over other races.

An examination of policies such as affirmative action and the OFI, including

why they are used and whether they are effective, is well-suited to the concept of CRT.

Methods

In addition to a theoretical framework that involves CRT, this research also used quantitative methodology. Secondary data sets provided by the State University System of Florida (SUSF) and the FBA were used to determine the impact of the OFI. The enrollment data compiled by the SUSF consisted of data by race or ethnic makeup and by institution from 1998-2007. In addition, the research used data from the FBA, which included the percentage of minority attorneys in Florida's legal profession from 1998-2007. Quantitative data lends itself to analysis using both descriptive and inferential statistics.

Data Collection

The secondary data sets compiled within the study were received from the SUSF and the FBA offices. These offices assisted with the compilation of data needed for this study as well as the dissemination of data to the researchers. The central office of the SUSF was contacted by mail, email, and follow-up telephone calls to request any and all data in their possession that included statistics on the number of applicants for law school in Florida's public colleges and universities between 1998-2007, the number of students who applied to these schools during those years, the number of students who were admitted, the number of students who enrolled, as well as the average LSAT score.

The headquarters for the FBA was contacted by mail, email, and by follow-up telephone calls from the researchers to request data in their possession related to this study. The requested data included statistics on the number of bar-certified attorneys in Florida between 1998–2007. This was done in an effort to determine, as accurately as possible, the number of lawyers that are bar certified to practice in the state of Florida. The quantitative data was gathered in Microsoft Excel software and later analyzed using an Excel spreadsheet and Statistical Package for the Social Sciences (SPSS), a quantitative data analysis software.

Data Analysis

After receipt of the secondary quantitative data sets from the SUSF and the FBA, the information was analyzed with two types of analysis descriptive and inferential. The descriptive statistics within this study consisted of frequencies, percents, means, and standard deviations. Inferential statistics are used to draw inferences about a population from a sample.

The independent variable distinguished within this research was the time frame before and after the OFI. The dependent variables were: (1) percentage of minority applicants, (2) percentage of minorities admitted, (3) percentage of minorities enrolled, and (4) LSAT scores. Hypotheses 1, 2, and 3 were tested using the Z-test of proportion. The fourth hypothesis involved the comparison of mean

LSAT scores and was tested using a one-way analysis of variance (ANOVA). The level of significance for rejecting the hypotheses was a=0.05.

Findings

Overall, these findings suggest that the OFI had a significant impact on minority applications, admission, and enrollment to Florida's public law schools. However, no significant differences were found in LSAT scores. To address the four areas of inquiry posed in this study, the hypotheses, as well as relevant data and tables, are presented.

Percentage of Minority Applicants to Public Law Schools

H_{o1}: There is no significant difference in the percentage of minority applicants to public law schools prior to 1998 and following implementation of the OFI in1999.

H_{a1}: There is a significant difference in the percentage of minority applicants to public law schools prior to and following implementation of the OFI.

With regard to Hypothesis One, this study rejected the null hypothesis, as there was a significant change in the percentage of minority applicants to public law schools in Florida prior to and following the implementation of the OFI (See Table 1). An examination of the data indicated an increase in the percentage of minority applicants for the comparisons between 1998-1999 (25.53%) and the academic years 1999-2000 (29.26%), z=3.73, p<.01; 2000-2001 (29.85%), z=4.32, p<.01. The only exceptions were in the change in percentages between academic years 1998-1999 and 2001-2002 when there was a nonsignificant decline in the percentage of minority applicants (1.79 percentage points), 1999-2000 to 2000-2001 and

Table 1

Comparison of the Percentage of Minority Applicants to the Public Law Schools Prior to and Following Implementation of OFI

Academic Year	*Percent Minority Applicants*	*1998-1999 (Percentage Points Difference)*	*1999-2000 (Percentage Points Difference)*	*2000-2001 (Percentage Points Difference)*
1998-1999	25.53%	---	---	---
1999-2000	29.26%	3.73**	---	---
2000-2001	29.85%	4.32**	.59	---
2001-2002	27.32%	1.79	-1.94	-2.53*
2002-2003	34.51%	8.98**	5.25**	4.65**
2003-2004	35.98%	10.45**	6.72**	6.13**
2004-2005	34.46%	8.93**	4.76**	3.60**
2005-2006	36.02%	10.49**	6.76**	6.17**

*p<.05, **p<.01

1999-2000 to 2001-2002. Thus, Hypothesis One was rejected, and it was concluded that there was a significant difference in the percentage of minority applicants to the public law schools prior to and following implementation of the OFI. This increase in the percentage of minority applicants has been maintained through the 2005-2006 academic year.

Percentage of Minorities Admitted to Public Law Schools

H_{o2}: There is no significant difference in the percentage of minorities admitted to public law schools prior to and following implementation of the OFI.

H_{a2}: There is a significant difference in the percentage of minorities admitted to public law schools prior to and following implementation of the OFI.

With regard to Hypothesis Two, this study rejected the null hypothesis as there was a significant change in the percentage of minority applicants accepted to the public law schools in Florida prior to and following the implementation of the OFI (See Table 2).

An examination of the data indicated an increase in the percentage of minority applicants admitted to the law schools for the comparisons between the 1998-1999 (23.14%) and the academic years 1999-2000 (27.76%), $z=4.62$, $p<.01$. For example, 23.14% of the students admitted to the law schools in 1998-1999 were from racial and ethnic minorities. The OFI was signed by former Governor Jeb Bush in 1999. However, the percentage of minorities admitted jumped to 27.76% in 1999-2000 and 27.72% in 2000-2001. With a slight nonsignificant decrease (-2.44) in 2001-2002, the numbers continued to increase and reached 31.22% by 2005-2006. The only exception to the significant increases were in the change in percentages between academic years 1998-1999 and 2001-2002 when there was

Table 2

Comparison of the Percentage of Minority Applicants Accepted to the Public Law Schools Prior to and Following Implementation of OFI

Academic Year	*Percent Minority Applicants*	*1998-1999 (Percentage Points Difference)*	*1999-2000 (Percentage Points Difference)*	*2000-2001 (Percentage Points Difference)*
1998-1999	23.14%	---	---	---
1999-2000	27.76%	4.62**	---	---
2000-2001	27.72%	4.58**	-.04	---
2001-2002	25.32%	2.17	-2.44	-2.40
2002-2003	27.43%	4.28**	-.33	-.29
2003-2004	30.24%	7.10**	2.48	2.50
2004-2005	29.56%	6.42**	.38	.42
2005-2006	31.22%	8.07**	3.46**	3.50**

*p< 05, **p<.01

a nonsignificant decline in the percentage of minority applicants (2.17 percentage points). Thus, Hypothesis Two was rejected, and it was concluded that there was a significant difference in the percentage of minority students admitted to the public law schools prior to and following implementation of the OFI. This increase in percentage of minority students admitted to the law schools has been maintained through the 2005-2006 academic year.

Percentage of Minorities Enrolled in Public Law Schools

H_{o3}: There is no significant difference in the percentage of minorities enrolled in public law schools prior to and following implementation of the OFI.

H_{a3}: There is a significant difference in the percentage of minorities enrolled in public law schools prior to and following implementation of the OFI.

With respect to Hypothesis Three, this study rejected the null hypothesis as there was a significant change in the percentage of minority students who enrolled in public law schools in Florida prior to and following the implementation of the OFI (See Table 3). An examination of the data indicated an increase in the percentage of minority students enrolled in public law schools for the comparisons between the 1998-1999 (23.91%) and the academic years 1999-2000 (28.08%), $z=4.17$, $p<.01$.

For example, 23.91% of the students enrolled in 1998-1999 were from racial and ethnic minorities. After former Governor Jeb Bush signed the OFI in 1999, the percentage of minorities enrolled increased to 28.08% in 1999-2000 and 26.49% in 2000-2001. With a slight decrease in 2001-2002 to 24.64%, the numbers rebounded to 27.18% in 2002-2003 and have remained at about 31% since 2002-2004. Thus, Hypothesis Three was rejected, and it was concluded that there was a significant

Table 3

Comparison of the Percentage of Minority Students Enrolled in Public Law School Prior to and Following Implementation of OFI

Academic Year	*Percent Minority Applicants*	*1998-1999 (Percentage Points Difference)*	*1999-2000 (Percentage Points Difference)*	*2000-2001 (Percentage Points Difference)*
1998-1999	23.91%	---	---	---
1999-2000	28.08%	4.17**	---	---
2000-2001	26.49%	2.58**	-1.59	---
2001-2002	24.64%	.73	-3.44	-1.85
2002-2003	27.18%	3.27**	-.90	.69
2003-2004	32.43%	8.52**	4.35	5.94
2004-2005	31.12%	7.21**	282	4.41
2005-2006	34.02%	10.11**	5.94**	7.53**

*p < .05, **p < .01

difference in the percentage of minority students enrolled in Florida's public law schools prior to and following implementation of the OFI.

LSAT Scores in Public Law Schools

H_{o4}: There is no significant difference in the average LSAT scores of public law schools prior to and following implementation of the OFI.

H_{a4}: There is a significant difference in the average LSAT scores of public law schools prior to and following implementation of the OFI.

A nonsignificant difference was found in the mean LSAT scores of law school students attending public law schools prior to and following implementation of the OFI, $F(4, 58)=.843$, $p>.05$ (See Table 4). The mean LSAT scores remained relatively unchanged during this period.

Discussion and Conclusion

From a CRT perspective, this study sought to uncover the impact of the OFI on minority participation in law schools. This perspective guided the researchers in interrogating the data with a specific lens on racial/ethnic disparities and advances for students in Florida. Interestingly, there are areas in which implementation of the OFI seems to have had a positive significant effect for minorities, including the percentage of minorities applying, admitted, and enrolling in Florida's public law schools. In all but a few years when there were nonsignificant declines in the percentage of minority law school applicants, there was an overall increase each year since 2000, when the OFI was implemented, and that increase continued through 2007. Moreover, the percentage of minority students admitted to Florida's four public law schools rose immediately after the OFI and has increased in most years since, from nearly 28% in the 1999-2000 academic year to more than 31% in 2005-2006.

In addition, there was a significant and similar increase in the percentage of minorities who ultimately enrolled in Florida's public law schools. It is important to note that, despite the increase in minorities, this study found a nonsignificant difference in median LSAT scores of students who attended public law schools in Florida prior to and following implementation of the OFI.

Table 4

ANOVA Results for Impact of OFI on LSAT Scores

Source	*Type III Sum of Squares*	*df*	*Mean Square*	*F*	*Sig.*
Year	79.407	4	19.852	.843	.504
Error	1365.672	58	23.546		
Total	1464607.000	63			
Corrected Total	1445.079	62			

R Squared=.055 (Adjusted R Squared=-.010)

This research is important for several reasons, not least among them is the benefit to others who are interested in the subject of diversity in higher education. It may also encourage other researchers to look further into the impact that implementation of nontraditional affirmative action policies might have on other communities considering implementing similar initiatives. This study, therefore, can be very helpful to those interested in developing policies that seek to increase diversity, as well as those seeking to make informed decisions about policies affecting the use of conventional affirmative action. As a result, it is suggested that the OFI may serve as a model program for states interested in increasing the proportional representation of minority applicants and students in law schools.

For this reason, and because several states are considering initiatives similar to the OFI, the researchers recommend further research into the impact of policies that are intended to redefine affirmative action in other states. Even more intriguing is the likelihood of determining what effects these policies might produce with respect to minority access to higher education in these states. Given the findings in this study, it is anticipated that such policies implemented in other states would yield similar results, with minorities gaining improved access to specialized graduate and professional programs offered in higher education institutions.

The researchers also suggest that future analysis continues to examine the impact of the OFI on minority participation and production in law schools. Of the two, production is of most concern because, while this study shows that participation in law school increased, access does not necessarily equate to success. It remains to be seen whether increased participation has led to either increased production or improved outcomes for students. For example, it remains to be seen whether the OFI increased the production of minority graduates and the percentage of minority law students sitting for, and passing, the bar. As such, the researchers encourage further inquiries into those areas. Further, if increases were seen in the production of minority lawyers, further research should also investigate the long-term effects of this production in two primary areas first, on minority community perceptions of the criminal justice system; and second, on the inclusion of minority lawyers in all aspects of the profession, particularly their representation in elite law firms and as partners in these firms.

One might also consider replicating this study in the future to include data gathered from private law schools in the state of Florida. Law schools in which their administrative perceptions have not been studied include St. Thomas University, University of Miami, Stetson University, Barry University, Nova Southeastern University Shepard Broad Law Center, and Florida Coastal School of Law. This research may also be replicated in other specialized fields where minorities are underrepresented, such as science, engineering, and others. Furthermore, it is conceivable that this study could be expanded to other states, such as Texas, California, Nebraska, Washington State, and Michigan, where similar initiatives or proposals have been implemented to redefine affirmative action. The results of those studies can then be compared to the results of this research from Florida to determine if there are any similarities in outcomes.

From the perspective of a critical race theorist, this research might have examined the tenets of CRT as they relate to the implementation of the OFI with the intersection of race, gender, and class. This study, however, did not examine the intersection of race, gender, and class. A further study could consider examining the use of gender and class in determining the impact of the OFI on the legal education landscape of Florida.

When any new policy is implemented, it requires and deserves the scrutiny of researchers who will spend years analyzing the impact of such policy changes to determine if the actual results substantiate what was promised or intended. Additional studies on this subject would serve the interests of higher education and the underrepresented in America. If it is found that policies intended to redefine affirmative action are harming the pursuit of diversity, it then serves the public interest to learn as much about the topic area as possible.

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