Everyday Discrimination in a National Sample of Incoming Law Students

A. T. Panter and Charles E. Daye
University of North Carolina, Chapel Hill

Walter R. Allen
University of California, Los Angeles

Linda F. Wightman
University of North Carolina, Greensboro

Meera Deo
University of California, Los Angeles

Everyday discrimination experiences are associated with negative mental and physical health, less positive cross-racial counseling relationships, and alienation in educational environments for underrepresented racial and ethnic groups. This report describes the prevalence and experiential and attitudinal correlates of self-reported everyday discrimination in a national sample of over 8,000 incoming students from 64 U.S. ABA-accredited law schools. Race/ethnicity, gender, past lifetime discrimination, neighborhood context, beliefs about societal discrimination experienced by minorities, and expectations about future professional encounters with racial discrimination were associated with reported everyday discrimination. Parental racial socialization and affirmative action support did not show associations. These data provide diversity officers and admissions professionals with a descriptive snapshot of this experiential diversity that exists as students begin their legal education. This diversity may provide insight into student differences in managing of academic stress, forming relationships with faculty and students, and assessing the quality of the educational experience.

Keywords: discrimination, race, ethnicity, law students, multilevel models

In the midst of a shifting legal and political landscape regarding the role of race in admitting a diverse student body in higher education, diversity officers, admissions committees, and faculty members must continually consider to what extent the attributes that students bring to an educational setting will meaningfully contribute to educational diversity and benefits that flow from a diverse student body (*Grutter v. Bollinger*, 539 U.S. 306 (2003)). Research to date suggests that for students of color, past experience with everyday discrimination may frame how they manage stress and physical health during academically challenging learning experiences, their formal and informal interactions with faculty and students of different racial/ethnic backgrounds, and actual and expected learning in higher educational settings. Our interest in and focus on the everyday discrimination experiences of incoming law students emerges from the historically debated and continually considered question of how, if at all, a student's race and ethnicity incrementally contribute to the richness of student learning experiences in higher education.

Everyday Discrimination

An individual's experience with everyday discrimination—also referred to as "microaggressions" (Essed, 1991; Solórzano, Ceja, &

Yosso, 2000; Sue, Bucceri, Lin, Nadal, & Torino, 2007) – is a chronic stressor that consistently predicts (a) poorer mental health and physical health and increased substance use in national racial/ethnic minority samples (Kessler, Mickelson, & Williams, 1999; U. S. Department of Health & Human Services, 2001; Williams, Neighbors, & Jackson, 2003); (b) the development of less productive therapeutic cross-race relationships, when clients of color are matched with White counselors (Constantine, 2007; Constantine & Sue, 2007); and (c) negative emotion, feelings of isolation/exclusion, and poorer student learning outcomes in college settings due to a perceived chilly academic climate (Solórzano et al., 2000). Essed (1991) describes these microaggressions as often subtle, verbal and nonverbal assaults against a person, such as a racial or ethnic minority and/or a woman, by one or more perpetrators who assume in-group superiority and target inferiority.

In recent work Sue et al. (2007) provide a detailed taxonomy of racial microaggressions, subsuming three categories: Microassaults, microinsults, and microinvalidations. Microassaults are consistent with "classic" and overt forms of racism (e.g., Dovidio & Gaertner, 2000) and are consciously delivered racial derogations with the intent to hurt, characterized by violent verbal (e.g., name-calling, use of racial epithets), nonverbal (avoidance, tone of voice), or environmental attacks (discriminatory institution-level policies; Sue et al., 2007, p. 278). Microinsults and microinvalidations receive relatively more focus in Sue et al. (2007) due to their subtlety, unintentional nature, and delivery through automatic processing. Microinsults are defined as "behaviors/verbal remarks or comments that convey rudeness, insensitivity and demean a person's racial heritage or identity" (Sue et al., 2007, p. 278). These microinsults can be further classified as ascriptions of (low) intelligence, treatment as a second-class citizen, pathologizing cultural values/communication styles, and assuming criminal status. Microinvalidations are verbal comments or behaviors that demean, discount, degrade, or make invisible the thoughts, feelings, or experiences of a person of color (Sue et al., 2007, p. 278). These assaults are coded as treatment of racial/ethnic minorities as foreigners, denial of color or race, supporting the myth of meritocracy, and denial of individual racism.

Microaggressions, which produce negative feelings and stress in the target no matter which type, may be intentional or unintentional by the perpetrator, may be delivered through their actions, words, tone, thoughts, and/or behaviors, vary in their overt expression, and produce negative effects that are exacerbated through accumulation over contexts and time. Importantly, the perpetrator can be beyond the individual-level; groups, institutional actions, and environments also provide contexts for microaggressions. Sue et al. (2007) theorize that four dilemmas exist for targets of microaggressions. The acts are stressful because they constantly remind the target of the existing divergent realities about race/ethnicity. They also lead to internal conflict for the target because they are often subtle, automatic, ambiguous, and nearly invisible to others; as such, they can be easily dismissed by the perpetrator as "harmless" (e.g., an overreaction by the target) and are typically left unresolved without a satisfying, unambiguous option for response.

Everyday discrimination and health. The classic research documenting links between stressors experienced daily and health-related problems shows that the build-up of day-to-day burdens and hassles predicts poorer health as strongly as larger chronic stressors such as life events (DeLongis, Coyne, Dakof, Folkman, & Lazarus, 1982; DeLongis, Folkman, & Lazarus, 1988). Parallel findings involving self-reported experiences of everyday discrimination reveal that day-to-day stressors predict negative health outcomes more strongly than self-reported acute lifetime discrimination, such as whether you have been discouraged by an advisor or teacher, been unfairly fired, or been unfairly stopped, searched, questioned, physically threatened, or abused by the police (Krieger, 2000).

Correlates of everyday discrimination, as operationalized by the scale used in this study, include: higher psychological distress, major depression, anxiety disorder, anger, and substance abuse behavior and lower satisfaction, well-being, self-esteem, and control/mastery (Krieger, 1990, 2000; Williams et al., 2003; Williams, Yu, Jackson, & Anderson, 1997). Microaggressions also predict increased blood pressure in minority samples, providing a promising mediational explanation for the link between the reported everyday discrimination and cardiovascular health risk (e.g., Taylor, Kamarack, & Shiffman, 2004). In a recent national

study of Black women, everyday discrimination is linked to higher rates of breast cancer, especially among younger women under 30 years of age (Taylor et al., 2007).

Everyday discrimination and therapeutic relationships. In addition to negative health outcomes, Constantine and Sue (2007) find that racial microaggressions adversely affect the relationships formed in cross-racial counseling settings and relationships. African American clients who experience racial microaggressions in their counseling relationships with White counselors, have a weaker counseling alliance, rate their counselors more negatively in terms of gender and multicultural counseling competence, and report lower levels of counseling satisfaction (Constantine, 2007). In addition, Constantine and Sue (2007) show that graduate counseling training suffered when African American counseling students experienced racial microaggressions with their White counseling supervisors. These studies use focus groups of African American clients and counseling students to identify salient themes related to racial microaggressions in counseling relationships (e.g., colorblindness, denial of personal or individual racism, dysfunctional helping), some of which overlap with Sue et al. (2007). Two new racial microaggression scales are reported that are suitable for client-counselor and supervisee-supervisor relationships. Because of the specific focus on counseling relationships and counseling graduate training, these studies involve smaller numbers of participants than the national epidemiological studies on health; however, using these operationalizations of racial microaggression, they consistently show that everyday discrimination provides a negative frame for certain cross-race dyads involving students of color with a White counselor.

Everyday discrimination and education. Solórzano et al. (2000) describes a qualitative, focus group study with 34 African American students enrolled at three elite, predominately White undergraduate institutions. Using Critical Race Theory as a framework, they probe the types of racial discrimination experienced by students, how students responded to the racial discrimination, and what impact, if any, this discrimination had on their academic performance. Their analyses show that these students experienced microaggressions both inside and outside the classroom setting and that these experiences lead to feelings of self-doubt, frus-

tration, isolation, and exhaustion in negotiating responses to these conflicts cumulatively over time. Students comment that the negative climate that results from these microaggressions led to academic decisions driven by desire to minimize the harmful effects, such as dropping a class, modifying a particular path of course taking, or transferring schools. Solórzano et al. (2000) points out that even among academically accomplished students enrolled in elite institutions, these microaggressions exist, have deleterious effects on the overall academic climate, and affect the enjoyment that students of color have with their learning experiences. Academic and social "counter spaces" for students of color (e.g., racial/ethnic student organizations, student affairs offices serving students of color, social organizations centered around race/ethnicity, peer groups) serve as a haven for these students, where academic, emotional, and cultural support and validation are provided. These spaces may or may not have the institutional backing through faculty involvement or academic affairs support.

Assessing Everyday Discrimination

To date, most national epidemiological studies probing everyday discrimination operationalize the construct using the nine-item, Everyday Discrimination Scale (EDS; Williams et al., 1997). This self-report measure probes experiences related to being treated more poorly in comparison to others (i.e., less courtesy, less respect, receiving poorer service in public places), having people behave in condescending, suspicious, or superior ways, and being insulted or harassed. According to Sue et al.'s (2007) microaggression taxonomy, the EDS item content is mostly weighted toward the microinsults, specifically on ascription of low intelligence, being treated as a second class citizen, and assumptions of criminal status. The scale also includes two microassault items. The EDS item content and stem specifically do not mention everyday discrimination due to race, but rather refer to the general experience of unfair treatment, which could be due to race, gender, socioeconomic status, or other personal characteristics. Past research predicting the presence of negative health effects from the EDS supports this approach (Kessler et al., 1999; Mossakowski, 2003; Schulz, Gravlee, Williams, Israel, Mentz, & Rowe, 2006; Wil-

liams et al., 1997). In addition, the EDS response format expresses frequency of occurrence without a specific timeframe for discrimination.

In the original development work of Williams et al. (1997), a four-point response format for the nine everyday discrimination items is employed: *never* (1), *once* (2), *two or three times* (3), *four or more times* (4). The response format varies slightly across implementations in the number of response options provided and in some cases the stem and anchors used (e.g., Mossakowski, 2003; Schulz et al., 2006).[1] The EDS has adequate to good internal consistency of approximately .85 in large racially and ethnically diverse samples (e.g., adolescents, community adult samples). The validity evidence for this instrument is building steadily, as researchers appreciate the importance, centrality, and strength of this construct in predicting psychological distress and onset of major health conditions (Krieger, 2000; Schulz et al., 2006; Taylor et al., 2004; Williams et al., 2003). For these reasons we believed that the EDS would be a desirable way to assess this form of experiential diversity in incoming students.

This Investigation

Existing studies are beginning to consider the prevalence and impact of microaggressions in academic settings. The Educational Diversity Project (EDP) is a multimethod study examining the association between race/ethnicity and other personal characteristics and student variability in perspectives and attitudes upon entry to law school and how this variability may be expressed during the student learning processes and beyond. Using national EDP survey data from an academically accomplished group of entering students from U.S. law schools, we predict that:

1. Incoming law students of color will have experienced higher levels of everyday discrimination than White students, before law school has even begun.

2. Other racial experiences, such as the extent to which one's parents discussed racial history and bias growing up, past lifetime racial discrimination, and expected future discrimination in professional settings, will be associated with experienced levels of everyday discrimination.

3. Certain characteristics of the law school that students attend, such as the percentage of

minority first-year law students, may predict levels of everyday discrimination.

Method

Respondents and Samples

Our descriptive analyses were based on a volunteer (convenience) sample of 1,963 students from 14 law schools and a multistage, random sample of 6,100 students from 50 law schools, with an oversampling of law schools with high minority student representation. The multilevel analyses predicting everyday discrimination were based on the random sample only. The inclusion criterion for the volunteer sample was that a law school, through an authorized official, requested to be included in the Educational Diversity Project baseline assessment. Only law schools that were not selected for the random sample were included in the volunteer sample.

All 64 law schools selected for the sample were in the U.S. and were ABA-accredited and approved. They reflected approximately a third of the law schools in the nation at sampling time and match the geographic distribution of ABA-approved law schools. Analyses of the selected law schools for this sample, related to the entire set of ABA-approved law schools in the U.S., showed similarity on all law attributes (e.g., tuition, size, student-faculty ratio, percent private institutions, selectivity, median undergraduate grade point average, median LSAT score, faculty minority representation), except racial student composition, the dimension on which we oversampled. Further detail about the EDP sampling is given in Panter, Daye, Allen, and Wightman (2006).

The law students in the volunteer sample were 51.7% women, 70.5% White, 9.8% Asian/Pacific Islander (API), 9.3% Multiracial (5.8% Multiracial White; 2.8% Multiracial of

Color), 5.8% African American, 2.7% Latino/a, and 1.8% Mexican American.[2] They were 25.44 years of age ($SD = 5.17$ years; range = 19 to 58 years), 54.0% liberal, 95.1% heterosexual, 5.7% international, and 60.8% of the students grew up in families that had an income under $100,000. About a quarter of the sample was Catholic (28.6%) or Protestant (21.8%), and 15.1% indicated no religious affiliation. The random sample was 9.8% African American, 8.5% Asian, 8.5% Mexican American, 2.4% Latino/a, 8.8% Multiracial (3.1% Multiracial of Color;5.7% Multiracial White), 68.0% White. 52.1% of the respondents were women. They were 25.41 years of age ($SD = 5.15$ years; range = 18 to 61 years), 46.0% liberal, 95.0% heterosexual, 5.1% international, and 61.7% of the students grew up in families that had an income under $100,000.[3] Similar to the volunteer sample, about a quarter of the sample was either Catholic (26.2%) or Protestant (23.9%), and 13.1% of the sample indicated no religious affiliation. Students from the volunteer sample graduated from 442 different colleges and universities, and the random sample respondents graduated from 837 colleges and universities.

EDP Baseline Survey

The constructs examined in this investigation were drawn from the EDP baseline survey which probed six domains: Student background, family background, perspectives and attitudes, experiences, educational expectations, and career aspirations.[4] Our analyses focused on race-related correlates of everyday discrimination. Internal consistency coefficients for multi-item scales were computed from the random EDP sample.

Everyday discrimination (EDS; Williams et al., 1997). Everyday discrimination was assessed using the nine-item, EDS used in Williams et al. (1997; $\alpha = .88$). We used a six-point response scale that was comparable to two major national studies (National Study of American Lives and the National Asian American and Latino Study) from *never* (1) to *almost everyday* (6).

Racial socialization. Based on the work of Hughes (2003), we asked respondents four items ($\alpha = .84$) that reflected the extent to which respondents' parents engaged in racial socializing behaviors while the students were growing up. Respondents used a five-point Lik-

ert-type scale from *never* (1) to *very often* (5) to indicate how often their parents encouraged them to be proud of their ethnicity, promoted their awareness of their culture and history, and talked about the value of diversity or about ethnic/cultural bias.

Neighborhood context. Respondents were asked to rate on a five-point scale "How often while growing up were there problems with muggings, burglaries, assaults, or anything else like that in your neighborhood?" Responses ranged from *never* (1) to *very often* (5).

Affirmative action support. To assess respondent support for affirmative action, we asked respondents to rate their extent of disagreement or agreement with the item, "The law

---

[2] When students self-identified by marking two or more races/ethnicities that did not include White, students were coded Multiracial Students of Color. When two or more major racial/ethnic categories were marked and included White, students were coded as Multiracial White. We make these multiracial distinctions in light of potential experiential and attitudinal differences that could occur between students with a majority component and a minority component and students who identify as having two or more minority components (cf. Shih & Sanchez, 2005). We were unable to include a separate Native American student group in our analyses due to the very small numbers of first-year students in our EDP samples ($n = 26$), which is reflective of the numbers that exist in the broader law school student population. Some respondents who indicated that they were Native American and White were included in the Multiracial White group.

[3] Race/ethnicity was related to international status, such that (for the random sample) White students (2.5%) and Multiracial White students (2.9%) had the lowest international representation, whereas students who were Latino/a (19.0%), Asian/Pacific Islander (15.9%), and Multiracial of Color (9.3%) had the highest representation.

[4] *Student background* covered socio-demographic characteristics such as race/ethnicity, gender, religion, pre-law education and preparation, and work history/financial status. *Family background* focused on family structure and parental attributes, context growing up (family, household, neighborhood), and messages about race. *Experience* described past discrimination experiences (everyday, acute, academic), as well as undergraduate academic activities and experiences. *Perspectives* included a range of socio-political attitudes, including governmental policies and attitudes, social attitudes (rights and values), racial attitudes, and discrimination against societal groups. *Educational expectations* dealt with perceived fairness of college admissions, support for racial and cultural diversity in higher-education, learning styles, expected rank, participation in extracurricular activities, and learning experiences within the formal law school classroom. *Career aspirations* included reasons for attending law school, desired post-graduation work settings, desired type of law practice and law-related job, and expected professional barriers due to race or gender in the work place.

should allow consideration of race in university admissions decisions." Respondents used a five-point scale ranging from *strongly disagree* (1) to *strongly agree* (5).

Lifetime discrimination. A modified version of Williams et al.'s (1997) lifetime discrimination index was employed. Students reported whether they had experienced five major discrimination events: (1) Unfairly stopped, searched, questioned, physically threatened, or abused by the police; (2) Unfairly discouraged by a teacher or advisor from continuing with education; (3) Moved into a neighborhood where neighbors made life difficult for you or your family; (4) Received service from someone such as a plumber or car mechanic that was worse than what other people got; and (5) For unfair reasons, ever not been hired for a job.

Perceived discrimination against racial minorities in society (Smith, 2006). Students reported how much discrimination they thought there was against 18 different groups in society today on a four-point scale with 1 = *none at all*; 2 = *only a little*; 3 = *some*; 4 = *a great deal*. We focused in this study on respondents' perceived discrimination against racial minorities (American Indian/Native American, API, Black, Hispanic/Latino/a). The discrimination score was computed as the mean across the four groups ($\alpha = .78$).

Professional barriers due to race. Respondents indicated whether they agreed or disagreed with the following statements: "After graduating law school I expect my race may limit my options for. . ." ($\alpha = .98$): (1) Invitations to interview; (2) Job offers; (3) Compensation packages; (4) Quality job assignments; (5) Productive interactions with law colleagues; and (6) Timely promotions. The five-point agreement scale ranged from *strongly disagree* (1) to *strongly agree* (5).

Procedure

Once a law school was selected for the study, the research team obtained formal approval from the current law school dean as well as the Institutional Review Board at that institution (approvals from 64 institutions). A designated contact person at each law school, typically a student affairs representative, was trained by EDP staff for the study administration procedures. This contact person assisted with survey administration during the first-year orientation period. The EDP research

team mailed consent forms, blank surveys, and return boxes to the contact person at least two weeks in advance of the survey administration date. During the law school's orientation period, a one-hour session was reserved for the EDP survey administration. Students were informed that the survey administration session was optional, survey participation was voluntary, responses would be kept strictly confidential, and neither the contact person nor any law school officials were permitted access to the responses. They were told that the survey would take between 30 and 45 minutes to complete. Completed surveys were placed in a manila envelope, personally sealed by the student, and dropped in a box, which was then mailed back to the main EDP office. In most cases, the survey was administered in a group setting during a scheduled hour during first-year orientation activities. At a third of the schools students took the survey home and then returned their completed survey to a central location. We documented and coded the unique features of each data administration.

Data Analysis

To understand prevalence rates of everyday discrimination by race and gender in our samples, we first presented means and standard deviations for the EDS. Next, using the EDP core sample with students from 50 law schools, we conducted multilevel analyses using HLM 6.03 (Raudenbush, Bryk, Cheong, Congdon, & du Toit, 2004). The multilevel approach allowed us to assess student-level predictors of everyday discrimination, while also accounting for (a) the unique attributes of the law schools that the students attended; and (b) the sampling weights for this multistage random sample. The outcome variable for these analyses was the unit-weighted EDS score.

We evaluated two multilevel models. The first model included race/ethnicity, gender, and their interaction as the student level predictors. The student-level predictors for the second model were self-reported parental racial socialization, neighborhood context (drugs in the neighborhood growing up), number of discrimination experiences, endorsement of affirmative action, perceived discrimination about minorities in general, and expectations about encountering professional barriers due to race. Both models used law school characteristics at the second level: Size (total number of full-time

Table 1

Descriptive Information About the Level 1 and Level 2 Predictors of Everyday Discrimination Scale for the Hierarchical Linear Models (random sample)

Level 1	Mean	SD	Bivariate correlation with EDS
Predictors of Everyday Discrimination			
Endorsement of Parental Racial Socialization Practices (four items)	2.84	1.01	.14
1 = *never*; 5 = *very often*			
Presence of Muggings, Burglaries in Neighborhood Growing Up (one item)	1.65	.80	.26
1 = *never*; 5 = *very often*			
Number of Acute Discrimination Experiences	.67	.93	.41
Out of five possible experiences			
Support of Affirmative Action (one item)	2.90	1.34	.16
1 = *strongly disagree*; 5 = *strongly agree*			
Perceived Societal Discrimination against Minorities (four items)	2.99	.58	.22
1 = *none at all*; 4 = *a great deal*			
Expectations that Professional Barriers due to Race Will Be Encountered (five items)	2.08	1.02	.37
1 = *strongly disagree*; 5 = *strongly agree*			

Level 2	Mean	SD	Bivariate correlation with EDS
Law School Attributes			
Full-Time Enrollment	618.38	262.32	—
Number of students			
Percent Private Law Schools	54.0%	–	—
Minority Representation of Full-Time Faculty	.14	.35	—
Proportion Racial/Ethnic Minority			
Racial Diversity Index	.34	.14	—
Higher is more diverse			
Percent Accepted (low = *high selectivity*)	.27	.08	—
Number of admitted/number of applications			
Median LSAT Score	156.16	4.92	—

Note. EDS = mean score on the Everyday Discrimination Scale. All of the bivariate correlations in the right column are statistically significant at the $p < .001$ level, due to statistical power associated with the very large sample size. Level 1 Ns range from 5,212 to 6,100; Level 2 $N = 50$.

students), private or public status, minority representation of faculty, racial diversity of the law schools' students (using Blau's 1977 index of heterogeneity for categories, with zero being a student body limited to only one ethnic/racial category and one being a student body evenly distributed by race), school selectivity (number of admits/number of applications), and median LSAT score. Table 1 presents descriptive statistics for these predictors.

Results

Means and Standard Deviations

Table 2 presents the means and standard deviations for the volunteer sample ($n = 1,963$) and the random sample ($n = 6,100$), as well as by race and gender. Participating law students rarely en-

dorsed the highest response options of the six-point response scale. For example, for the core sample, eight of the nine EDS items had endorsement rates below 4.2% in the top two response options (*almost everyday*, *at least once a week*). The lowest item mean ("You are threatened or harassed") was 1.65, whereas the highest mean ("People act as if they are better than you") was 2.65. Mean differences for the EDS as a function of race and gender accounting for law school characteristics were explored in the next section.

Multilevel Models

Tables 3 and 4 present the multilevel estimates and standard errors for two models pre-

Table 2
Means and Standard Deviations for the Williams et al. (1997) Everyday Discrimination Items in U.S. Law Students by Race and Gender (convenience sample, random sample)

Convenience Sample (n = 1,947) Item	Race/Ethnicity							Gender		
	African American	API	Mexican	Latino/a	Multiracial of Color	Multiracial White	White	Male	Female	Total
1. You are treated with less courtesy than other people.	3.34	2.75	3.06	2.51	3.04	2.58	2.45	2.53	2.62	2.53
	.86	1.00	1.19	.88	1.06	1.01	.94	1.02	.94	1.02
2. You are treated with less respect than other people.	3.21	2.65	2.89	2.51	2.91	2.50	2.40	2.45	2.56	2.45
	.98	1.01	1.13	.90	1.07	1.00	.93	1.00	.94	1.00
3. You receive poorer service than other people at restaurants or stores.	3.08	2.47	2.69	2.06	2.65	2.25	2.01	2.11	2.22	2.11
	1.04	.98	1.28	.87	1.08	1.08	.94	1.03	.99	1.03
4. People act as if they think you are not smart.	3.24	1.97	2.83	2.29	2.74	2.40	2.17	2.06	2.44	2.06
	1.22	.99	1.32	1.09	1.35	1.18	1.03	1.11	1.07	1.11
5. People act as if they are afraid of you.	3.03	1.71	2.17	1.81	2.31	2.07	1.73	2.06	1.67	2.06
	1.55	1.06	1.29	1.17	1.37	1.29	1.02	1.24	1.03	1.24
6. People act as if they think you are dishonest.	2.68	1.53	2.09	1.63	2.26	1.83	1.56	1.83	1.53	1.83
	1.32	.87	1.22	.71	1.36	1.08	.76	.99	.81	.99
7. People act as if they're better than you are.	3.44	2.65	2.83	2.65	3.25	2.65	2.49	2.55	2.66	2.55
	1.30	1.15	1.29	.88	1.31	1.20	1.07	1.16	1.12	1.16
8. You are called names or insulted.	1.85	1.89	2.00	1.58	1.98	1.91	1.81	1.93	1.74	1.93
	.80	.89	1.16	.82	.86	1.03	.89	.95	.86	.95
9. You are threatened or harassed.	1.49	1.49	1.40	1.37	1.56	1.53	1.58	1.54	1.57	1.54
	.71	.74	.74	.63	.66	.80	.77	.73	.80	.73
Mean for all nine items	2.82	2.12	2.44	2.04	2.52	2.19	2.02	2.12	2.11	2.12
	.80	.71	1.00	.54	.90	.84	.64	.75	.69	.75

Random Sample (n = 6,011) Item	Race/Ethnicity							Gender		
	African American	API	Mexican	Latino/a	Multiracial of Color	Multiracial White	White	Male	Female	Total
1. You are treated with less courtesy than other people.	3.30	2.82	2.72	2.48	3.08	2.65	2.49	2.60	2.65	2.62
	1.03	.92	1.04	.98	1.06	1.08	.95	1.04	.96	1.00
2. You are treated with less respect than other people.	3.12	2.74	2.61	2.36	3.09	2.68	2.45	2.52	2.62	2.57
	1.08	.98	1.00	1.04	1.15	1.07	.94	1.04	.96	1.00
3. You receive poorer service than other people at restaurants or stores.	3.06	2.46	2.39	2.07	2.77	2.15	2.03	2.17	2.24	2.21
	.99	.94	1.16	1.04	1.13	1.05	.92	1.01	1.00	1.01
4. People act as if they think you are not smart.	3.05	2.26	2.69	2.28	2.90	2.29	2.22	2.16	2.50	2.34
	1.29	1.12	1.29	1.17	1.34	1.15	1.04	1.14	1.09	1.13

Table 2 (continued)

Convenience Sample (n = 1,947) Item	African American	API	Mexican	Latino/a	Multiracial of Color	Multiracial White	White	Gender Male	Female	Total
5. People act as if they are afraid of you.	2.73 / 1.41	1.73 / 1.05	2.09 / 1.23	1.83 / 1.12	2.39 / 1.46	1.94 / 1.16	1.74 / 1.00	2.06 / 1.19	1.71 / 1.04	1.88 / 1.13
6. People act as if they think you are dishonest.	2.36 / 1.24	1.60 / .91	1.84 / .98	1.57 / .92	2.17 / 1.23	1.68 / .92	1.55 / .79	1.82 / 1.00	1.52 / .81	1.66 / .92
7. People act as if they're better than you are.	3.38 / 1.28	2.79 / 1.11	2.88 / 1.30	2.41 / 1.19	3.12 / 1.31	2.66 / 1.17	2.51 / 1.09	2.60 / 1.19	2.69 / 1.13	2.65 / 1.16
8. You are called names or insulted.	1.83 / .92	1.95 / .92	1.63 / .85	1.53 / .84	1.91 / .96	1.87 / .94	1.84 / .93	1.96 / .97	1.72 / .86	1.84 / .93
9. You are threatened or harassed.	1.55 / .81	1.58 / .81	1.41 / .63	1.34 / .71	1.64 / .95	1.58 / .79	1.61 / .82	1.57 / .75	1.61 / .87	1.59 / .82
Mean for all nine items	2.71 / .83	2.21 / .71	2.25 / .80	1.99 / .74	2.56 / .85	2.17 / .77	2.25 / .73	2.17 / .78	2.14 / .68	2.15 / .73

Note. In each cell the top number is the mean, and the bottom number is the standard deviation. The items were rated on a scale ranging from *never* (1) to *almost everyday* (6). The internal consistency coefficient for these nine items (Cronbach's α) is .88 (for both the EDP volunteer and random samples).

dicting everyday discrimination.[5] Our first multi-level model showed that all students of color, except Latino/a students, reported significantly higher everyday discrimination scores compared to White students. The largest main effects, which translated into almost a one-point difference on the EDS scale for African American students and Multiracial students of Color, were qualified by a race/ethnicity-gender interaction. African American women and Multiracial women of Color reported significantly lower everyday discrimination than did African American men. In the context of our 50 law schools in the EDP random sample, we also found that slightly lower EDS scores were associated with students attending private law schools, and higher EDS scores were associated with students attending schools that admitted higher percentages of students (i.e., less selective law schools).

In our second model we found that significantly higher EDS scores were associated with higher numbers of major lifetime discrimination experiences, having grown up in a neighborhood with security concerns, perceiving future professional barriers around race, and, to a small extent, higher ratings of perceived societal discrimination against minorities. Everyday discrimination was only slightly related to reported parental socialization practices while growing up and not related to attitudes about affirmative action policies. In our model probing correlates of everyday discrimination, we observed greater everyday discrimination was obtained for students who attended law schools with lower racial diversity.

Discussion

In this study of academically accomplished students who were about to begin their legal education, we found variability in everyday discrimination levels due to race/ethnicity and several background characteristics, attitudes, and

---

[5] Before testing these models we looked to see whether EDS scores were more similar for students enrolled at the same school than for students enrolled at different schools. This analysis revealed very little clustering due to schools (the unconditional model; intraclass correlation = .03). Despite this small value, we proceeded to evaluate student-level associations of race and gender in the context of the law school attributes to account for the known design features of our study.

Table 3

Multilevel Model Predicting Everyday Discrimination From Race/Ethnicity, Gender, and Law School Attributes

Predictors	Estimate	Standard Error
Intercept	2.21***	.04
Level 1: Individual Attributes		
Female	-.02	.02
African American	.92***	.07
Asian American/Pacific Islander	.20***	.06
Mexican American	.24**	.08
Latino	-.01	.08
Multiethnic of Color	.85***	.12
Multiethnic White	.17*	.07
African American*Female	-.37***	.09
Asian American/Pacific Islander*Female	-.06	.08
Mexican*Female	-.10	.13
Latina*Female	.07	.13
Multiethnic of Color*Female	-.41*	.16
Multiethnic White*Female	-.11	.10
Level 2: Law School Attributes		
Private Status of Law School	-.09**	.03
Percent Admitted	.35**	.13
Full-Time Enrollment	-.06	.05
(Number of students)		
Racial Diversity Index	.03	.08
(Higher is more diverse)		
Median LSAT (Tens)	.00	.00
Minority Representation of Full-Time		
Faculty	.00	.00
(Proportion Racial/Ethnic Minority)		

Note. $N = 5,900$. The intraclass correlation (*ICC*) for the unconditional model (the model with only site predicting everyday discrimination) was .03. The ICC with the predictors included is .01. All continuously-measured predictors were grand-mean centered. The estimates in the second column can be interpreted as follows: One unit change in the predictor has an associated increase or decrease in the mean EDS score. *SE* = standard error.
* $p < .05$. ** $p < .01$. *** $p < .001$.

expectations for the future. Thus, independent of the experiences that students will have during law school and the potential microaggressions they may encounter in that context, these students entered law school with a history of negative experiences. Our analyses showed that their everyday discrimination experiences were related to past experience with other forms of discrimination (e.g., being fired due to race, being discouraged by a teacher due to race), what their parents taught them about race, where they grew up, views about perceived discrimination against minorities in society, and their expectations about encountering discrimination in their personal and professional lives after law school. They did not relate to current attitudes about affirmative action support. These relationships held while adjusting for the differences between law schools in which respondents had enrolled.

The existing literature on microaggressions also suggested that these individuals may be at risk for several negative outcomes that may unfold during the law school experience. For example, students who experienced everyday discrimination may be at higher risk for negative health outcomes, both mental and physical. Certain cross-racial relationships, especially involving power differentials (e.g., a student of color and a White professor), may be perceived by the student to be less satisfying and educationally productive (e.g., Constantine, 2007; Constantine & Sue, 2007). Finally, students coming to law school with a history of microaggression experiences may be at risk for negative emotionality, isolation, and increased

Table 4
Multilevel Model Predicting Everyday Discrimination From Race-Related Experiences, Attitudes, and Expectations and Law School Attributes

Predictors	Estimate	Standard Error
Intercept	2.25***	.04
Level 1: Individual Attributes		
Parental Racial Socialization	.02**	.01
Neighborhood Crime	.12***	.01
Support of Affirmative Action	.01	.01
Lifetime Discrimination Experiences	.23***	.01
Perceived Discrimination Against Minorities	.14***	.02
Expectation to Encounter Barriers due to Race	.17***	.01
Level 2: Law School Attributes		
Private Status of Law School	-.04	.03
Percent Admitted	.07	.14
Full-Time Enrollment (Number of students)	-.03	.05
Racial Diversity Index (Higher is more diverse)	-.21*	.08
Median LSAT (Tens)	.00	.00
Minority Representation of Full-Time Faculty (Proportion racial/ethnic minority)	.00	.00

Note. $N = 5,900$. The intraclass correlation (ICC) for the unconditional model (the model with only site predicting everyday discrimination) was .03. The ICC with the predictors included is .01. All continuously-measured predictors were grand-mean centered. The estimates in the second column can be interpreted as follows: One unit change in the predictor has an associated increase or decrease in the mean EDS score.
* $p < .05$.   ** $p < .01$.   *** $p < .001$.

stress in an already academically stressful setting, especially if microaggresion experiences continue—either by individuals or by the academic institution.

We concur with Solórzano et al. (2000) that "counter spaces" created within the law school environment provide an excellent buffer. Our annual qualitative follow-up studies with a subset of EDP participants supported these ideas. For example, as early as the first year, student organizations centered on race/ethnicity helped serve such a purpose, as did highly involved student affairs offices that offered programming and academic support to serve students of color (Deo, Allen, Panter, Daye, & Wightman, in press). Yet, in that qualitative work we learned from students of color - across nine law schools where focus groups were conducted - that microaggresions were present in this setting as well.

The EDP levels of everyday discrimination mirror those found in the National Study of American Lives—for White respondents, but not for African American respondents (Jackson et al., 2004). Interestingly, EDP African American students and Multiracial Students of Color reported more frequent everyday discrimination than NSAL African American and Caribbean respondents for eight out of the nine items (except "You are threatened or harassed"). Thus, students of color are arriving at law school with microaggression experiences that are at or above the levels observed in national samples that have shown strong negative mental and physical health outcomes due to everyday discrimination.

In addition, we found that certain institutional characteristics related to the students' self-report of microaggressions. In our race and gender model, the private status of the law school and higher admissions selectivity were associated with reports of lower levels of everyday discrimination. A small effect was obtained for the level of racial diversity in the student body, such that schools with higher racial diversity were associated with lower mean microaggressions in incoming students. These are findings that should be pursued, but can only be examined in rigorously sampled, large national survey contexts involving many academic institutions.

We believe a valuable measurement direction would be to conduct scale development work to more closely tie to recent theoretical work on the structure of microaggressions. The Williams et al. (1997) scale has strongly predicted major health outcomes in the past decade. Yet, a preliminary item analysis suggests that entire content domains of microaggressions are not systematically represented within this item set. It would be a worthwhile goal to develop a broader scale that taps the multiple domains of microaggressions identified by Sue et al. (2007). The Williams et al. (1997) instrument uses a general assessment of unfair treatment and does not specifically identify race in the item stem or responses; it is as yet unclear whether such an approach could be maintained when developing items to map into the Sue et al. domains and whether a similar approach could be applied to the study of microaggressions associated with sexual orientation, disability status, and other diversity-related characteristics.

The present study is also limited by its cross-sectional nature and data collection timing - before students had even begun law school. At one level, baseline data provide a valuable reference point; however, this snapshot is restricted to describing the students who applied to and enrolled in law school and their expectations for their future educational experience. Additional limitations include the unreliability of self-reported survey data, including our reliance on single-item indicators to assess certain substantively interesting constructs such as affirmative action support. Our multilevel modeling approach accounts for the weighted sample data, the law schools students attended, and law school attributes, but cannot compensate for any unreliability associated with the use of one-item indicators or for reporting biases in estimating the frequency of past events.

In conclusion, extant research on microaggressions points to a set of negative outcomes in health, forming cross-racial relationships involving a power dimension, and feelings of academic competence and belonging to the institution. Our findings suggest that students, especially students of color, come to law school with everyday discrimination experiences that may frame their expectations about discrimination in the future, discussions about discrimination in society, the strength of the educational relationships they form in predominately White settings, and their ability to manage and cope with academic stressors. Higher education institutions must both recognize that students, especially students of color, have had and may continue to have these experiences and anticipate ways to reduce the experiences themselves and buffer students against the health, social, personal, and academic risks that may unfold. Taken together, these findings suggest that Diversity Officers in higher education must be prepared to intervene with systems and supports designed to buffer the potential negative consequences of this form of discrimination.

References

Alegria, M., Takeuchi, D., Canino, G., Duan, N., Shrout, P., Meng, X., et al. (2004). Considering context, place and culture: The National Latino and Asian American Study. *International Journal of Methods in Psychiatric Research, 13,* 208–220.

Alegria, M., & Takeuchi, D. T. (2004). *The National Latino and Asian American Study* [Codebook]. University of Michigan, Survey Research Center, Ann Arbor, MI: ICPSR.

Blau, P. M. (1977). *Inequality and heterogeneity.* New York: The Free Press.

Constantine, M. G. (2007). Racial microaggressions against African American clients in cross-racial counseling relationships. *Journal of Counseling Psychology, 54, 1*–16.

Constantine, M. G., & Sue, D. W. (2007). Perceptions of racial microaggressions among Black supervisees in cross-racial dyads. *Journal of Counseling Psychology, 54,* 142–153.

DeLongis, A., Coyne, J. D., Dakof, G., Folkman, S., & Lazarus, R. S. (1982). Relationship of daily hassles, uplifts, and major life events to health status. *Health Psychology, 1,* 119–136.

DeLongis, A., Folkman, S., & Lazarus, R. S. (1988). The impact of daily stress on health and mood: Psychological and social resources as mediators. *Journal of Personality and Social Psychology, 54,* 486–495.

Deo, M., Allen, W. A., Panter, A. T., Daye, C. E., & Wightman, L. F. (in press*).* Struggles and supports: Diversity in U.S. law schools. *National Black Law Journal.*

Dovidio, J. F., & Gaertner, S. L. (2000). Aversive racism and selection decisions: 1989 and 1999. *Psychological Science, 11,* 315–319.

Essed, P. (1991). *Understanding everyday racism.* Newbury Park, CA: Sage. *Grutter v. Bollinger*, 539 U.S. 306 (2003).

Hughes, D. (2003). Correlates of African American and Latino parents' messages to children about ethnicity and race: A comparative study of racial socialization. *American Journal of Community Psychology, 31,* 15–33.

Jackson, J. S., Brown, T. N., Williams, D. R., Torres, M., Sellers, S. L., & Brown, K. (1996). Racism and the physical and mental health status of African Americans: A thirteen-year national panel study. *Ethnicity and Disease, 6,* 132–147.

Jackson, J. S., & Gurin, G. (2001). *The national survey of American life: Coping with stress in the 21th century.* [Codebook]. University of Michigan, Survey Research Center, Ann Arbor, MI: ICPSR.

Jackson, J. S., Torres, M., Caldwell, C. H., Neighbors, H. W., Neese, R. M., Taylor R. J., Trierweiler, S. J., & Williams, D. R. (2004). The National Survey of American Life: A study of racial ethnic and cultural influences on mental disorders and mental health. *International Journal of Methods in Psychiatric Research, 13,* 196–207.

Kessler, R. C., Mickelson, K. D., & Williams, D. R. (1999). The prevalence, distribution, and mental health correlates of perceived discrimination in the United States. *Journal of Health and Social Behavior, 40,* 208–230.

Krieger, N. (1990). Racial and gender discrimination: Risk factors for high blood pressure? *Social Science and Medicine, 30,* 1273–1278.

Krieger, N. (2000). Discrimination and health. In L. Berkman & I. Kawachi (Eds.), *Social Epidemiology* (pp. 36–75). Oxford: Oxford University Press.

Mossakowski, K. N. (2003). Coping with perceived discrimination: Does ethnic identity protect mental health? *Journal of Health and Social Behavior, 44,* 318–331.

Panter, A. T., Daye, C. E., Allen, W. A., & Wightman, L. F. (2006). *An Empirical Study of the Relationship between Race and Educational Diversity in U.S. Law Schools: Sampling Methodology, and Procedures for the Baseline EDP Assessment of Incoming Students* [Research Report: 06-03]. Chapel Hill, NC: The Education Diversity Project.

Raudenbush, S. W., Bryk, A. S., Cheong, Y. F., Congdon, R., & du Toit, M. (2004). *HLM6: Hierarchical Linear and Nonlinear Modeling.* Chicago: Scientific Software.

Schulz, A. J., Gravlee, C. C., Williams, D. R., Israel, B. A., Mentz, G., & Rowe, Z. (2006). Discrimination, symptoms of depression, and self-rated health among African American women in Detroit: Results from a longitudinal analysis. *American Journal of Public Health, 96,* 1265–1270.

Shih, M., & Sanchez, D. T. (2005). Perspectives and research on the positive and negative implications of having multiple racial identities. *Psychological Bulletin, 131,* 569–591.

Smith, T. (2006). *Taking America's Pulse III reveals Americans' attitudes about racial, ethnic, religious and social groups.* New York: The National Council of Community and Justice.

Solórzano, D., Ceja, M., & Yosso, T. (2000). Critical Race Theory, racial microaggressions, and campus racial climate: The experiences of African American college students. *The Journal of Negro Education, 69,* 60–73.

Sue, D. W., Bucceri, J., Lin, A. I., Nadal, K. L., & Torino, G. C. (2007). Racial microaggressions and the Asian American experience. *Cultural Diversity & Ethnic Minority Psychology, 13,* 72–81.

Sue, D. W., Capodilupo, C. M., Torino, G. C., Bucceri, J. M., Holder, A. M. B., Nadal, K. L., & Esquilin, M. (2007). Racial microaggressions in everyday life: Implications for clinical practice. *American Psychologist, 62, 271*–286.

Taylor, T. R., Kamarack, T. W., & Shiffman, S. (2004). Validation of the Detroit Area Study Discrimination Scale in a community sample of older African-American adults: The Pittsburgh Healthy Heart Project. *International Journal of Behavioral Medicine, 11,* 88–94.

Taylor, T. R., Williams, C. D., Makambi, K. H., Mouton, C., Harrell, J. P., Cozier, Y., et al. (2007). Racial discrimination and breast cancer: Incidence in US Black women. *American Journal of Epidemiology, 166,* 46–54.

U.S. Department of Health and Human Services. (2001). *Mental health: Culture, race, and ethnicity—A Suppl. to mental health: A report of the Surgeon General* (chap. 2). Rockville, MD: U.S. DHHS, Public Health Service, Office of the Surgeon General.

Williams, D. R., Haile, R., Neighbors, H., González, H. M., Baser, R., & Jackson, J. S. (2007). The mental health of Black Caribbean immigrants: Results from the National Survey of American Life. *American Journal of Public Health, 97,* 52–59.

Williams, D. R., & Jackson, J. S. (2000). Race/ethnicity and the 2000 census: Recommendations for African American and other black populations in the United States. *American Journal of Public Health, 90,* 1728–1730.

Williams, D. R., Neighbors, H. W., & Jackson, J. S. (2003). Racial/ethnic discrimination and health: Findings from community studies. *American Journal of Public Health, 93,* 200–208.

Williams, D. R., Yu, Y., Jackson, J. S., & Anderson, N. B. (1997). Racial differences in physical and mental health: Socioeconomic status, stress and discrimination. *American Journal of Health Psychology, 2,* 335–351.