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Law School Admissions: A Different View

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by Peter A. Winograd

Contrary to the impression that may have been created by some recent articles, most law schools do not conduct their admissions procedure "by the numbers." Critics of law school admissions practices cite statistics that can be misleading and tend to inflate the number of law school applicants. The solution to the "admissions crisis" may be to spread the applicants over more schools.

MUCH HAS BEEN SAID recently in this *Journal* and elsewhere about the increased pressures for admission to law school. Statistics are constantly cited which appear to indicate that well-qualified candidates are being left at the starting gate with only a collection of rejection letters to show for their efforts.

One might conclude, for example, that since there were only 35,131 matriculants in first-year classes at the 149 American Bar Association approved law schools in September of 1972, while 119,694 law school admission tests were taken in 1971–72, more than three people were competing for each available seat. This seems to be confirmed by the fact that 100,724 individuals registered last year with the Law School Data Assembly Service, which was a required part of the application process at 124 law schools. Data emanating from admissions offices are not very encouraging, either; many schools now claim to receive ten or more applications for each place in the entering class.

Accompanying this increase is an apparent improvement in academic quality, which, when measured by the basic objective scales of L.S.A.T. scores and grade point averages, is at least superficially impressive. Some law schools now boast of mean L.S.A.T. scores above 650 and G.P.A.s above 3.40 (B+). Several claim to have averages at or above 3.00/600.

This has led many observers to conclude that grades or scores, or both, are the *sine qua non* for admission, that subjective factors have all but disappeared from the evaluation process, and that arbitrary cutting points have been established in order to deal with the application avalanche.

In viewing this seemingly dismal picture, several important facts should be kept in mind. First, the raw volume figures do not tell the whole story; indeed, to some extent, they can be misleading. Although 119,694 L.S.A.T.s were taken, approximately 15 per cent represent repeaters, who must be subtracted in order to obtain the actual number of individuals involved. More revealing, however, are the data assembly service figures, for only 80,364 of the total of 100,724 registrants completed their files. Fully 20 per cent never had reports issued to law schools, and these people could be considered ghosts in last year's admission competition. As most applicants applied to at least one law school requiring use of the data assembly service, the total number of persons seeking admission, including those who were permitted for financial reasons to submit transcripts direct and those who applied only to non-L.S.D.A.S. schools, probably did not exceed eighty-five thousand.

At the other end of the spectrum, one must ask how many of these candidates were given an opportunity to begin their legal studies last September—that is, how many received at least one acceptance. This figure is considerably greater than the number of seats available, for successful applicants often decide not to matriculate.

Many Do Not Complete the Application Process

In years past pressure from the selective service system caused many to take time off from the classroom after graduation from college. Today large numbers of students are doing this voluntarily. Some have reached the point of academic saturation and do not feel emotionally prepared to undertake at once another rigorous course of study; some have gone into debt to pay for their undergraduate years and hope either to lighten their financial load or accumulate resources before starting law school; some would simply like to set aside time in which to sample a different life style and determine what might be the most suitable career path to follow. Whatever the reason, it is clear that many candidates do complete the application process, receive acceptances, and then decline to enroll.

This phenomenon is compounded by the standard procedure of submitting applications to more than one law school. Because decisions often are not announced until March or April, at which time it is too late to file new applications in the event of rejection, candidates must assume the worst when they submit their

papers. Most apply to a minimum of three law schools, and some to many more than that. The law schools, in turn, take this multiple application syndrome into account when mailing acceptances. Nearly all schools must issue at least twice as many offers as there are places available, and it is not unusual to find ratios of three to one or higher.

Last year one major law school received approximately forty-three hundred applications for three hundred and sixty seats but issued more than a thousand acceptances in order to fill the class. Thus, affirmative action was taken in one of every four cases. At another national school some fifty-eight hundred applications were filed, of which fifteen hundred were accepted for an entering class of five hundred—about one of every four candidates receiving a favorable reply. The chances of admission at many other schools, of course, were better than at these.

Some particularly revealing statistics have become available through a study of actions taken by law schools as to 1971–72 L.S.D.A.S. registrants. During the past admissions year, schools which required use of the data assembly service were encouraged to report their decisions to Educational Testing Service. This information was then entered in the L.S.D.A.S. records and used to provide each law school with a series of status reports. These data, in summary form, also became the basis for the law school admission profiles that appear in the current edition of the *Prelaw Handbook,* published by the Law School Admission Council and the Association of American Law Schools. Not all schools reported their decisions, so the resulting statistics are far from complete. They are sufficient, however, to permit certain conclusions to be drawn.

The data in Table 1 have been extracted from the total study and refer to L.S.D.A.S. registrants who identified themselves as not being members of racial or ethnic minority groups.

It is important to note that many of the candidates counted in category (b) or (c) may well have received an acceptance either from a law school that did not report its decisions or did not participate last year in the L.S.D.A.S. For example, (b) and (c) include 505 individuals with cumulative G.P.A.s above 3.50 and L.S.A.T. scores above 650. It is most unlikely that these applicants failed to receive at least one acceptance unless they applied only to the two or three most competitive law schools. One may predict with considerable confidence that had complete reports been submitted, category (a) would have accounted for a minimum of 75 per cent of the total.

Table 1

Candidates with Minimum Grade Point Average of 3.00 and Minimum Law School Admission Test Score of 550

	Number	Percentage
(a) Those reported as having received at least one acceptance	9,834	60.99
(b) Those reported as having received at least one rejection and no acceptance	2,630	16.31
(c) Those with no decisions reported	3,661	22.70
Total	16,125	100.00

If at least three of four applicants with credentials at or above the 3.00/550 level are being offered admission today, then one must question how severe the often cited admissions "crunch" really is. It should be kept in mind also that several thousand candidates with credentials weaker on one or both measures also received acceptances. If "success" in the admissions competition means, as I suggest, that a candidate has an opportunity to matriculate at an accredited law school, then the current system seems to be functioning fairly well. Those who ultimately find themselves with nothing but rejections are, as a rule, either extremely weak on both objective counts, or they have overshot their credentials in selecting the law schools to which they applied.

Overshooting credentials was a particularly serious problem in 1970–71, when the number of applications to law schools jumped sharply, causing admission requirements to change without notice. Candidates whose prospects for acceptance at certain schools the year before were good suddenly found that their applications were being denied. Again it should be stressed that most of them were not being barred permanently from the legal profession; they were being denied access via a certain range of law schools. Many of those who found themselves in this uncomfortable situation later applied to a broader group of schools and were successful in gaining admission.

Are Test Scores and Grades the Villains?

There are, of course, those who believe that only the so-called most prestigious law schools are worth attending. Although the number of these schools has increased in recent years, as several institutions have taken steps to attain excellence, many of the candidates who aspire only to these schools are certain to be disappointed. It is frequently from these applicants that the loudest cries are heard, even though they may be holding acceptances to other fine schools. It is also from these quarters that stories about the near impossibility of admission to the strongest schools originate. The villains cited will usually be grades or test scores or both. The charge is often made that admissions systems give weight to the cold statistics and place little if any emphasis on the human elements.

While there is reason to believe that a few schools may proceed in just this fashion, they are the exception rather than the rule. Most admissions officers and committees devote great blocks of time to assessing nonquantitative predictors, for it is these that often give real meaning to the numbers. In fact, the Law School Data Assembly Service was developed three years ago largely to free admissions personnel from

the mechanical burden of computing G.P.A.s on college transcripts, thereby enabling them to spend more time reviewing folders.

Since L.S.D.A.S. reports show averages for each undergraduate year as well as cumulative averages, they have the additional advantage of highlighting cases in which one very poor year has marred what would otherwise have been an impressive over-all record. In the days of manual calculation the resources allocated to admissions offices almost always were inadequate to produce data in this refined fashion. Furthermore, today's centralized computer operation has made available to law schools important summary information about the grading patterns at colleges. Last fall, for example, admissions officers were provided with the percentage distribution of G.P.A.s of undergraduate institutions as earned by L.S.D.A.S. registrants, together with the average G.P.A. at each of those institutions. These data create the context in which admissions officers can compare the averages of candidates from different colleges meaningfully.

These advances in the collection and reporting of data make the admissions process more efficient and supply admissions committees with the tools necessary for reaching informed decisions. They do not provide solutions to the basic problem created by the fact that persons from the same college can appear nearly identical on the record sheet, with similar grades and scores, and yet have quite divergent potentials for the study of law.

A Fair Shake for Students and Schools

If a law school's admissions personnel are not attempting to detect these differences, they are shirking what should be their prime responsibility. To hide behind the numbers, however sophisticated, allowing them alone to determine who shall attend, is to give neither the law school nor its applicants a fair shake. The great majority of schools recognize this as a basic fact on which their admissions philosophies are based.

Two examples illustrate the point. A low G.P.A., combined with a high L.S.A.T. score, is frequently the sign of a bright but lazy applicant. Unless special circumstances can be shown, law school performance tends to track the undergraduate record rather than the L.S.A.T., which would in this case signify untapped potential. During the 1968–70 period, however, when the draft of graduate students made it necessary for law schools to accept large numbers of applicants in order to fill entering classes, many older candidates with low G.P.A. but high L.S.A.T. combinations were offered admission. And many of them performed extraordinarily well. The important factor in these cases appears to have been maturity; the mediocre undergraduate records were compiled at least a few years earlier and did not reflect the motivation that later developed.

Undergraduate Record Alone Is Not Reliable

Divergent evaluations can be reached in the reverse kind of statistical situation, when candidates present very high grade averages and low L.S.A.T.s. In many of these cases the applicant's file is thin, and the only strong factor is the G.P.A. Extracurricular activities and interests are weak or nonexistent, the letters of recommendation simply comment about the fine classroom performance, there is no term-time employment, and the applicant's personal statement says little. The picture one sketches from these facts is of a diligent student, who spends many hours studying in order to obtain the desired grades, but who is unable or unwilling to devote time to other pursuits. An inspection of the student's transcript may raise questions about the difficulty of the courses that have been selected. This candidate, if admitted to a competitive law school in which performance on a set of examinations at year's end determines one's standing, may either perform in marginal fashion or, before that point, may simply decide that he or she does not belong in law school at all. In any event, it has been this writer's experience that these candidates rarely approach the level that might be projected by looking at undergraduate performance alone.

A different conclusion would be reached when a high G.P.A. but low L.S.A.T. applicant, who has excelled in a rigorous academic program, presents strong subjective qualities to an admissions committee. Major interests beyond the classroom—whether in structured college-related activities, employment, community affairs, or any aspect of daily life—are often the earmarks of an individual who is likely to add an important dimension to a law school and later to the legal profession itself. At the admissions stage, these commitments may demonstrate that a superior academic record was not created only at the expense of everything else. It may become clear from supporting papers in the dossier that the candidate consistently has been a poor performer on objective aptitude tests but has done very well in college with only moderate effort and that he or she has an analytic and imaginative mind that might take well to the style of instruction found in law school. Indeed, the L.S.A.T. score would be the only negative factor in this folder, and the probability of success may be high enough to mandate admission.

Similar or even identical numbers may mark very different kinds of applicants, and a sensitive admissions system will react with decisions appropriate to the individual rather than just to the statistics. As

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the candidate population has changed to include a growing number of persons who received their baccalaureate degree one or more years before applying to law school, so has the process of weighing nonquantitative factors become more complex. The use made of the period since college must be considered; letters of recommendation and the applicant's personal statement may become more meaningful and yet more difficult to assess; special care must be given to interpreting the G.P.A., since grades earned several years ago almost certainly mean something different from corresponding grades on today's inflated scales.

Indexes Alone Cannot Measure Potential

The list of possible variables can be lengthy, the time consumed in evaluating them will be substantial, and the final decision will be harder to reach than if numerical statistics are given determinative weight. The effort and *expertise* invested in this process ultimately will produce a vibrant class with a collective potential beyond what indexes alone can measure.

Since most admissions officers and committees charged with the selection of entering students act with this in mind, class profiles usually show that acceptances are to some extent distributed along a G.P.A./L.S.A.T. continuum rather than appearing only at the top. At some point, of course, it does become essentially impossible for personal factors to compensate for unpromising objective credentials, for the over-all correlation of L.S.A.T. scores and undergraduate grades with law school performance can raise questions of academic survival. This aside, if the demand for access to legal education reaches a plateau, as now appears likely, then the solution to the supposed admissions crisis may hinge more on improving the spread of applicants among law schools than on simply creating more first-year places.

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