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Assessments All the Way Down

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ASSESSMENTS
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THE ROLE OF ASSESSMENTS is getting attention throughout legal education. A growing acceptance of the Graduate Record Examination ("GRE") as an alternative to the Law School Aptitude Test ("LSAT") and its incorporation into the *U.S. News & World Report* ("*USN&WR*") law school rankings has opened the door to changes in who is going to law school and how they are recruited. At the other end of students' journey through legal education, the discussion of recent graduates' bar exam performance – linked by some to declining LSAT scores of entering students – has raised questions about the design of bar exams as well as about law schools' preparation of graduates for the bar. In between, the American Bar Association's incorporation of assessment into its accreditation process has spurred growing interest in how law schools conduct assessments and is prompting changes in how legal educators evaluate students.

In this article, we begin with the issues raised by the GRE's appearance as an alternate pathway. Next, we set out assessment principles likely to influence future conversations in the legal academy. Then we look at how the bar results discussion connects to improving assessment strategies. Finally, we conclude with speculation about what this all means.

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I. LAW SCHOOL ADMISSIONS TESTING

Since the 1920s, law schools have differentiated among applicants based on admissions tests. West Publishing produced a test in the 1920s and Yale began using its own test in 1930.[1] The LSAT grew out of a 1947 meeting of Columbia Law School and the College Entrance Examination Board. The group soon expanded to other members of the College Board plus the University of Michigan. They settled on three key points: (1) the test would focus on aptitude not particular knowledge; (2) validity would be measured by the test's ability to predict 1L grades; and (3) the test would be used with undergraduate records.[2] The test has influenced law school admissions ever since.

While grumbling about biases in the LSAT developed over time, the test's use continued without too much controversy until the appearance of the *USN&WR* rankings of law schools and their incorporation of LSAT data.[3] Once the prestige of a law school depended in part on the LSAT credentials of the entering class, schools began competing for students who would improve the schools' rankings. Gamesmanship resulted. Part-time programs could improve a law school's reported scores before *USN&WR* changed its formula to prevent such manipulations.[4] Some dispensed with such maneuvers and just made up numbers.[5] Unsurprisingly, the increasing

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[1] The history of the LSAT and law admissions testing is thoughtfully (and without foot-notes!) assessed by William LaPiana in *A History of the Law School Admission Council and the LSAT: Keynote Address*, 1998 LSAC Meeting (2001). It is related in a more *Green Bag-ish* style in John Richardson, *Genesis* (1994), available at www.prep.com/genesis.pdf.

[2] *Id.* at 3-5, 7-8.

[3] *See* William D. Henderson & Andrew P. Morriss, *Student Quality as Measured by LSAT Scores: Migration Patterns in the* U.S. News *Rankings Era,* 81 Indiana L. J. 163 (2006) (de-scribing history of LSAT scores in rankings). The earliest complaint in the legal literature about cultural biases that we found is David A. Weber, *Racial Bias and the LSAT. A New Approach to the Defense of Preferential Admissions,* 29 Buff. L. Rev. 439 (1975).

[4] Henderson & Morriss, *supra* note 4.

[5] Martha Neil, *ABA Raps Villanova re Inaccurate Admission Data, Says Law School Must Post Censure Letter,* ABA JOURNAL (Aug. 15, 2011) available at www.abajournal.com/news/article/abas _legal_ed_section_sanctions_villanova/; Mark Hansen, *U of Illinois Law School is Publicly Censured by the ABA, Fined for Misleading Admissions Data*, ABA JOURNAL (July 24, 2012) available at www.abajournal.com/news/article/u_of_illinois_law_school_is_publicly_ censured_for_misreporting_admissions_d/.

emphasis on LSAT scores – one commentator in 2001 termed it "the most important factor in law school admissions"[6] – prompted additional complaints about bias.[7] Nonetheless, the LSAT continues as an important part of the admissions process, with its validity assessed primarily in terms of correlation to 1L grades.[8] However, as Shultz and Zedeck concluded,

> [t]o base admission to law school so heavily on LSAT scores is to choose academic skills (and only a subset of those) as the prime determinant of who gets into law and law-related careers that demand many competencies in addition to test taking, reading and reasoning skills. Moreover, it allocates the scarce resource of legal education, along with its ensuing influence and privilege, on the narrow basis of skills that are heavily linked to wealth and class.[9]

This criticism applies to the GRE as well, which also focuses on academic skills. At the same time, cross-discipline surveys of the use of standardized tests support their role in admissions. For example, Kuncel and Hezlett concluded after reviewing the literature that "[t]he combination of tests and grades yields the most accurate predictions of success."[10]

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[6] Ian Weinstein, *Testing Multiple Intelligences: Comparing Evaluation by Simulation and Written Exam*, 8 Clinical L. Rev. 247, 247 (2001).

[7] *See, e.g.,* William C. Kidder, *The Rise of the Testocracy: An Essay on the LSAT, Conventional Wisdom, and the Dismantling of Diversity,* 9 Tex. J. Women & L. 167 (2000); Jeffery S. Kinsler, *The LSAT Myth,* 20 St. Louis L. Rev. 393 (2001); Pamela Harris, *The Shell Game: Who is Responsible for the Overuse of the LSAT in Law School Admissions?,* 80 St. John's L. Rev. 153 (2006); Phoebe Haddon & Deborah W. Post, *Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and a Redefinition of Merit,* 80 St. John's L. Rev. 41 (2006); Laura Rothstein, *The LSAT, U.S. News & World Report, and Minority Admissions: Special Challenges and Special Opportunities for Law School Deans,* 80 St. John's L. Rev. 257 (2006); Vernellia R. Randall, *The Misuse of the LSAT: Discrimination Against Blacks and Other Minorities in Law School Admissions,* 80 St. John's L. Rev. 107 (2006). *But see* Alex M. Johnson, Jr., *Knots in the Pipeline for Prospective Lawyers of Color: The LSAT is not the Problem and Affirmative Action is not the Answer,* 24 Stan. L. & Pol'y Rev. 379 (2013).

[8] William D. Henderson, Jr., *The LSAT, Law School Exams, and Meritocracy: The Surprising and Undertheorized Role of Test-Taking Speed,* 82 Tex. L. Rev. 975 (2004).

[9] Marjorie M. Shultz & Sheldon Zedeck, *Final Report: Identification, Development, and Validation of Predictors for Successful Lawyering* 12 (Sept. 2008).

[10] Nathan R. Kuncel & Sarah A. Hezlett, *Standardized Tests Predict Graduate Students' Success,* 315 Science 1080, 1080 (2007). An earlier, comprehensive meta-analysis reached a similar conclusion. *See* Nathan R. Kuncel, Sarah A. Hezlett, & Deniz S. Ones, *A Comprehensive*

James S. McGrath & Andrew P. Morriss

ABA Standard 503 requires law schools to use "a valid and reliable admission test" as part of the admissions process[11] but does not require any particular weighting of the test.[12] If a school opts for a non-LSAT test, it must demonstrate that it "is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education."[13] The ABA has also experimented with allowing schools to admit students from their universities' undergraduate programs without requiring the LSAT, most recently with Interpretation 503-3, which allows admission of up to 10% of the class if they meet certain undergraduate GPA and SAT or ACT score requirements.[14] The ABA is currently considering further changes to Standard 503, potentially dropping the requirement of an admissions test.[15]

In fall 2016, the University of Arizona began accepting the GRE as an alternative to the LSAT for admissions.[16] *USN&WR* altered its ranking formula in the edition published in spring 2017 (which bears a 2018 title, since it is aimed at students seeking admission to law school in 2018) to incorporate GRE scores into the median LSAT score.[17] Additional schools soon

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Meta-Analysis of the Predictive Validity of the Graduate Record Examinations: Implications for Graduate Student Selection and Performance, 127(1) Psychological Bulletin 162 (2001).

[11] Section of Legal Education and Admission to the Bar, American Bar Association, *2017-2018 Standards and Rules of Procedure for Approval of Law Schools,* Standard 503 (2017-2018) available at www.americanbar.org/groups/legal_education/resources/standards.html.

[12] *Id.*, Interpretation 503-2.

[13] *Id.*, Interpretation 503-1.

[14] Section of Legal Education, *supra* note 11, Interpretation 503-3; Delice Smith-Barrow, *As Law Schools Undergo Reform, Some Relax LSAT Requirements,* U.S. News & World Report (April 2, 2015) available at www.usnews.com/education/best-graduate-schools/top-law-schools /articles/2015/04/02/as-law-schools-undergo-reform-some-relax-lsat-requirements.

[15] Angela Morris, *GRE or LSAT? ABA Council's Latest Move Could Nix Tests Altogether,* Law.com (Nov. 6, 2017) available at www.law.com/sites/almstaff/2017/11/03/gre-or-lsat-aba-councils-latest-move-could-nix-tests-altogether/. This is not the first time the idea has come up. *See* Debra Cassens Weiss, *LSAT Would Be Optional Under Possible ABA Accreditation Change,* ABA Journal (Jan. 13, 2011).

[16] Jacob Gershman, *Arizona Law Faces Fight Over LSAT Policy,* Wall St. J. (April 30, 2016) available at www.wsj.com/articles/arizona-law-faces-fight-over-lsat-policy-1462008600.

[17] *See Methodology: 2018 Best Law Schools' Rankings,* U.S. News & World Report (March 13, 2017) available at www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology. However, there continue to be claims that accepting the GRE is

followed, including Cardozo, BYU, Brooklyn, Columbia, Georgetown, Harvard, Northwestern, St. John's, Texas A&M, Arizona, UCLA, Chicago (joint degree), Hawai'i, Wake Forest, and Washington University.[18] Despite some continued controversy, we think acceptance of the GRE will grow.

The most important reason that the GRE is likely to become more widely accepted is that it deepens the pool of potential recruits. Taking the LSAT is costly ($180),[19] and so an LSAT taker signals interest in law school (a virtue cited by some who think the LSAT is better for law schools than the GRE).[20] But law school enrollments have fallen dramatically over the past decade and most schools could fill more seats than they currently do. Criticism of accepting applicants with lower LSAT scores as a factor in lower bar passage scores (although the LSAT was never designed to predict bar passage) limits this approach.[21] Table 1 gives a sense of the potential audience.[22]

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somehow an effort to game rankings. *See, e.g.,* Karen Sloan, *LSAT Leader Urges Caution in Law Schools' Use of GRE,* Law.com (Aug. 10, 2017) available at www.law.com/sites/almstaff/ 2017/08/08/lsat-leader-denounces-gre-as-flawed-test-for-law-school-applicants/ (quoting LSAC President Kellye Testy that "Deans want to keep their class the same size but they see the overall applicant pool drop. They're trying to get students who they don't have to report LSAT scores for, yet those students are still paying tuition. So their class size stays the same, or their school survives, etc.") As *USN&WR* adjusted its formula for the first year that the GRE was used by any school as a substitute, these claims do not withstand scrutiny.

[18] Educational Testing Service, *Taking the GRE General Test for Law School,* www.ets.org/gre /revised_general/about/law/ (last visited January 23, 2018).

[19] Registering for the LSAT costs $180; the credential assembly service is an additional $185; and reports to law schools cost $35 each. www.lsac.org/jd/lsat/lsat-cas-fees

[20] For example, Pace Dean David Yassky argued that "virtually all serious law school applicants will take the LSAT prior to, or in connection with, their application." David Yassky, Letter to J.R. Clark, (July 7, 2017) available at www.americanbar.org/content/dam /aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_ resolutions/comments/2017_comment_s403_and_s503_david_yassky.authcheckdam.pdf.

[21] *See, e.g.,* Erica Moser, *President's Page*, The Bar Examiner (Dec. 2014) available at www. ncbex.org/assets/media_files/Bar-Examiner/articles/2014/830414-abridged.pdf. *See also* Ry Rivard, *Lowering the Bar,* Inside Higher Ed (Jan. 16, 2015) available at www.inside highered.com/news/2015/01/16/law-schools-compete-students-many-may-not-have-ad mitted-past (summarizing debate over impact of lower entering credentials).

[22] LSAC, *LSAC End-of-Year Summary: LSATs Administered and Credential Assembly Service Registrations*, available at www.lsac.org/lsacresources/data/lsac-eoy; ETS, *Snapshot of the*

TABLE 1

	LSAT LSAC Credential Assembly Service registrations	GRE U.S. citizen takers	GRE worldwide takers
2013-2014	49,700	337,018	574,137
2014-2015	48,800	325,834	576,209
2015-2016	51,100	326,957	584,677

The number of people registering for LSAC's "Credential Assembly Service" is a good estimate of the number of potential applicants taking the LSAT.[23] (Applicants may retake the LSAT. Between 2009 and 2016, applicants averaged 1.2 tests.[24]) As Table 1 shows, roughly 11 times as many people take the GRE as take the LSAT. Even if we consider only GRE-takers who are U.S. citizens, there are six times as many. If law schools collectively convinced just 3% of those to apply to at least one J.D. program, it would add over 9,000 applicants. If just 10% of those enrolled, there would be over 900 more law students nationally. That's not an earth-shattering number, but many schools would welcome even a few additional students with strong credentials. (And surely our persuasive skills as lawyers could lead to even more GRE-takers being persuaded to apply and enroll in law school!) In addition, existing students in other graduate programs develop an interest in law. Easing the application process and cutting its cost to a small but high-quality pool of potential students would give schools access to these. Further, undergraduates often take the GRE as juniors, before their post-graduation plans are firm, opening more opportunities to persuade GRE-takers to apply. For these reasons, the number of law schools accepting the GRE is likely to grow.

Individuals Who Took the GRE General Test (July 2013-June 2016) available at www.ets.org /s/gre/pdf/snapshot_test_taker_data_2016.pdf

[23] Applicant numbers have risen thus far in 2017-18. Angela Morris, *Law School Applications on the Rise,* Law.com (Dec. 13, 2017) available at www.law.com/sites/almstaff/2017/ 12/07/law-school-applications-on-the-rise/.

[24] www.lsac.org/docs/default-source/data-(lsac-resources)-docs/analysis-of-lsat-taker-application-behavior-2009-2016-final.pdf.

Is the use of the GRE a good thing? Some argue that the LSAT is better suited to predicting success in law school (or, at least, 1L grades).[25] The GRE includes (separately reported) math questions; some challenge their relevance to law.[26] To show the GRE's reliability and validity, the Education Testing Service ("ETS") conducted a national study, recruiting 21 law schools (including our employer, Texas A&M) to participate. The results showed that the GRE was comparable to the LSAT in predicting 1L performance.[27] Thus, while the LSAT may have advantages, it is not dramatically different from the GRE in the key metric underlying its reliability and validity. We think it hard to credibly claim that the GRE is so inferior to the LSAT that admissions offices will not be able to use it to evaluate applicants.[28]

But given controversies over new graduates' bar performance, this may not be the relevant question. Assessment is getting attention from accreditors generally and the discussion of the GRE and LSAT would be improved if it expanded to consider how admissions tests could reinforce law schools' mission to produce lawyers. ETS validity studies for graduate programs have explored more expansive definitions of success, such as faculty ratings of students' professional knowledge, ability to apply that knowledge, ability to learn independently, judgment in choosing profes-

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[25] *See, e.g.,* Sloan, *supra* note 17 (quoting LSAC Pres. Testy that "Analytical reasoning is 25 percent of the LSAT and zero percent of the GRE. Logical and critical reasoning skills are 50 percent of the LSAT and zero percent of the GRE.").

[26] *See, e.g.,* Sloan, *supra* note 17 (quoting LSAC Pres. Testy "Some schools believe – and I agree – that law students could benefit from more financial literacy. But that's something that's usually is accomplished easily with a 'introduction to financial statements' kind of class. That's not algebra and geometry.").

[27] *National Data: The GRE General Test is a Valid Predictor of Law School Success,* ETS Open-Notes (Oct. 31, 2017) available at news.ets.org/press-releases/national-data-gre-general-test-valid-predictor-law-school-success/.

[28] Increasing use of the GRE may require rearranging the funding of the services LSAC provides law schools to aid in the admissions process. *See* Paul Caron, *Kent Syverud and Dan Rodriguez on the GRE/LSAT Debate,* TaxProf (Dec. 13, 2017) available at tax-prof.typepad.com/taxprof_blog/2017/12/kent-syverud-and-dan-rodriguez-on-the-grelsat-debate-.html (Syverud noting, "I fear it is unlikely that LSAC will be able to continue to provide many of the services and support that are currently free to all schools – including data, software, and professional development services – if a significant number of schools deemphasize the LSAT.").

sional issues, persistence in solving problems, and ability to communicate what they have learned.[29] While ETS has not yet expanded its validation analysis in law to broader criteria, one benefit of the competition between ETS and LSAC might be a more expansive approach to validity studies.

Most importantly, we think the debate is missing a key point. If producing more individuals trained in the law is a socially desirable outcome – and we think it is, both because there are unmet legal needs and because we think legal education teaches important skills – we need more law students. The real question for law schools is that raised by the Schultz and Zedeck study: what better predictors of success as a lawyer might be available? Ten years ago, they concluded that "exploration of professional predictors should become the next major agenda for law school admissions."[30] It's time we got started on that agenda.

Moreover, law schools ought to be finding ways to reach applicants at different levels of readiness; not every school needs an entering class that looks like Yale's. Admissions assessment needs to focus on readiness for a particular school's legal education program. Of course, if a school suggests it is able to provide legal education for a particular student profile, it should be held accountable to deliver such a program. With that in mind, we now turn to assessment during law school and set out principles for assessment likely to influence conversations over the next few years as law schools incorporate some of the ideas that have already taken considerable hold elsewhere in higher education.

II. ASSESSMENT PRINCIPLES

Quality assessment aids effective learning. The ABA mandated both program and classroom assessment in the standards that went into effect in 2016.[31] Prior to this, not many law schools performed regular program assessment, although it is the norm in virtually every other discipline. Now every ABA-accredited law school must evaluate its program

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[29] Nancy W. Burton & Ming-mei Wang, *Predicting Long-Term Success in Graduate School: A Collaborative Validity Study* 4 (GRE Board Report No. 99-14R, ETS RR-05-03, April 2005).

[30] Schultz and Zedenik, *supra* note 10, at 90.

[31] ABA Standard 315 requires evaluation of a law school's program, and Standard 314 states, "A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students."

and establish and publish program learning outcomes.[32] The goal of program assessment is learning what is working to prepare students for graduation, on the bar exam, and in their careers. Program assessment gives feedback to enable resource allocation to what works and jettisoning of efforts that, even if intuitively compelling, do little to foster good results.[33]

Although some legal educators long championed best practices for classroom assessment,[34] most assessed student performance once at the end of the semester with a summative assessment (a final). Recently, many faculty recognized the need for formative assessment, whose main benefit is not in gathering data on performance (a welcome bonus) but increasing long-term learning. Students benefit from formative assessment in clearing up misconceptions about learning, building confidence in what they learned accurately, and becoming better at self-assessment.

With enhanced classroom and program assessment, additional data is created, providing opportunities to further check and enhance the accuracy of tests of admission, potentially changing how our entrance assessments work. For example, one reason the LSAT does well at predicting 1L grades is that both the LSAT and the traditional three-hour essay exam include a significant speededness component.[35] Many who teach first-year courses are turning to multiple-choice questions. Most tests likely include time constraints that may approach the rigors of the bar exam.[36] Bar exams also involve speededness, which is likely why there is some correlation between the LSAT (and probably the GRE) and bar performance despite the LSAT not being designed to predict bar performance or success as a lawyer. This also means that if assessments more nearly track lawyering skills, the correlation between performance on speeded entrance assessments and performance in law school would weaken.

Perhaps the most important point to keep in mind is that quality assessment is difficult. Indeed, the educational literature posits that most

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[32] Section of Legal Education, *supra* note 11, Standard 315 and Standard 301(b) respectively.

[33] Or worse, actually have a negative effect on a school's goals.

[34] And were published extensively, such as the work of Michael Hunter Schwartz, Sophie Sparrow, and Gerry Hess (our apologies to many others not mentioned).

[35] Henderson, *supra* note 8.

[36] The Multistate Bar Exam allows an average of 1.8 minutes per question.

assessment does not lead to increases in student learning.[37] In addition to being mindful in our assessment of students, we should also make use of the cognitive science that reveals how people actually learn for the long-term. Although the most effective methods of learning material and skills are well documented, many are counterintuitive, making convincing students to adopt them challenging. Law students did well as undergraduates, likely by using methods of study of low effectiveness in promoting long-term learning. If we could raise the practice of assessment to a higher level, incorporating both what our colleagues across campus who study learning understand and our extensive knowledge of the competencies involved in lawyering, legal education could significantly improve its outcomes. Achieving this will take effort by schools, individual faculty, and the ABA as accreditor.

III. THE BAR EXAM

Concern over bar exam results is connected to the need to develop improved assessment strategies. Although no school wants to be thought of as "teaching to the bar exam," we must strive to ensure students are prepared to take and pass the bar exam with the aid of their bar preparation course. Students deserve to be ready to prepare for the bar, if not the bar exam itself, after three years of legal education.

Program assessment helps to detect areas of instruction where we are not meeting what should be rigorous program goals. While it is tempting to set program goals at our schools' current level of success, so that we can claim we are meeting all of our goals, this is not sufficient. The point of assessment is to aid in learning – and we can learn how well we are preparing our students by setting high standards, and continuing to raise them once we achieve these enhanced outcomes.

One approach is regularly administering "mini MBE" tests to assess students' knowledge of the seven MBE-tested subjects. Most often done to track students' subject knowledge and progress throughout law school, at least one school adopted them to take advantage of the distributed practice effect. As opposed to cramming for a single test, this technique breaks *study* into a number of short sessions over a longer period of time.[38] This

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[37] Trudy Banta & Charles Blaich, *Closing the Assessment Loop*, Change: The Magazine of Higher Learning, 43: 1, 22-27.

[38] Accessible introductions are Peter C. Brown, Henry L. Roedigger III & Mark A. Daniel,

results in higher levels of retention of material for the long-term. This is an example of how connecting assessments within law school to bar preparation can yield benefits beyond the bar exam.

Florida International University School of Law (FIU) has utilized the power of empirically proven, highly effective learning techniques in preparing students for the bar exam. Louis Schulze and his crew harnessed the power of these techniques to help their students outperform their entering indicators on the bar. FIU has held the first-place spot on the Florida bar exam for the last three July exams, ahead of higher-ranked (in *USN&WR*) schools.[39] His program includes self-assessment, teaching his students to become self-regulated learners, a critical skill for lifetime learners. By learning subjects profoundly the first time they study them, FIU graduates get a head start in preparing for the bar exam post-graduation as well as for their careers.

Are bar exams a "good" assessment of a law school? They provide a definitive answer to whether the school's graduates can practice law. By any definition of validity and reliability, however, bar exams are relatively untested,[40] and there may be better measures of law schools' success. Nonetheless, bar exams remain an important barrier to practicing law, and ensuring that graduates can pass a bar exam after graduating from law school is an important goal. Law schools claim to do more than prepare students to take bar exams; we claim to teach what we lump together as "thinking like a lawyer." It is not unreasonable for our students, prospective students, and the public to ask that we demonstrate our success in this endeavor. If bar exams are not going to be the key assessment of our success – and we don't think they should be – then legal educators need to find ways to hold ourselves accountable through alternatives.

Make It Stick: The Science of Successful Learning (2014), and Benedict Carey & Steve Kramer, *How We Learn: The Surprising Truth About When, Where, and Why It Happens* (2014).

[39] At the time of this writing, *USN&WR* ranks FIU as fifth in Florida.

[40] The NCBE-created tests (Multistate Bar Examination, Multistate Performance Test, Multistate Essay Examination, and Multistate Professional Responsibility Examination) undergo considerable reliability and validation analysis. California recently undertook a comprehensive effort to validate its bar exam. *See Report to the Supreme Court of the State of California, Final Report on the 2017 California Bar Exam Studies* (Dec. 1, 2017). This enhanced rigor is welcome.

IV. What Does It All Mean?

Higher education is moving toward more thoughtful consideration of assessment (or, at least, toward more consideration of it, with some of the consideration being thoughtful). The current debates over the GRE, improving assessment during law school, and addressing poor bar exam results would benefit from being part of this larger conversation. How might legal educators join in?

We think that the first step is more conversation with our colleagues in education schools. There is considerable knowledge about assessment on many of our campuses that could be valuable in improving legal education. Michael Hunter Schwartz, Sophie Schwartz, and Gerald Hess have written more than anyone else about incorporating that knowledge into law teaching, and we have both profited from their work,[41] but there is considerably more that could be done to expand scholarship on legal education and incorporate learning from elsewhere.[42] An easy first step: Walk over to your university's college or department of education and invite a colleague to lunch to talk about his or her research!

A second easy step is better communication with applicants to determine which schools are best prepared to help particular applicants become lawyers. While some applicants do not intend to practice law, most law students come to law school at least interested in practicing law. Law schools appropriately differ in the extent to which they focus on bar passage skills and likely in their ability to prepare students with different levels of test-taking skills. Even crude measures like reporting bar success rates for bands of LSAT/GRE scores and undergraduate GPA, as well as for law school GPA, could be useful in helping applicants decide among programs. Fostering a conversation on the best way to communicate bar success in a more nuanced fashion would be a useful contribution for the ABA Section on Legal Education.

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[41] An excellent starting place is Michael Hunter Schwartz, *Expert Learning for Law Students* (2d ed., 2008); Michael Hunter Schwartz, Gerald F. Hess & Sophie M. Sparrow, *What the Best Law Teachers Do* (2013); Michael Hunter Schwartz, Sophie M. Sparrow & Gerald F. Hess, *Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam* (2d ed. 2016).

[42] Another source of innovative teaching ideas can be found in the "Academic Support" literature.

Third, there is now a robust understanding of what "thinking like a lawyer" entails, usefully summarized by the ABA's *Roadmap: The Law Student's Guide to Meaningful Employment*.[43] Again, the ABA Section on Legal Education is in an excellent position to lead an effort to develop assessment materials that are linked to those skills, develop models for law faculty to use in their courses, and facilitate best practices in assessments linked to the goal of teaching students how to think like a lawyer.

These are all steps that take time and money, both often in short supply. Putting resources into such an endeavor can make a difference. Nobel Prize-winner Carl Wieman recently published an account of his project to improve science teaching.[44] We find Wieman's efforts inspiring for three reasons. First, for such a distinguished scholar to have such a focus on teaching quality resolves the perennial debate over whether there is a disconnect between teaching and research. We can be good at both. Second, Wieman's efforts, built around using teaching fellows to help faculty improve their courses using research in teaching effectiveness, are a roadmap for success that readily applies outside science. Third, Wieman shows it is possible to get measurable improvements in key educational outcomes by applying what we already know to helping our students — it's hard work, but it's possible.

When psychologist William James famously asked someone who asserted that the Earth rested on the back of a huge turtle, "what holds up the turtle?" the response was another turtle. When he pressed for what that turtle stood on, his interlocutor spotted the trap he was setting for her and replied "It's no use, Professor, it's turtles-turtles-turtles, all the way!"[45] We think we're on firmer ground than James's conversational sparring partner in asserting that — from admissions to our classrooms to bar passage — it really is assessments all the way down. Focusing on assessments at all stages will improve legal education.

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[43] Neil W. Hamilton, *Roadmap: The Law Student's Guide to Meaningful Employment* (2016).

[44] Carl Wieman, *Improving How Universities Teach Science: Lessons from the Science Education Initiative* (2017).

[45] Robert A. Wilson, *Prometheus Rising* 1 (1997).