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# REQUIREMENTS FOR ADMISSION TO LAW SCHOOLS

By FRANK MURRAY\*

## (1) PURPOSE OF THE STUDY

The high student mortality in law schools results in a serious economic and social loss. Unfortunately many schools consider their "drop-lists" to be a badge of distinction, and point with pride to the large number of students who have been allowed or even encouraged to begin the study of law and later prevented from completing the work. Apparently little consideration has been given to the fact that this method of selection results in a direct economic loss to the school, additional work for the faculty, much of which is wasted, and that, because of the presence of students who are not fitted for the study of law, the whole level of the work is lowered with a resulting loss to the qualified students. The loss to the student who is dropped consists not only of the money he has spent, it is not only that he has wasted a year or more of his life preparing for a professional training which he cannot complete, but worse than these, he is branded as a failure destined to make his lame excuses and often to assume a defeatist's outlook on life. These severe penalties might be justified if they were a punishment for indolence or misconduct on the part of the student, but this is not generally true. It is safe to say that most students fail because at the time of their entrance into law school they were not fitted for the study of law. To the extent that these poorly equipped applicants can be excluded by the use of proper admission tests and standards, the excessive number of failures, with all the resulting social and economic loss, must be charged directly to the law schools.

We of the law schools are in the unenviable position of being forced to admit that we expect too much from the students or require too little for admission. The school that boasts that it drops one-third of each entering class publicly confesses that its

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teaching process is inefficient or that its standards of admission are woefully inadequate. Naturally we all suspect the latter, although little has been done to confirm our suspicions or to remedy the admission tests, if such is possible.

The usual requirement for admission is that the applicant present proof of the completion of two years of college work with a C average or a point standing of 1. Much blind faith has been placed in length of time served in college as an equipment for the study of law and as a test of the applicant's ability to do that work. In recent years many schools have lengthened this sentence to three or even four years. Some, with apparently more reason, have insisted on a certain grade average or point standing, although generally this is no higher than a bare minimum for graduation and below the average standing of college students generally. In most schools this grade requirement is applicable only to the students having the minimum number of years of college work. A few schools have experimented with some form of psychological or aptitude test, and in at least three schools the results of these tests are used to supplement the other standards.

The purpose of this study is to consider, in the light of our experiences at the University of Kentucky, the effect of the present standards of admission, and to determine, if possible, whether additional requirements and tests would produce better results. Of course it is possible to set up standards and devise tests that will practically insure the success of the few who can qualify. Extremely high requirements will eliminate many who are capable of studying and practicing law, a result that is not desirable or compatible with the purpose of a state supported institution. A desirable standard is one that will exclude most of the applicants that are not fitted for the study or practice and yet will admit most of the applicants who are capable.

## (2) DATA AND METHOD

A record of the pre-law college work of each student beginning the study of law in the University of Kentucky during two school years was obtained from the office of the registrar. After the elimination of special students and those enrolled for less than 8 hours of law work, this list contained 115 names. The

number of hours and grade average of each student was noted. To this was added the grade average for the first year of law school work. The grade averages in both cases were expressed as point standings or averages, obtained by crediting each hour according to grade as follows: A—3; B—2; C—1; D—0; E—0, and dividing the total number of hours into the total number of credit points. Attention should be called to the fact that this method of determining standings is not the one used by the Registrar of the University in passing on applications for admission to the College of Law, and in considering all the college work rather than a selected 60 hours, it is more strict than that required by the rules of the Associations.

Since about one-fourth of the students enrolled were dropped after one year of study, only the first year law standings were considered, but it was noticed that first year averages are indicative of the type of work that will be done in the second and third years.

The large group was then divided into smaller groups according to the number of years of pre-law work; according to the character of the pre-law work; and on the basis of the ranking in psychological tests.

### (3) GENERAL AVERAGE

As a matter of information and for the purpose of comparing with the smaller groups, it is interesting to learn that the average student entering the law school during these two years had completed three years of college work with a point standing of 1.54 and that he made a point standing of .89 in his first year of law work

### (4) EFFECT OF THE NUMBER OF YEARS OF PRE-LAW STUDY

In classifying the students according to the number of years of pre-law work the following figures were arbitrarily used: 60 to 85 semester hours—2 years; 86 to 115 hours—3 years; over 115 hours—4 years.

Since there are so many factors that contribute to the success of a student in the study of law it is impossible to separate and evaluate any one. This is especially true in considering the number of years spent in college before beginning the study of

law. Many of these factors are generally, but not always, incidental to the extended college preparation and are not a direct result of it. On the whole we can expect college graduates to be more mature mentally, to have fewer outside diversions, and to have a fixity of purpose and interest in professional training. But it is possible that some students having only two years of college work will have these same and other desirable characteristics.

The average grade point standings of the two, three, and four year students are as follows:

Table I

	Number	Standing Pre-Law	Standing Law Work
2 year students	42	1.50	.80
3 year students	46	1.48	.89
4 year students	27	1.63	1.06

It will be noticed that three year students with about the same college grade averages did slightly better work than two year students. The four year students were distinctly better in the law work, but they also had better college records which is apparently more significant than the time spent in college. In order to eliminate this factor as far as possible, all the students considered were divided into five equal groups according to pre-law standings and a comparison was made between the two, three, and four year men in each group as follows:

Table II

	Group I (Av. 2.2)	Group II (Av. 1.72)	Group III (Av. 1.50)	Group IV (Av. 1.24)	Group V (Av. 0.94)
2 years	1.40	.71	1.04	.36	.63
3 years	1.74	.87	.87	.70	.46
4 years	1.75	.99	1.34	.64	.47

This table indicates that the third year of college work is of some value as a preparation for the study of law for those students who have done good work in college, but that the fourth year is of little or no value for this purpose even for the best students. The poorer students apparently have no advantage in the study of law because of the additional years in college; for them, and for this purpose, the prolonged college course is merely a further waste of time.

These results were unexpected and contrary to the general opinion upon which our requirements for admission have been

formulated. But we can find direct confirmation in the results of studies made in other law schools. A study made in the University of Chicago in 1932 shows that three year college students, regardless of grouping or methods of measuring success, have done better work in law than college graduates.<sup>1</sup> This study also indicated that students with only two years of college training did as well or better than college graduates. A similar study at the University of Minnesota, in which two year men were compared with men having three or four years of college preparation, shows that a large percentage of the two year men received law grades that were satisfactory or good and that this held true even as to the honor grades.<sup>2</sup>

(5) THE EFFECT OF THE CHARACTER OF THE PRE-LAW WORK

The tabulation just studied (Table II) shows there is a relation between pre-law grades and success in the study of law. It is to be noted that regardless of the number of years of college work completed, the students having the highest grade averages in that work did the better work in law; and that applicants presenting a record of unsatisfactory college work were unsuccessful in the study of law despite the fact that they had completed three or four years in college.

To approach this in another way, the entire group was divided into deciles according to college grade averages and then the average point standing in law was obtained and compared as follows:

Decile	Pre-Law Average	Law Average
1	2.40	1.76
2	2.03	1.29
3	1.80	.86
4	1.65	.84
5	1.54	1.12
6	1.45	.94
7	1.30	.56
8	1.16	.50
9	1.06	.52
10	.81	.51

It is to be noted here, as is also true of Table II, that a prediction as to the ability to study law can only be made in case

<sup>1</sup>Eagleton, *Academic Preparation for the Admission to a Law School* (1932) 26 Ill. L. Rev. 607.

<sup>2</sup>Fraser, *Academic Preparation for Law School* (1932) 26 Ill. L. Rev. 797.

of students whose college records are very good or very bad. It seems safe to predict that an applicant who has a college average of 2.0 or above will do satisfactory work and that an applicant having a standing of 1.3 or below will probably fail.

This correlation, especially in the lower brackets, between college grades and law school work leads to the conclusion that a standard for admission based on college grade averages will probably be fairly satisfactory and is indicative not only of mental ability and background but also of industry and other characteristics necessary for the study of law. However, an entrance requirement cannot be judged solely by the results it gives when applied to group averages. In some schools, at least, it must work well in individual cases and although it eliminates most of the poor students, it is not desirable if it also prevents the entrance of any considerable number of students who will do fair work. We have seen that a college point standing of 1.3 is about the minimum requirement for satisfactory work in the law school. Applying this as a strict entrance requirement we find that out of the 115 students considered 36 would have been denied admission. At least 25 of these 36 students have been dropped because of insufficient scholarship. Some of the others are doing very unsatisfactory work. Only two of these students had a first year law standing above 1.1. Better results would be obtained if the point standing of the applicant could be interpreted in the light of the grade standard of the college where the work was done. It is probable that the college grades in some particular fields of study are a better test than the average of all the work.

Whether the standard is adopted as fixed and inflexible or whether it is merely considered in the light of other tests and information, it seems safe to conclude that college grade averages are a far better test for admission to law schools than the standard now in general use. It is perhaps better than any other single test except the law examinations themselves. This fact is gaining recognition. Beginning this year the Harvard Law School will use the average college standing as the criterion for admission, applying a fixed minimum that automatically excludes. The minimum apparently varies according to the college where the pre-law work was done, being subject to change

from year to year according to experience.<sup>3</sup> Smaller schools, especially those that are state-supported, may do well to consider similar data, but to adopt a more flexible standard or minimum requirement with perhaps limits within which applicants will be required to pass other tests or be subject to further investigation and the recommendation of a committee of the faculty. Undoubtedly the work of many of the marginal students can be materially improved by a departure from the customary sink-or-swim policy and by the adoption of a regular program of individual guidance. The use of the college average standard for admission will probably indicate students needing this aid during the transition period and before it is too late to help them.

#### (6) PSYCHOLOGICAL AND APTITUDE TESTS

It is generally believed that the successful study of law requires a certain type of mind, perhaps not different from that required in some other branches of learning, but yet different from the average mental make-up. There is much talk about analytical ability and other characteristics not clearly defined. If this is true, the presence or absence of these essential mental traits can probably be determined by well devised tests. There has been some experimentation with a legal aptitude test and other schools have tried out the ordinary psychological tests and combinations. From the little that has been published it seems safe to say that these tests have been satisfactory and that the results of the tests give a fairly accurate basis for predicting the type of work that will be done in law school. Apparently these tests measure some characteristics but fail to indicate the presence of others that are equally essential to success in the study of law. Consequently when considered as the sole test for admission, they are probably no more accurate than college grade averages with the disadvantage of taking away a desirable emphasis on college work.

We have not tried these tests in the College of Law but the results of the psychological tests given to all who enter as freshmen in the University are available. The results of these measurements seem to be more indicative of inability than of ability. Fourteen students, or about one-fourth of the number who took

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<sup>3</sup> Report of the President of Harvard University for 1936-37, pp. 5-8.



the psychological tests, ranked in the lower three deciles. Of this number, only two made a law standing above 1.0, and no student exceeded 1.1. The average for the group is .57. A test devised by a competent psychologist especially for the law work and given at the time of enrollment in the law school would probably give even better results and it seems that such a test would be a valuable supplement to the other standards of admission, at least in the case of special and marginal applicants. A method of selection based on the combination of college averages and the results of capacity tests has been used in one of the larger schools with apparent success.<sup>4</sup>

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<sup>4</sup>Report of the Dean of the Law School, With the Report of the Faculty Committee on the Selection of Students. Columbia University, 1937.