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Predictability of Success in Law School

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PREDICTABILITY OF SUCCESS IN LAW SCHOOL

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A committee of the law school faculty was appointed in the spring of 1938 to study the question of admission to the law school. It had been obvious for a number of years that too many students not fitted for the study of law were being admitted to the school. Efforts to correct this situation had been along two lines. The first was to make a certain amount of college work prerequisite to entrance. Starting with one year of college work in 1913, this was increased to two years in 1924 and to three years in 1931. The second means adopted to improve the quality of entering students was to admit only those having an average grade of C or better in their college work. This latter rule was adopted in 1927. Since 1937 there has been a slight relaxation of this requirement by which students needing no more than four of the required number of honor points may, in meritorious cases, be admitted on condition that these honor points be made up before any law school credit is given. The feeling that these restrictions on admission were not accomplishing their purpose fully, together with a desire for more complete data with which to work, led to a study, during the summers of 1938 and 1939, the results of which will be presented in this paper.

The primary purpose of the investigation was to determine whether there is any test, or combination of tests, by which the inability of a student to study law successfully can be ascertained with substantial accuracy in advance. To admit students so lacking in training and ability as to make practically certain their failure in the law school is manifestly unfair to them. It also im-

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poses a useless burden on the school and state. It is coming at last to be recognized that requirements for admission which are merely quantitative in character cannot be relied upon as a test of capacity for training in law. That a college degree cannot be accepted as proof of such capacity has been demonstrated year after year by the high percentage of failures in schools requiring a degree for entrance. A number of law schools are therefore beginning to try, through the use of law aptitude tests, minimum college grade requirements, references and personal interviews, to ascertain before admission the capacity and likelihood of success of their applicants. Upon the proved reliability of such predictive devices any change in admission requirements, it would seem, should be based.

The data from which this study was made consisted of the records of all students entering the law school for a period of ten years — from 1926 to 1935. It included the college attended by the student, with number of years, major sequence and average grade; his age at entering the law school, time in residence, average grade, suspensions, if any, withdrawal or graduation; intelligence rating according to college tests; what he has done since graduation.

The information first sought was the percentage of entering students who are graduated, dismissed for unsatisfactory work or who withdraw before graduation. The following table gives these percentages by classes, together with the average for the ten classes.

Class entering in	Percentage of graduates	Percentage dismissed for unsatisfactory work	Percentage who withdrew
1926	54%	39%	5%
1927	58%	33%	9%
1928	60%	24%	16%
1929	66%	24%	10%
1930	73%	18%	9%
1931	63%	25%	12%
1932	66%	25%	9%
1933	57%	31%	12%
1934	55%	25%	20%
1935	52%	43%	5%
Average —	60.4%	28.8%	10.8%

An examination of this table shows almost the same ratio of graduates and failures in the first and the last of the ten classes, with a gradual increase in the percentage of graduates during the first five years and a corresponding decrease in the percentage of failures. During the last five years the reverse of this situation appears. This variation in the percentage of graduates and failures — a difference of 21% in the number of graduates and 25% in

the number of failures — may have been due to a natural tendency to leniency during the early depression years — to a desire to give the border-line student, deeply disturbed by financial loss and the uncertainties of the times, the benefit of the doubt in close cases. The passing of six or eight such students who, under a less lenient practice would fail, would make a substantial difference in the percentage of graduates and failures. This will also tend to explain the rather sharp decrease in the percentage of graduates and increase in the number of failures during the second half of the period, as the stress of the earlier years was somewhat relieved.

That this variation was not due to divergent markings of a changing instructional staff, nor to any noticeable difference in the average ability of the students in the various classes, would seem evident from a comparison of the average grades of the graduates by classes during this period. These are as follows:

1926	68 22/37
1927	66 16/31
1928	64 26/40
1929	65 3/41
1930	64 33/40
1931	64 24/25
1932	65 4/29
1933	66 8/39
1934	65 23/24
1935	65 22/31

Such substantial uniformity over the ten year period in the grades of the major portion of each class would be quite surprising if there had been any marked difference in grading from year to year or any appreciable difference in the average ability of the students.

The heavy percentage of withdrawals from the classes entering from 1931 to 1934, reaching a peak in the class graduating in 1937, probably resulted from the irregularity in classroom instruction due to the frequent absences of several members of the teaching staff who were engaged in other activities. Such irregularities inevitably result in dissatisfaction and increased withdrawals.

The average figures for the ten year period are not surprising. A loss of forty per cent, or even more, of a class by failure or withdrawal has not, until recently, been regarded by the better law schools as undesirable. On the contrary, many of them have been inclined to boast of these losses as conclusive proof of their high standards and general superiority. As a means of curtailing the output of the schools, this weeding out process may have served a useful purpose. If, however, such curtailment can be accomplished

as well by refusing admission to the incapable, if they can be determined in advance, it is difficult to justify the waste of time and money, as well as the humiliation of eventual failure, which are the necessary results of the prevailing practice. While the failure of approximately 29% of our students is not out of line with results in other law schools, it is sufficiently large to justify an appraisal of the tests now in use and a consideration of others that might be profitably employed.

The requirement for admission which is common to all law schools of any standing is that of a number of years of academic training. Even before the states, at the urgent request of the American Bar Association, began to require two years of college work preceding their legal study of all applicants for admission to the bar, law schools generally had adopted this restriction. A few schools set the requirement at an A. B. degree. Most of them, however, had to be content with a one year requirement in the beginning and a gradual increase to two years, then three years, and perhaps four as conditions warranted. This insistence upon college work as a prerequisite to legal study was not, of course, for the sole purpose of eliminating incapable applicants. The benefits to be expected from a general education and the advantages of experience and added maturity were reasons more often advanced. So the belief that "college training" itself may increase the efficiency of the law student and that the study of certain college subjects may better fit him for legal study is not uncommon. Nevertheless, an applicant must have passed the required amount of college work, so this requirement did set up a standard for admission which has, until recently, been felt by many schools to be adequate.

The gradual increase in the amount of college work required has resulted probably from the belief that if a little is a good thing, more is better. This is doubtless true if we regard only the purpose of providing a broad cultural background. Perhaps this is enough to justify any increase in the number of years of college work that may be made. But whether the number of years spent in college has any bearing upon the likelihood of a student's success in law school is another question. Upon its answer will depend the utility of this admission requirement in predicting success or failure of applicants.

Of students entering the law school from 1926 to 1935, 146 had had two years of college work; 264 had had three years; and 163 had had four or more years. During the years from 1926 to

1930 only two years were required, but a considerable number of the students had completed three or four years before entering the law school. Beginning with 1931, three years of college work were required. All students entering thereafter had either three or four years.

The following table shows the percentage of students in each group who were graduated, who failed and who withdrew:

	Graduated	Failed	Withdrew
2 years of college work	61.7%	28.7%	9.6%
3 years of college work	59.8%	30.3%	9.9%
4 or more years of college work	68.7%	22.1%	9.2%

These results are not easy to explain. Why a student with two years of college work should stand a better chance of success than one with three years, but a smaller chance than one with four years is somewhat mystifying. If the groups were small, it could be blamed on a few unusual cases — but the groups are sufficiently large to furnish a fairly convincing average. A possible reason for the higher percentage of students graduated in the four year group is the inclusion in that group of many graduates of colleges outside the state, whose law school records are much better on the average than those of other students. This indicated superiority of four-year over three-year men is directly contrary to the results obtained in a careful study made at the University of Chicago Law School.[1] The records of 524 students entering in the years 1924, 1925 and 1926 were examined. Of these, 209 were four-year men, 247 were three-year men and 56 were two-year men. The percentage of the three-year men who obtained law degrees was 58.7, while only 38.2 per cent of the four-year men and 41.1 per cent of the two-year men succeeded in graduating. On the other hand, a study by Dean Fraser of the classes of 1926, 1927 and 1928 of the Law School of the University of Minnesota indicated that two-year students are equally as capable as, if not superior to, three and four-year students.[2] His comparison was on the basis of grades made by the respective groups. A comparison of our own groups according to average grades indicates the same difference in capacity as that found by comparing the percentages of successes and failures. Two-year students made an average grade of 61; three-year students 60 1/2; four-year students 63 1/6. If it was anticipated that a requirement of three years of college

[1] Eagleton, *Academic Preparation for Admission to a Law School* (1932) 26 ILL. L. REV. 607, 610.
[2] Fraser, *Academic Preparation for Law School, id.* at 797.

work would raise the general level of capacity of the student body, the result has been decidedly disappointing. During the five year period in which students were admitted with two years of college work, the percentage of failures was 27.6. During the following five years, when three years were required, the percentage of failures increased to 29.4.

The surprising and somewhat disconcerting results of these studies together with their complete lack of uniformity seem to point to but one conclusion, namely, that the period of academic preparation is not an important factor in predicting success or failure in law schools. It will no doubt be retained as a requirement for admission — but its justification must be on other grounds.

Another anticipated benefit to be derived from additional college work was the postponing of legal study until the student had reached an age where he could better meet its exacting requirements. To determine the importance of age as a factor in a student's success or failure, the average grade for students of various ages was determined, the following table showing the results:

Age at Entrance.	Average Grade.
18	63 2/5
19	65 15/18
20	64 31/70
21	62 39/114
22	61 51/91
23	61 2/64
24	58 11/21
25	59 9/18
26	57
27	65 6/8
28	68 3/6
29	57
30 and over	60 10/13

It will be observed that from nineteen to twenty-four the average grade steadily declines. Only five students entered at the age of eighteen, so the average grade at that age cannot be given much weight; but beginning with the group which entered at the age of nineteen we find a marked superiority over older groups, up to twenty-seven. Here the results accord substantially with those obtained at the Law School of the University of Chicago.[3] A study there of the records of more than 800 students showed that the student who enters at the age of eighteen or nineteen is likely to do much better work in the law school than the student who begins his law study at a later age. A partial explanation for this rather sur-

[3] Eagleton, *supra* n. 1, at 635.

prising situation is found in the presence in the younger groups of the exceptionally bright students who complete their college work at an early age. The average student enters college at seventeen or eighteen and law school at twenty-one or twenty-two. The less capable student is older still when he enters law school. The figures then may not indicate any exceptional aptitude for legal study at the earlier ages, but only that the brighter students begin their study earlier. In other words, the student who enters at nineteen and does exceptionally well, might do even better if he entered at twenty-one. These figures then do not entirely upset the argument for more college work to postpone the entrance age; but they show very definitely that the chance of success in law school work is greater in the case of the younger student and that this fact should not be ignored in predicting his success or failure.

The exceptional success of students entering at the ages of 27 and 28 is easily accounted for, although the comparatively small number in each group makes the result somewhat less convincing than it would otherwise be. Good students, unable to enter law school for financial reasons immediately after graduation from college, work for five or six years to accumulate the necessary funds. Such a prolonged rest from intensive study may prove a decided handicap at the start; but the determination and seriousness of purpose characteristic of such students, aided by an experience which may prove to be of great practical value, give them an excellent chance of success. If such an applicant had a good record in college, and especially if the nature of his work has been such as to give him special training which may prove useful in his study and practice, his chance of success should be exceptionally good.

Experience with the group entering at the age of thirty or over has not been entirely satisfactory. The number in this group is small. Two or three exceptionally brilliant students have raised the average so that it does not indicate accurately the work of most of the group. They seem likely to be very good or very poor. Their past scholastic record should, in most instances, indicate in which division they would probably fall.

A study of college grades and their relation to law school grades brought much more encouraging results. In a way, this also was a surprise. Statements similar to the following are not uncommon: "Interesting surveys at a number of universities show that no necessary correlation exists between ability at college and

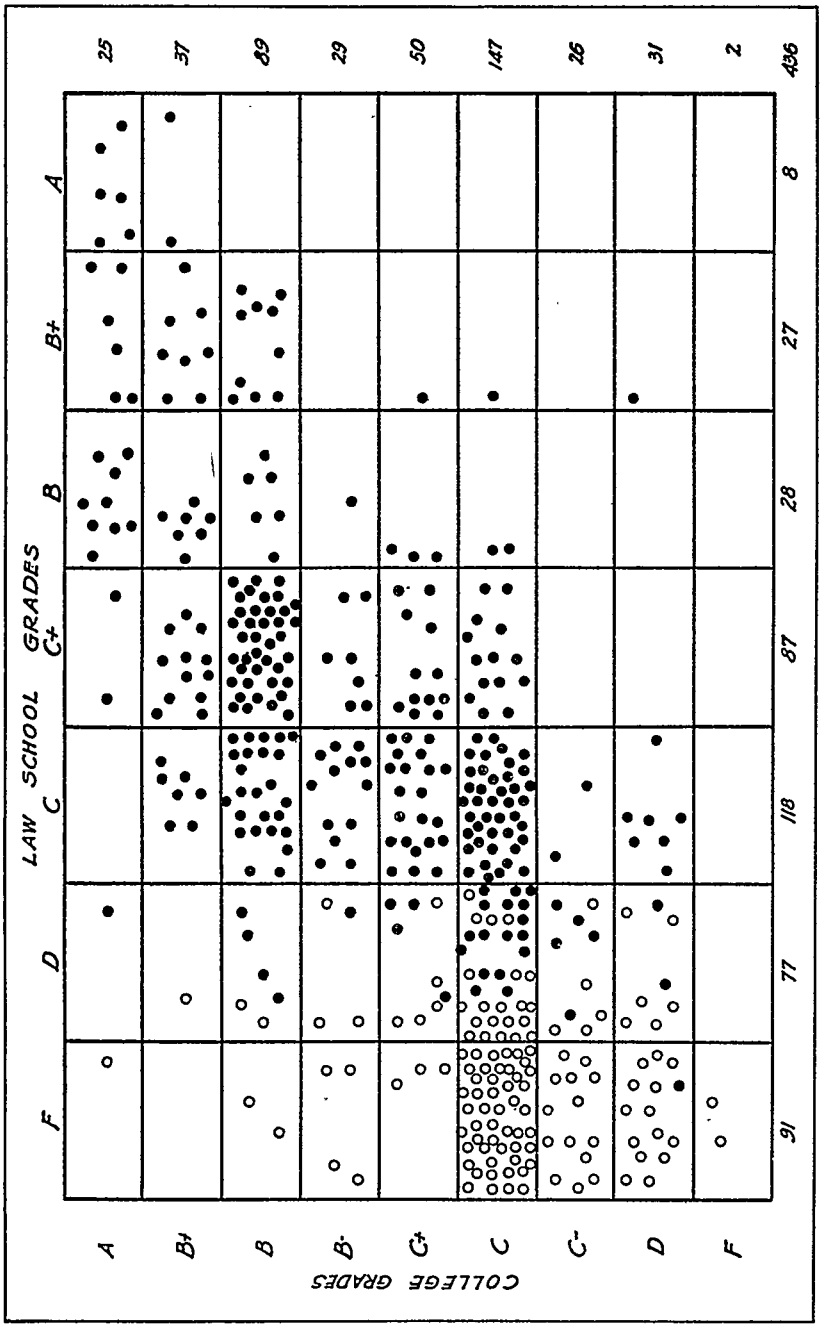
ability at law school.''[4] Then, too, it is generally believed that a successful law student must possess what, for lack of a more precise term, has been called a ''legal mind''. This is a way of expressing the idea that the student must have a greater aptitude for the study of law than the average college student. If this were true, it would seem that there would be many excellent college students who, for lack of this peculiar quality of mind, would fail miserably in their legal studies; while low grade college students, blessed with this necessary aptitude, would excel as law students. The results of this study lend little support to either of these views. They show that students who make good grades in college will, with rare exceptions, made good grades in law school; while students who make poor grades in their college courses will almost certainly fail in their law school work.

It must be remembered that we are here dealing only with the capacity of the student to acquire the technical training in the principles of law which the law school undertakes to furnish. In determining his success in the practice many other qualities will play an important part. The contentious student who will support any theory for the sake of an argument has long been thought by the layman to be the stuff of which lawyers are made. He is rarely a good student. His contentiousness may be an asset later on, as will be fluency of speech, impressiveness of manner, sterling character, social graces and innumerable other attributes, but none of these plays any considerable part in determining his success or failure as a law student.

The following chart presents graphically the relation between college and law school grades of 436 students of the West Virginia Law School during a ten year period. This chart does not include students who withdrew before taking an examination or those whose college grades were not available. Each circle represents a student, and its location indicates his college and his law school grade. College grades are indicated in the left hand margin; law school grades in the upper margin. Filled-in circles indicate graduation, unfilled circles, failure. In computing average grades, failures were counted as well as grades for which credit was given. This will explain the number of students graduated with grades below C.

The average college grades used are approximations only. The common use of letters instead of numerical grades and the differences in grading scales made any other course impracticable.

[4] Blecheisen, *Legal Education — Pre-law and Post-law* (1939) 9 AM. L. SCHOOL REV. 274, 277.


LAW SCHOOL GRADES
A
B+
B
C+
C
D
F
25
37
89
29
50
147
26
31
2
436
8
27
28
87
118
77
91
COLLEGE GRADES
A
B+
B
B-
C+
C
C-
D
F

There was little difficulty in distinguishing A, B, C, and D students. Among both B and C students however there was so much divergence in the character of their work that it was thought best to subdivide each of these groups into three classes, designating with a plus mark those clearly above, and with a minus mark those clearly below, the average of that group.

The chart shows that out of 25 college students with A averages, only 1, or 4%, failed to graduate; that only 2, or 8%, failed to make a grade of C+ or better; and that only 4, or 16%, failed to make a grade of B or better. 84%, therefore, made a grade of A, B+ or B in the law school.

Of 155 students with a college grade of B+, B or B—, 12, or 8%, failed to graduate from the law school. Only 34, or 22%, succeeded in making an A, B+ or B average; the great majority of this group, 94 students, making grades of C or C+.

Of 223 students with college averages of C+, C or C—, 98, or 44%, failed in the law school, and 125, (including the failures) or 56%, failed to make a C average. This means that under the rule applicable to students entering in the fall of 1939 a C student has less than an even chance of graduation. Only 7, or 3%, made a B or B+ average, and none made an A average.

Of students classed as C+, only 8 out of 50, or 16%, failed to graduate and only 24% failed to make a C grade. Nineteen, or 73%, of the C— students, on the other hand failed while a low C was the highest average made by any of the group.

Of the 33 students falling below a C college average, 22, or 67%, failed. Six made a C average and one a B+ average.

With surprisingly few exceptions, then, it appears that students who elect to study law will do about the same relative grade of work in the law school that they did in college, and that, except in rare instances, no radical change in study habits can be expected of the law student. College grades then, it would seem, should be the prime factor in predicting his success or failure. There should be little hesitancy in admitting students with A or B college records or excluding those who fail to make a C average. The real problem, of course, is to determine which of the C men, of whom a half now seem destined to fail, shall be admitted.

Efforts to solve this problem in other schools have been along two lines. One has been to raise the grade required for admission to something higher than a bare C. At the University of Michigan, a student, in order to be admitted at the end of three pre-legal years, must have what amounts to a B minus average. Such a

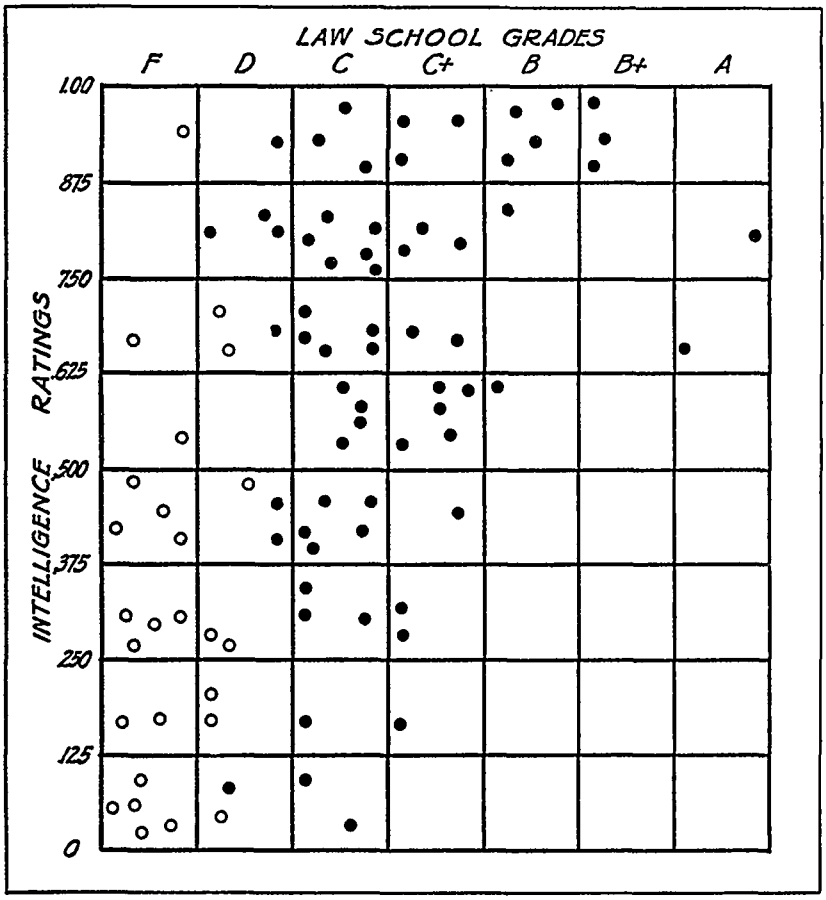
requirement would bar more than a third of our law students. A somewhat less drastic requirement has been put into effect recently at the Law School of the University of Illinois. There the grade point average for entrance has been raised from 3.0 to 3.25 for students who have completed only three years of college work. Such a change as this in our own rules would eliminate approximately all of the C minus students, 73% of whom fail, according to our survey, but it would leave unsolved the problem presented by the 48% of failures among the average C students. Because of the large number of these C students, it is in this group that the greatest need for intelligent selection lies.

The second attempted solution is to supplement with other tests the inadequacy of the college grade test alone in the C group. Here the intelligence tests made upon entering college, or so-called aptitude or capacity tests before being admitted to the law school. if their accuracy can be satisfactorily established, may be exceedingly helpful. An effort therefore has been made to determine the reliability of the college intelligence test, as disclosed by the data available, and to ascertain the results achieved in other schools in their experimentation with legal aptitude tests.

Intelligence tests of only a relatively small number of the students included in this survey could be obtained, so the amount of assistance to be derived from this source cannot be definitely appraised. No records of such tests could be found for students who entered other colleges as freshmen and many of the students entering West Virginia University seem to have successfully eluded the examiner. The intelligence ratings of 93 students were found and the following chart shows the measure of success in the law school of these students. In this test each student was rated according to his standing in the group examined, 1. representing the highest mark made, .001 the lowest. Any mark above .50 would therefore be above the average. As in the previous chart, unfilled circles represent failures; filled circles, students who were graduated.

The same high correlation between intelligence ratings and law school grades is seen here as was apparent in the study of college and law school grades. If divided into four groups according to intelligence ratings, it will be observed that only one student out of 29 of the highest group failed; only three of the second group of 23; but that 11 of the third group of 24 and 10 of the lowest group of 15 failed to graduate.

Fifteen of the highest group of 29 made grades of C+ or better while only 9 of the second group of 23, 3 of the third group



of 24 and 1 of the lowest group made a mark as high as that. While too much reliance should not be placed upon this showing, because of the small number of cases studied, information of this nature should clearly not be overlooked in predicting success or failure of entering law students.

The study of legal aptitude tests was necessarily confined to reports on their success or failure in other schools. Considerable experimentation along this line has taken place during the past few years in the effort to develop a reliable measure of probable success in legal studies. The Thorndike Test, the Chapman Legal Aptitude Test and the Fersón-Stoddard Law Aptitude Examination have all been used with varying success.[5] From information

[5] Gander and Marryott, *Predictive Value of the Ferson-Stoddard Law Aptitude Examination* (1930) 7 AM. L. SCHOOL REV.

obtained thus far it appears that the results have not been entirely satisfactory and a number of schools have attempted to develop legal aptitude tests of their own. More encouraging results were obtained in at least two schools by this method.[6] Other schools are apparently abandoning the tests they have used as fluctuations in test correlations from one class to the next raise doubts as to their reliability. Problems which will accurately test such intellectual processes as analysis and synthesis, perception of analogies and judgment are not only difficult to prepare, but the fairness and usefulness of a particular problem can be ascertained only after a number of trials. Experimentation, however, is continuing. A sub-committee on "Correlation of Aptitude Tests and Legal Training" of the Committee on Cooperation between the Law Schools in California and the State Bar of California, reported last June that "at California, as at Columbia, Stanford, Washington and Yale, it has been concluded that results achieved experimentally justify some use of the legal aptitude tests as a supplement to other admission requirements."[7] Further research may develop legal aptitude tests which will be used as generally as are the medical aptitude tests by the medical schools, but comparable legal tests are not at present available. Perhaps a simple test covering English usage, vocabulary and literary comprehension might, at the present time, be equally as useful. Such a test would disclose the clearly unqualified applicant, and results thus far obtained would seem to preclude the use of aptitude tests beyond this point.

Another question on which it was hoped that some light would be thrown by this study, is whether the success or failure of a student depends in any measure upon the content of his pre-legal course. Whether it makes any difference what subjects are studied, and if it does, what particular subjects are most valuable as a preparation for law are questions which have not been satisfactorily answered. The widest possible differences of opinion will be found among law school teachers as to what courses the pre-law student should pursue. The Association of American Law Schools, while fighting vigorously through the years for a requirement of pre-legal study, has until recently shown no concern as to its content beyond the exclusion from credit toward admission of "non-theory courses in military science, hygiene, domestic arts, physical

[6] Crawford, *The Legal Aptitude Test Experiment at Yale, id.* at 530; Dickinson, Edwin D., *Pre-Legal Training and Aptitude Tests* (1939) 9 *id.* at 420.
[7] *Id.* at 411, 425.

education, vocal or instrumental music, or other courses without intellectual content of substantial value."[8]

There seems, however, to be much force in the statement of President Arant at the meeting of the Association of American Law Schools last year: "Any approach to this matter would seem to require a formulation of the objectives of college work as preparation for legal study, unless we consider the requirement of a period of college work as simply a means of assuring a bit more general maturity or of discouraging the faint-hearted from going into law. If the study or practice of law requires the possession of special qualities of mind, we should be able to state what they are and come to a conclusion as to whether some subjects in academic curricula are better adapted to their discovery or development than others."[9]

In the course of this study a record was made of the subject in which each student majored while in college, and in case his record disclosed unusual proficiency or deficiency in certain subjects, that fact was also noted. It was found, however, that practically all the students preparing at West Virginia University — about three-fourths of the total — took substantially the same course of study. This was due, no doubt, to the inclusion of a "suggested pre-law course" in the University catalog. The small number of students pursuing any other course would make a comparison of the success of the various groups of very little value. It was therefore not undertaken.

Should such studies be made and definite conclusions arrived at, we may have still another measure of probable success. In the meantime no appreciable amount of enlightenment can be expected from this source.

On the other hand, the college at which pre-law work is taken appears to have an important bearing upon a student's chance of success. While many excellent students come from colleges with ratings far from the highest, and some poor ones apparently satisfy the requirements of much better institutions, the average of success of students from the one is far below that of the other. A study of the records of students entering the law school over a ten year period shows that the percentage of successful students from different groups of schools varies from forty-eight to seventy-one per cent. It is, of course, possible that there are reasons for this

[8] Articles of Association, art. 6, § 2, HANDBOOK OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS (1938) 359.

[9] Arant, *Scattered Observations of an Ex-Secretary*, PROCEEDINGS OF THE 36TH ANNUAL MEETING OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS (1938) 6, 17.

other than difference in the quality of the training received. For instance, inability to break social and political ties formed during undergraduate days is undoubtedly a handicap to many students who take their pre-law and their law work at the same school. The percentage of successful students from a given college can be readily ascertained and this information should be exceedingly helpful in doubtful cases.

It was, of course, not possible to determine by this study the extent to which a personal interview might prove valuable. Upon first thought, it would seem to be of greater utility in predicting success in the practice than in the study of law. Nevertheless, a knowledge of the applicant's family background, his plans and ambitions, the character of his secondary education, his activities other than scholastic while in college and the possible need of financial assistance through part-time work cannot fail to throw considerable light on the question of his success. The number of schools now requiring these interviews, at least in doubtful cases, would indicate a growing belief in their worth.

It appears then that by taking into account a number of factors, including college grades, age, intelligence rating, the college at which pre-law work was taken, and the information gained by a personal interview, accurate predictions should be possible in a large proportion of cases. To determine how large a proportion of such predictions may reasonably be expected, a committee of the faculty examined the pre-law records of a recent entering class and, in the light of the available data, predicted the average grade which each of some fifty-nine students would receive at the end of the year. One member of the committee had had no contact with the members of the class; the other had met them in the classroom for several weeks but had given them no test of any kind. As the age of the students was known in only a few instances and intelligence ratings were available in only about a third of the cases, the predictions were based almost entirely on college attended and average grade there made.

Of twelve students for whom a grade of F was predicted, ten made an F average and two made a D average. Of the two making a D average, one was a special student and the other was repeating all the work of the first year.

Of five students for whom a D grade was predicted, two made a D as expected, two made a grade of F and one a C+ grade. This last student had made only a C— grade on his college work

but had been out of school five years since receiving his A. B. degree.

Ten students failed who were predicted to fail, and two passed who were predicted to fail. Thirty-eight passed who were predicted to pass and nine failed who were predicted to pass. Correct predictions of success or failure, therefore, were made in forty-eight of fifty-nine cases, or eighty-one per cent.

The high correlation between college and law school grades is indicated again by the following chart, in which the figures indicate the number of students of this entering class in each college grade group and the law school grades made by the members of that group:

College Grade	Law School Grades						
	A	B+	B	C+	C	D	F
A			2		1		
B+			1	2	4		
B				2			
B—					2	2	1
C+				2	3	1	3
C					3	3	7
C—				1		4	1
D						1	6
D—						1	1

It should be stated that this first attempt at predicting the success or failure of beginning law students was much more successful than was anticipated. Further experimentation of this nature may show far less convincing results. Certainly a number of such tests should be made before any radical changes in admission requirements should be undertaken.

At the present time, the various tests of fitness for legal study discussed herein are being used principally by a few law schools as aids in the selection of a relatively small number from a large number of applicants for admission. For such purpose there would seem to be little or no question as to their usefulness. How far other law schools, especially in state supported institutions, should restrict admission by accepting only those applicants whose records indicate sufficient capacity for successful study, when measured by these same tests, is not so easily answered. Until more precise conclusions have been arrived at on the question of predictability, definite exclusion on such a basis would seem to be neither likely nor wise.

The catalog of the College of Law of West Virginia University now contains the following statement in connection with require-

ments for admission: "Except in the case of students who have maintained a high scholastic average, each applicant is required to appear before the Committee on Admissions for advice as to the likelihood of his success in the study of law. In such interview the Committee may, as a basis for this advice, make use not only of college grades, but also of intelligence tests and legal aptitude tests."[10]

The purpose of this requirement is obvious. Further research and experimentation are necessary before complete reliance on these measures of probable success would be justified. In the meantime, a judicious use of such knowledge as we have already acquired may at least lessen the number of tragic failures. No student will have to follow the advice of the Committee, but if he does not, he will better understand the task which he faces, and if failure comes he cannot say he was not forewarned.

[10] ANNOUNCEMENTS, WEST VIRGINIA UNIVERSITY COLLEGE OF LAW (1939-40 Session) 7.