

# THE SIZE AND QUALITY OF THE LAW SCHOOL APPLICANT POOL: 1982-1986 AND BEYOND

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Nationally, the size of the law school applicant pool has declined from 1982 to 1986,<sup>1</sup> and the academic credentials (combined undergraduate GPAs and LSAT scores) of those in the applicant pool have decreased at a faster rate than the size of the pool itself.<sup>2</sup> This article<sup>3</sup> considers the educational tensions created by the different rates at which pool size, academic credentials, and enrollment have decreased over the five-year period.<sup>4</sup> It goes on to analyze the potential future qualitative consequences of these trends.<sup>5</sup> Finally, it offers a tentative forecast about the probable size and quality of the national applicant pool over the next few years.<sup>6</sup>

## I. THE APPLICANT POOL FROM 1982 TO 1986: THE STATISTICS

National quantitative data about legal education are presented as a

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Professor Vernon chaired a committee on demand for legal education appointed jointly by the Association of American Law Schools and the Law School Admission Council. The committee issued a report in 1980. See ASSOCIATION OF AMERICAN LAW SCHOOLS & LAW SCHOOL ADMISSION COUNCIL, REPORT OF THE COMMITTEE ON THE DEMAND FOR LEGAL EDUCATION IN THE 1980's (1980) [hereinafter REPORT ON DEMAND]. The report is available from the Office of the Executive Vice President, Law School Admission Services, P.O. Box 40, Newtown, Pa. 18940.

The authors acknowledge the extensive and valuable contributions of Dr. William J. Kennish, Consulting Systems Engineer, Law School Admission Services, to the organization, analysis, and presentation of much of the data in this article.

1. See *infra* notes 7-13 and accompanying text.

2. See *infra* notes 14-19 and accompanying text.

3. This article represents an extension of an earlier article. See Vernon & Zimmer, *The Demand for Legal Education: 1984 and the Future*, 35 J. LEGAL EDUC. 261 (1985). In addition to updating the earlier article, this article analyzes the qualitative consequences of the declining law school applicant pool.

4. See *infra* notes 20-28 and accompanying text.

5. See *infra* notes 35-43 and accompanying text.

6. See *infra* notes 44-46 and accompanying text.

starting point for analysis.<sup>7</sup> Although national figures and trends tell us little about the conditions at any one school, they provide a common base from which to think about legal education in a macro sense, and they help individual schools determine where they stand in relation to other schools.<sup>8</sup>

As Table 1 shows, the number of law school applicants decreased 16.2% over the last five admission years. In 1986, however, there was a

Table 1  
Applicant Pool — Classes Admitted From 1982 through 1986

	1982	1983	1984	1985	1986
Number of Applicants	72,912	71,755	64,079	60,338	61,133
Index	100	98.4	87.9	82.7	83.8
Number of Applications	307,476	301,268	266,802	252,538	251,299
Index	100	98.0	86.8	82.1	81.7
Applications Per Applicant	4.22	4.20	4.16	4.19	4.11

slight (1.1%) increase over the prior year. The increase may signal an end to declining applicant pools; it may, however, simply mark an aberration in a continuing downward trend.

Some legal educators assume that a large majority of law school applicants apply for admission during their senior undergraduate year,<sup>9</sup> and law school recruiting efforts have tended to focus on college se-

7. Except as otherwise specifically noted, data concerning the applicant pool (information about the number of applicants, the number of applications submitted by each applicant, the sex and race of applicants, and the academic credentials of those in the applicant pool (LSAT scores and undergraduate GPAs)) were provided by the Law School Admission Council/Law School Admission Services (LSAC/LSAS).

Data concerning the number of enrolled students are taken from the annual reviews of legal education published by the Section of Legal Education and Admissions to the Bar of the American Bar Association. See *A Review of Legal Education in the United States: Fall 1985*, 1986 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO B. [hereinafter 1985 REPORT]; *A Review of Legal Education in the United States: Fall 1983*, 1984 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO B. [hereinafter 1983 REPORT]; *A Review of Legal Education in the United States: Fall 1972*, 1973 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO B. [hereinafter 1972 REPORT]. The 1986 data are found in a February 5, 1987 press release by James P. White, consultant to the Section of Legal Education and Admissions to the Bar.

8. The data presented in the article relate only to ABA-approved law schools.

9. See, e.g., REPORT ON DEMAND, *supra* note \*\*. The report focused its demographic analysis on 22- and 23-year-olds on the assumption that the applicant pool was overwhelmingly composed of graduating college seniors.

niors.<sup>10</sup> The assumption, however, has been inconsistent with the facts for several years. Table 2 shows that over the last five admission years, only 40 to 42% of those in the pool were college seniors. Furthermore, the number of college seniors in the pool decreased at a somewhat higher

Table 2  
Undergraduate Degree Date of Persons in the Applicant Pool:  
1982-1986

Degree Date	1982	% of Pool	1983	% of Pool	1984	% of Pool	1985	% of Pool	1986	% of Pool
Senior	30,528	42	29,426	41	26,749	41	25,267	42	24,363	40
+ 1 yr.	10,556	14	10,728	15	9,129	14	8,229	14	8,595	14
+ 2 yr.	6,265	9	6,084	8	5,435	8	4,825	8	5,301	7
+ 3 yr.	4,301	6	4,192	6	3,690	6	3,421	6	3,668	6
+ 4 yr.	3,386	4	3,213	4	2,805	4	2,552	4	2,733	4
Total:	55,046	75	53,643	75	47,808	75	44,294	73	44,660	73
1-4 yrs.	24,518	33	24,217	34	21,059	34	19,027	31	20,297	33
5+ yrs. & Over	16,443	22	16,538	23	14,699	23	14,118	23	14,593	24
No Date	1,423	2	1,574	2	1,572	2	1,926	3	1,880	3

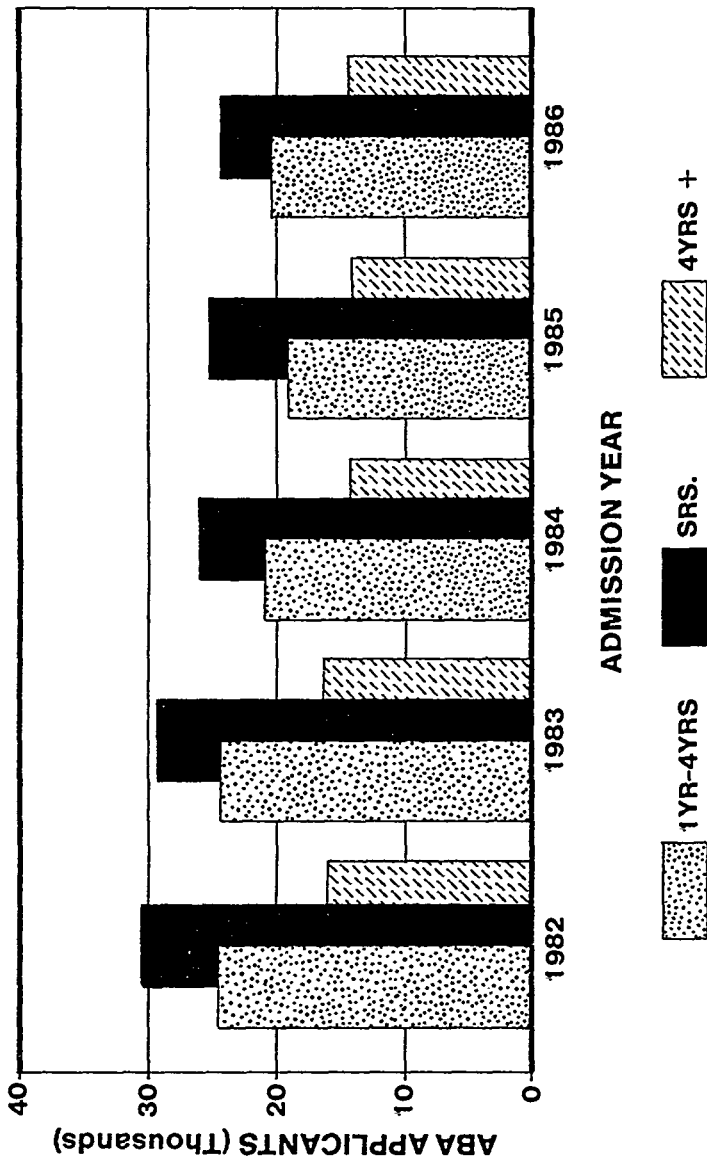
rate than the decrease in the overall pool—6165 fewer seniors were in the pool in 1986 than in 1982, a decline of 20.2% as compared to a 16.2% decline in the size of the entire pool. Over the same five-year period, the number of applicants who had been out of school for one to four years fell 17.2%, from 24,518 to 20,297. By contrast, the number of applicants who earned degrees five or more years before they applied to law school fell only 11.2% during the same period, from 16,443 to 14,593. The changing pattern can be seen in Figure I.

When analyzing the 1982-1985 decline in the law school applicant pool, one should note that 1984 was the year that the number of undergraduate degrees awarded peaked as well as the year that the law school applicant pool shrunk at the greatest rate. Table 3 shows that, from 1982 to 1986, a shrinking percentage of those earning baccalaureate degrees opted to apply to law school during their senior year, although the rate of decline has abated somewhat since 1984.<sup>11</sup> The trend can be seen in Figure II. In commercial terms, law schools have been losing their share of the graduating-senior market over the past five years.

10. For the last three years, most law schools have participated in a series of Law School Forums (recruiting fairs) held in urban areas around the country and have had the opportunity for direct contact with two to three thousand potential applicants who were not then enrolled at a college or university. These events are sponsored and coordinated by the LSAC/LSAS.

11. See Table 3.

Figure I  
Applicants by Graduation Year: 1982-1986



NOTE: 1982 REFERS TO 1981-82

Figure II  
Senior Applicants: Percentage of Undergraduate Degrees Awarded

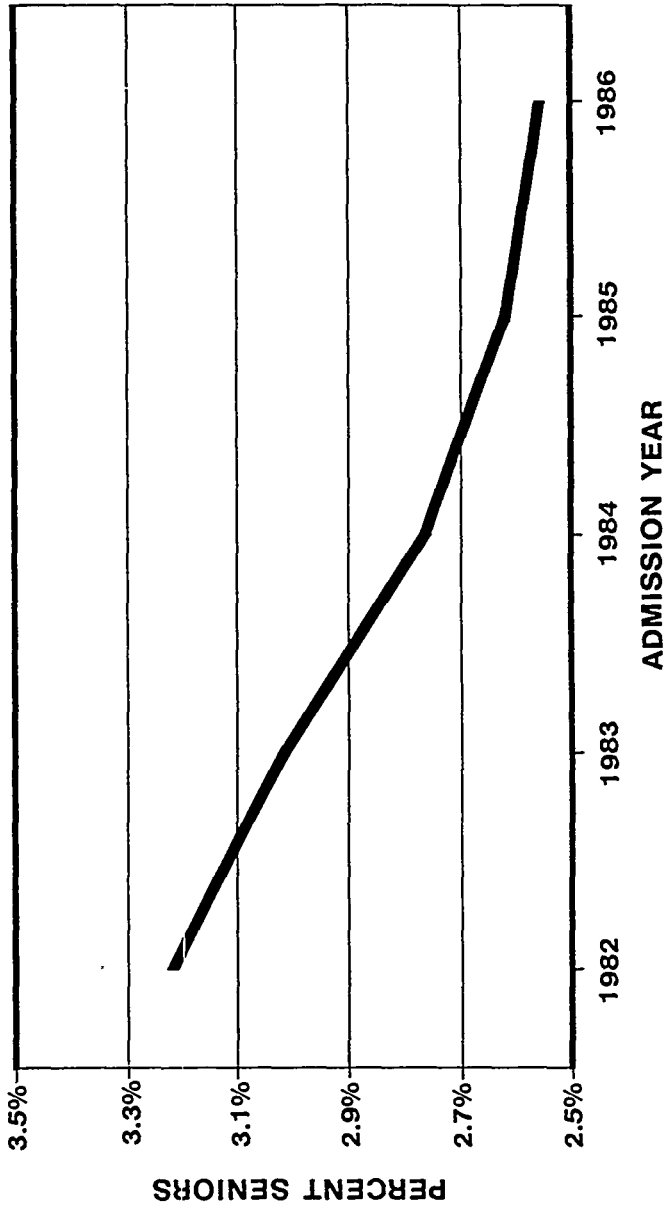


Table 3  
 Percentage of Graduating Seniors Applying Directly to Law School:  
 1982-1986

Year	Undergraduate Degrees Awarded	Senior Applicants to Law School	% of Senior Pool	% Index (1982 as Base)
1982	952,000	30,528	3.21	100
1983	970,000	29,426	3.03	94
1984	970,000	26,749	2.76	86
1985	960,000	25,267	2.63	82
1986	945,000	24,363	2.58	80

The decline in the number of graduating-senior applicants varied along regional and gender lines. Between 1982 and 1986, the number of senior applicants from the East and the West<sup>12</sup> fell about 20%, while the number from the South fell only 14%. The Midwest was the big loser, with a 27% decline in the number of senior applicants. During the same period, the number of male senior applicants fell at a faster rate than did the number of female senior applicants—24.5% versus 13%.

Despite the fact that the 1986 pool was 1.1% larger than the 1985 pool, there were, as shown in Table 3, 3.6% fewer senior applicants in 1986 than in 1985. Senior applicants were the only group whose numbers declined from 1985 to 1986. Even in that single year, decreases varied along regional and gender lines. Between 1985 and 1986, the number of senior applicants from the Midwest fell by 9%, while the number of Midwestern senior male applicants fell by about 12%. Although the number of Eastern seniors applying to law school decreased by only 4% between 1985 and 1986, there was a 7% drop in the

12. The regional definitions used throughout the article are as listed below and reflect the home addresses reported to LSAS by applicants.

<u>East</u>	<u>Midwest</u>	<u>South</u>	<u>West</u>
Conn.	Ill.	Ala.	Alaska
Del.	Ind.	Ark.	Ariz.
Me.	Iowa	Fla.	Cal.
Md.	Kan.	Ga.	Colo.
Mass.	Mich.	Ky.	Haw.
N.H.	Minn.	La.	Idaho
N.J.	Mo.	Miss.	Mont.
N.Y.	Neb.	N.C.	Nev.
Pa.	N.D.	S.C.	N.M.
R.I.	Ohio	Tenn.	Okla.
Vt.	S.D.	Va.	Or.
D.C.	Wis.	W.Va.	Tex.
P.R.		C.Z.	Utah
V.I.			Wash.
			Guam

Table 4  
Law School Applicant Pool by Year of Graduation and Percentage of Undergraduate Degrees Awarded —  
Aggregate "Market Share"<sup>13</sup>

Year of Graduation	1982		1983		1984		1985		1986	
	Number of Graduates	%	Total	%	Total	%	Total	%	Total	%
1978	921,000	0.37	3,453							
1979	921,000	0.48	4,387							
1980	929,000	0.69	6,390	0.36	3,285					
1981	935,000	1.15	10,776	0.46	4,286	0.31	2,876			
1982	952,000	3.27	31,136	0.67	6,220	0.40	3,783	0.28	2,636	0.30
1983	970,000			1.15	10,969	0.59	5,572	0.37	3,534	0.39
1984	970,000			3.10	30,086	0.96	9,359	0.51	4,984	0.56
1985	960,000					2.83	27,422	0.88	8,500	0.92
1986	945,000							2.72	26,100	2.66
Subtotal										
Sr. + 4		77%	56,142	76.4%	54,846	76.5%	49,010	75.8%	45,754	75.4%
5 + yrs.			16,770		16,909		15,066		14,584	
Total			72,912		71,755		64,079		60,338	
1st Yr. Enrollment			42,034		41,159		40,747		40,796	
Probable number Admitted*			46,034		45,159		44,747		44,796	
% of Pool Admitted			63.1%		62.9%		69.8%		74.2%	
* Estimated that 4000 of those admitted decided not to attend school.										

13. The report of the number of college graduates are estimates found in NATIONAL CENTER FOR EDUCATIONAL STATISTICS, CONDITION OF EDUCATION (1985) (table entitled "Past and Projected Trends in Bachelor's and Master's Degrees Conferred by Institutions of Higher Education, by Sex of Recipient: United States, 1970-71 to 1993-94").

number of male applicants, whereas the number of female applicants declined only 0.3%. The number of senior applicants from the West and South declined only 1% over this period.

Table 4 shows the trend in the number of law school applicants from 1982 to 1986 by the year in which the applicants earned their undergraduate degrees. It also reflects the percentage of all students earning degrees that year who applied to law school. Thus, 0.37% (3453) of the 921,000 persons who graduated in 1978 applied to law school in 1982, while 3.27% (31,136) of the 952,000 persons who graduated in 1982 applied that same year. The 1982 law school applicant pool also included 10,776 persons who graduated in 1981 (1.15% of the graduating class), as well as 6390 persons from the class of 1980 and 4387 persons from the class of 1979. A similarly detailed presentation is made of the four applicant pools from 1983 through 1986. The pattern is shown graphically in Figure III.

Minority applicants constituted 17% of the applicant pool in 1986 as compared to 14% in 1982. The number of caucasian applicants fell 11,717 from 1982 to 1986—from 62,307 applicants in 1982 to 50,590 applicants in 1986. Since the total number of applicants decreased by 11,779 during that time, virtually the entire decrease in the number of applicants is attributable to decisions by caucasians to seek careers in fields other than law. As Table 5 indicates, over the five admission years, none of the identifiable minority groups in the pool declined as much as the applicant pool as a whole.

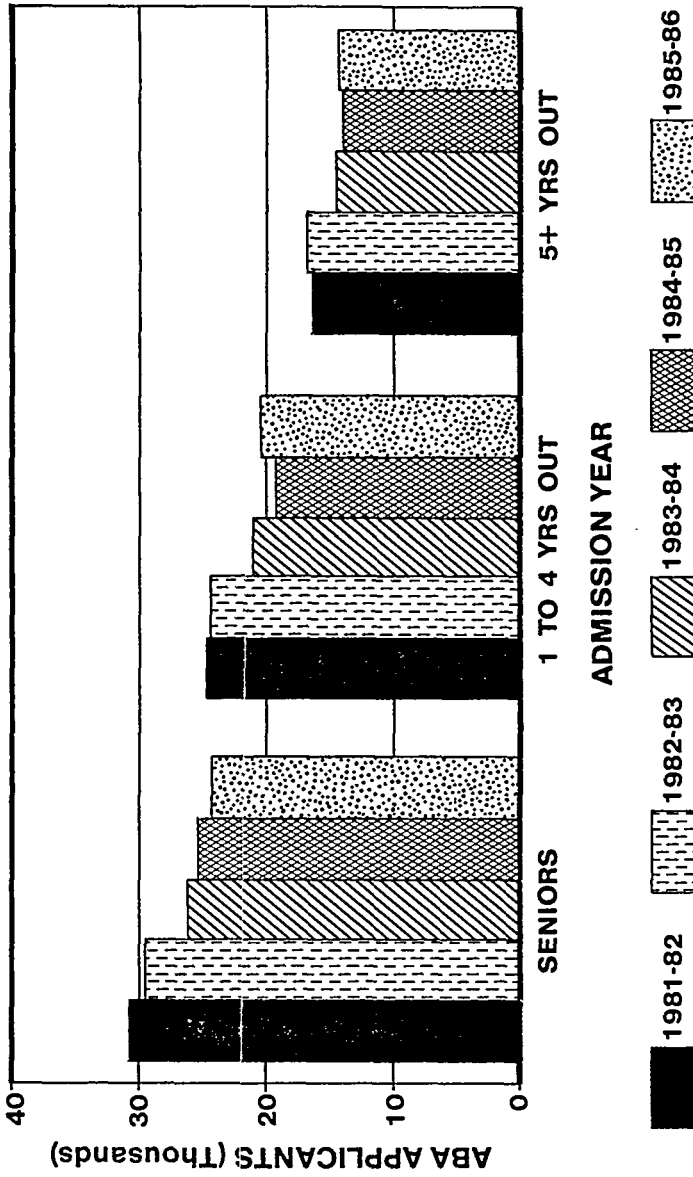
Table 5  
Ethnic Composition of the Applicant Pool: 1982 and 1986

Ethnic Group	1982	1986	% Change
Native American	331	359	+ 8
Black	4,717	4,406	- 7
Caucasian	62,307	50,776	-18
Mexican American	904	815	-10
Hispanic	1,074	1,284	+19
Asian American	1,182	1,270	+ 7
Puerto Rican	1,087	952	-12
Other Minority	1,310	995	-24
TOTAL POOL	72,912	61,133	-16

There were 9% fewer female applicants in 1986 than in 1982, while the number of male applicants fell by 20% over the same time period. Although the number of female applicants decreased by approximately



Figure III  
Number of Applicants by Year of Graduation



NOTE: 1982 REFERS TO 1981-82

2800 during the five admission years, the percentage of female applicants in the pool increased 3%, from 38% in 1982 to 41% in 1986.

## II. THE SOURCE AND QUALITY OF THE NATIONAL APPLICANT POOL: 1982-1985

Table 6 indicates the kinds of undergraduate institutions most law school applicants attend.<sup>14</sup> The table shows that approximately 76% of the law school applicants earned degrees at public and private universities and four-year nonsectarian colleges (categories 1-6 and 11-14 in Table 6). Approximately 56.5% of the applicant pool in 1982 and 55.3% in 1986 came from public universities whose entering students had mean SATs of 1000 or higher, private universities whose entering students had mean SATs of 1050 or higher, and four-year private nonsectarian schools whose entering students had mean SATs of 1025 or higher.<sup>15</sup>

The most highly selective institutions as defined by the Astin Survey<sup>16</sup>—those with student bodies having the highest mean SAT scores (categories 3, 6, and 14 in Table 6)—provided 40.1% of the applicant pool in 1982 and 34.5% in 1986. In both percentages and absolute numbers, the decline in applications from graduates of the most highly selective schools has been larger than the decline in applications from graduates of other schools. Thus, from 1982 to 1986, the decline in applicants from the most highly selective public universities was 20%, while the decline in applicants from private universities and four-year nonsectarian colleges was 23% and 29% respectively. During the same period, the overall size of the applicant pool declined 16.2%.

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14. The unidentified applicants attended undergraduate institutions either not included in the Astin survey or omitted from the report in Table 6 because they provided so few applicants to law school.

15. The enrollment figures are found in the 1985 REPORT, *supra* note 7, at 66. The figures include only ABA-approved law schools. The 1985 data include three schools that were approved after 1982; 517 of the entering students reported in 1985 enrolled in schools that were not included in the 1982 totals. Thus, if the 1985 enrollment figures are compared with the 1982 figures for schools appearing in both reports, the entering classes at approved schools fell from 42,034 to 40,502, a 3.7% decline. If the gross figures are used, the decline is 3%.

16. The division of undergraduate institutions into 38 categories follows the classification pattern established by Professor Alexander Astin and his colleagues in their survey of attitudes and opinions of college freshmen. See A. ASTIN, K. GREEN, W. KORN & M. SCHALIT, *THE AMERICAN FRESHMAN: NATIONAL NORMS FOR FALL 1986* (1986). Since 1966, over 1200 schools have participated in the Astin Freshman Surveys. The Astin data are generated for a given year, however, from a much smaller number of schools. For example, in 1986, 2717 institutions were invited to participate. Five hundred and sixty accepted the invitation, but only 552 provided data in time for the report. Of these, 372 supplied information that was sufficiently complete to be used in computing the national norms.

Table 6  
Undergraduate Schools Providing Law School Applicants: Classified  
by Kind of School and Mean SAT of Entering Freshmen<sup>17</sup>

School SAT Mean	Category	1982 Applicant Pool	1983 Applicant Pool	1984 Applicant Pool	1985 Applicant Pool	1986 Applicant Pool	% Decrease 1982-86
<b>Public University</b>							
<1000	1	5234	5133	4366	4149	4118	21.3
1000-1099	2	5218	5236	4830	4422	4373	16.2
>1099	3	7908	7572	6540	6358	6322	20.1
TOTAL		18,360	17,941	15,736	14,929	14,813	19.3
<b>Private University</b>							
<1050	4	3151	3136	2756	2674	2594	17.7
1050-1174	5	2447	2334	2071	1947	2078	15.1
>1174	6	6295	5963	5135	4868	4864	22.7
TOTAL		11,893	11,433	9962	9489	9536	19.8
<b>4-Yr. Public College</b>							
<935	7	1682	1860	1654	1490	1546	8.1
935-1024	8	2221	2260	1981	1920	1838	17.3
>1024	9	896	799	727	722	781	12.8
TOTAL		4799	4919	4362	4132	4165	13.2
<b>4-Yr. Private Nonsectarian</b>							
<950	11	460	493	453	471	426	7.4
950-1024	12	666	681	599	596	582	12.6
1025-1174	13	2264	2180	1965	1790	1826	19.4
>1174	14	3533	3289	2740	2565	2523	28.6
TOTAL		6923	6643	5757	5422	5357	22.6
<b>4-Yr. Catholic</b>							
<950	16	489	532	490	480	490	0
950-1024	17	1066	1016	952	885	855	19.8
>1024	18	1403	1403	1187	1192	1203	14.3
Unknown	19		3	6	4	6	
TOTAL		2958	2954	2635	2561	2554	13.7
<b>4-Yr. Protestant</b>							
<875	20	264	265	232	221	246	6.8
875-974	21	520	474	415	394	437	16.0
975-1049	22	837	846	712	666	638	23.8
>1049	23	1606	1553	1414	1162	1247	22.4
TOTAL		3227	3138	2782	2443	2568	20.4
<b>Predominantly Black College</b>							
Public 4-yr.	34	275	272	275	275	285	+3.6
Private 4-yr.	35	522	487	484	478	469	10.2
Not Identified	36	23,955	23,968	22,086	20,619	21,386	
TOTAL		72,912	71,755	64,079	60,339	61,133	16.2

With the number of applicants from the most highly selective undergraduate programs falling at a faster rate than the number of applicants from other schools, it is not surprising that there has been a decline in the

17. The undergraduate institutions included in the data in Table 6 supply approximately two-thirds of the applicants to law schools and are a representative sample of all undergraduate institutions.

overall academic credentials, as measured by a combination of LSAT scores and GPAs, of those in the applicant pool. Thus, the number of persons in the top end of the applicant pool—those with LSAT scores of 34 or higher coupled with GPAs of 3.25 or higher—fell from 18,079 in 1982 to 13,048 in 1986, a decline of 27.8%, as compared with the 16.2% decline in the number of applicants overall. The number of applicants with LSAT scores of 30 or higher and undergraduate GPAs of 3.0 or higher fell from 32,735 to 24,585 over the same period, a 24.9% decline. By contrast, the bottom end of the pool—occupied by applicants with LSAT scores below 30 and GPAs below 3.0—remained remarkably stable, with 13,771 applicants in the 1982 pool and 13,144 in the 1986 pool, a decline of only 4.6%.<sup>18</sup>

In a real sense, the relative stability at the low end of the pool has masked the qualitative significance of the decline in the size of the pool. And there is no indication that the qualitative decline has reached its nadir. Between 1985 and 1986, when the size of the applicant pool increased by 1.1%, the number of applicants presenting LSAT scores of 34 or higher and GPAs of 3.25 or higher decreased by 1.1%, from 13,237 to 13,048. The group with LSAT scores of 30 or higher and GPAs of 3.0 or higher was unchanged. Even if the size of the applicant pool remains constant or increases slightly, the academic credentials of those in the pool may continue to decline.

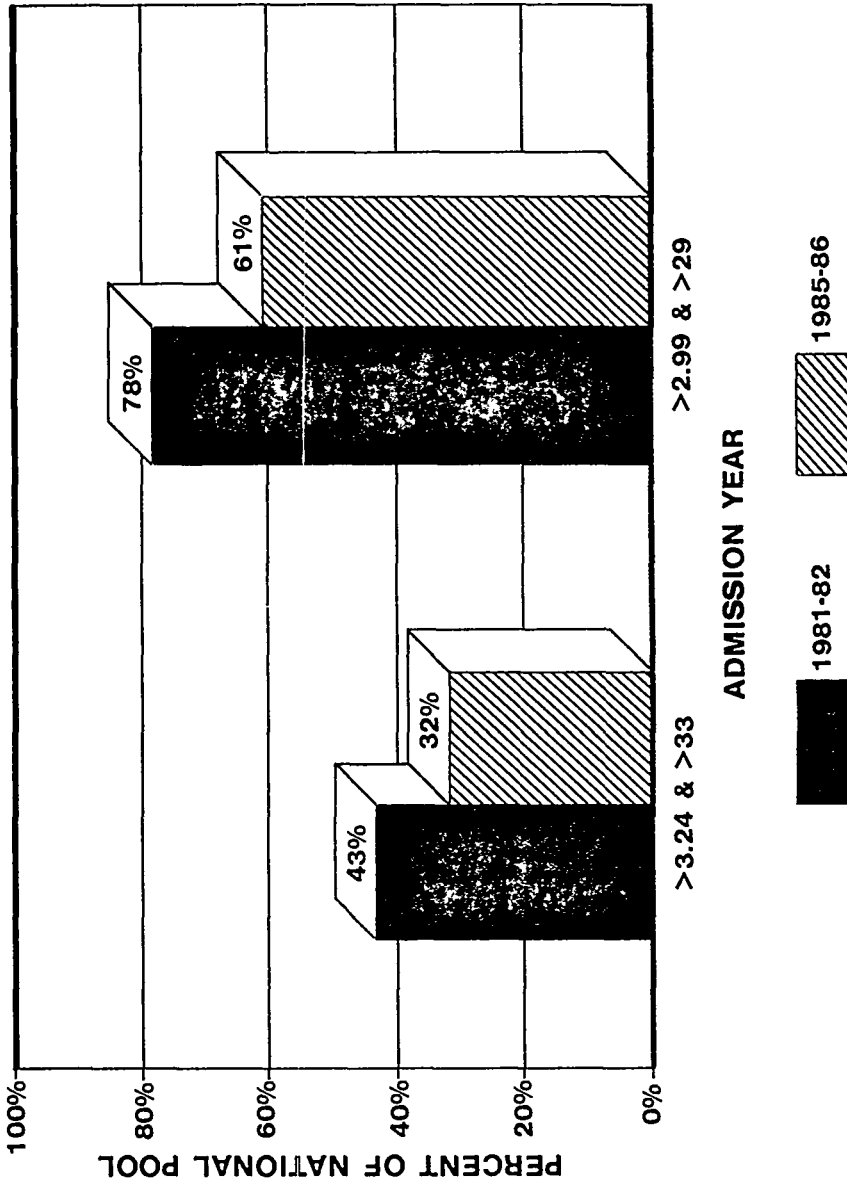
Figure IV helps put the declining academic credentials in context. Assuming that every applicant in the pool with an LSAT score of 34 or higher and a GPA of 3.25 or higher was enrolled in law school, only 32% of the 1986 entering class would have such credentials as compared to 43% of the entering class in 1982. If we make the same assumption about those with LSAT scores of 30 or higher and GPAs of 3.0 or higher, 61% of the 1986 entering class would present credentials at that level, as compared to 78% of the entering class in 1982. Of course, the assumption that all were admitted and all enrolled is inconsistent with the facts. All were not admitted (although they could have been had they applied to different law schools<sup>19</sup>) and all who were admitted did not attend law school.

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18. The number of black applicants in the pool fell from 4717 in 1982 to 4516 in 1986, or 4.3%. The number of black applicants with LSATs of 34 or higher and GPAs of 3.25 or higher rose from 77 in 1982 to 86 in 1986, and the number with LSATs of 30 or higher and GPAs of 3.0 or higher fell from 294 in 1982 to 286 in 1986. In essence, the academic credentials of black applicants remained constant over the five years.

19. A great many applicants restrict their applications to schools that are unlikely to admit them. These applicants do so because they lack information about the probability of admission, or they determine not to attend law school unless admitted to a specific school or a group of schools, or they have personal circumstances that restrict mobility. Thus, more than 40% of the applicants

Figure IV  
Academic Credentials of Applicants



### III. DECLINE IN QUALITY AND QUANTITY COUPLED WITH STABLE ENROLLMENTS

The enrollment figures over the five-year period in question have remained stable. From 1982 to 1985, first-year enrollment dropped only 3%, from 42,034 to 40,796.<sup>20</sup> In 1986, enrollment dropped a further 601 to 40,195, a decline of 1.5%, although the applicant pool increased by 1.1%. In sum, from 1982 to 1986, enrollment declined 4.4% while the applicant pool fell 16.2%.

If one assumes conservatively that approximately 4000, or slightly less than 10%, of those admitted by at least one school decide not to attend law school during the year of their admission, the law schools collectively will have admitted 46,034 applicants in 1982 for a yield of 42,034 and 44,195 in 1986 for a yield of 40,195. With 72,912 applicants in 1982 and 61,133 in 1986, law schools nationally moved from admitting 63% of all applicants in 1982 to admitting 72% of the pool in 1986, and they did it during a period when the academic credentials of those in the pool were falling. Nationally, the academic credentials of the 1986 law school entering class were lower than those of the 1982 entering class.

If the 1986 pool of 61,133 shrinks approximately 10% to a pool of 55,000, eight out of every ten applicants will have to be admitted simply to maintain an entering class of 40,195. And if present trends continue and the 10% decline in the size of the applicant pool is accompanied by a 15% decline in the number of applicants with LSATs of 34 or higher and GPAs of 3.25 or higher and all in the group were admitted and enrolled, each school would have sixty-four entering students with those credentials if the students were spread equally among all law schools. Since the

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who apply to a single law school are not admitted. An effort has been made to broaden the information base available to applicants. LSAC/LSAS, *THE RIGHT LAW SCHOOL FOR YOU* (1986).

20. Enrollment figures are found in the 1985 REPORT, *supra* note 7, at 66. The decline in first-year enrollment is actually 4.4% rather than 3% if one adjusts for law schools included in the 1985 Report but not in the 1982 Report. *See supra* note 7. Whether the enrollment decline is viewed as being 3% or 4.4%, the fact remains that enrollment declined at a much slower rate than the applicant pool itself. The figures reported by the ABA are widely distributed and are used in this article for the sake of consistency. The conclusion would be the same regardless of which figures are used.

Notwithstanding that first-year enrollment fell only 3% from 1982 to 1985, first-year enrollment at 99 of the 173 law schools fell between 1982 and 1985. Forty-five of the schools experienced drops in first-year enrollment of less than 10%, 26 experienced drops from 10% to 19.9%, 17 experienced drops from 20% to 29.9%, 8 experienced drops from 30% to 39.9%, and 3 experienced drops from 40% to 40.9%. Relatively small increases at the other schools coupled with two schools increasing the size of their entering class by more than 30% counterbalanced the reductions in the size of the first-year class experienced by the 99 schools. Only 18 schools increased the size of their entering classes by more than 10%. Of those schools, four increased their size by 20% or more. The calculations are based on information in the 1982 REPORT and the 1985 REPORT, *supra* note 7.

The 1972-1985 enrollment increase for the 147 schools approved by the ABA prior to 1972 was relatively modest, with the entering classes being 34,402 and 35,159 for 1972 and 1985 respectively.

stronger schools will continue to syphon off a disproportionate number of applicants with the highest credentials, substantially fewer than sixty-four students with those credentials would be available to the other schools.<sup>21</sup>

Table 7  
Ranking of Law Schools by Average LSAT Scores

School Ranking	Average LSAT
1 to 19	40 to 45
20 to 30	39
31 to 38	38
39 to 50	37
51 to 70	36
71 to 82	35
83 to 103	34
104 to 116	33
117 to 131	32
132 to 149	31
150 to 158	30
159 to 163	29
164 to 169	14 to 27

To test the assumption that the decline in the size and quality of the law school applicant pool has been felt by almost all schools over the past five years, not just the weaker ones, we ranked law schools from high to low (1 to 169) by using the average LSAT scores of enrolled students.<sup>22</sup> Table 7 sets forth that ranking. We then assigned an index number to each person in the applicant pool, using a formula that took into account the applicant's combined LSAT score and undergraduate GPA.<sup>23</sup> Under the formula, a student with a 48 LSAT and 4.0 GPA would have an index rank of 95, and one with a 10 LSAT and a 2.0 GPA would have an index rank of 14. As Table 8 indicates, on average it was somewhat

21. Many schools do not consider academic credentials of a 34 LSAT and a 3.25 GPA to be outstanding. Using the index described *infra* note 23, such credentials would yield an index of 65 and place the applicant in the middle of those admitted and enrolled.

22. If an applicant had taken the LSAT more than once, the average score for that applicant was used in calculating the score used in the study. The available data included information from 169 of the 175 ABA-approved schools. In an effort to present a ranking that was not skewed by the scope of an individual school's affirmative action program, the average LSAT was calculated by using the top 80% of each school's LSAT scores.

23. The index was created by use of the following formula:

$$\text{Index} = (14 \times \text{GPA}) + (1.4 \times \text{LSAT}) - 28.$$

This index reflects a fairly typical law school weighting of GPA and LSAT in initial admission-sorting formulas. The index would be zero for an applicant with a 10 LSAT and a 1.0 GPA, and 100 for an applicant with a 48 LSAT and a 4.33 GPA.

Table 8<sup>24</sup>

Nonminority Applicants: Admission and Enrollment by LSAT-GPA  
Index and Rank of Law School

Student Index Range	Admitted				Enrolled			
	1983		1985		1983		1985	
	#	Average School Rank	#	Average School Rank	#	Average School Rank	#	Average School Rank
10-19	1	— 146	1	— 152	0	— 0	0	— 0
20-29	16	— 150	30	— 140	12	— 157	24	— 141
30-40	167	— 133	549	— 141	114	— 136	405	— 140
40-49	1,877	— 135	5,501	— 137	1,176	— 134	2,839	— 133
50-59	12,415	— 126	19,745	— 117	6,006	— 122	7,618	— 110
60-69	28,594	— 96	31,914	— 87	10,562	— 88	9,779	— 78
70-79	29,228	— 59	26,877	— 52	8,699	— 50	7,272	— 44
80-89	11,764	— 26	10,720	— 25	2,612	— 23	2,391	— 22
90-99	633	— 12	866	— 10	99	— 11	162	— 7

easier for students with lower credentials (less than an index of 50) to be admitted to a more highly ranked school in 1985 than it was in 1983.<sup>25</sup> The shift during the three-year period, although not dramatic, was consistent for students with indices of 50 or higher. Thus, the average ranking of law schools attended by students in the 60-69 index range was 78 for those enrolling in 1985 as compared to a ranking of 88 two years earlier. The average school ranking for those in the 50-59 index range climbed twelve places (from 122 to 110) during the same period, and enrollees in the 70-79 index range climbed six places in the ranking. The admissions process followed a similar pattern.<sup>26</sup>

The figures in Table 8 belie the notion that the combined quantitative-qualitative decline in the applicant pool has been felt only by schools at the lower end of the pecking order. Although the effect has been inconsequential at the most selective schools, nearly all law schools are

24. The enrollment figures set forth in Table 8 are taken from the LSAC/LSAS's data bank and are not complete. Over three-quarters of the nonminority students in the entering classes are represented, i.e., 29,203 enrolled students in 1983 and 30,490 enrolled students in 1985.

Because the LSAC/LSAS data bank focuses primarily on admission data, the figures on the number of applications accepted, while not including all of those admitted, are somewhat more complete—84,695 in 1983 and 96,203 in 1985. The figures, of course, include multiple admissions granted to many of the applicants.

25. The 1983 figures were used to avoid a possible skewing that might occur in converting the 1982 LSAT scores to the new 10 to 48 range.

26. Minorities and other subgroups have had experiences that differ from the general patterns. For example, the figures in Table A show a somewhat different pattern for black applicants. The average rank of schools to which black applicants were admitted and at which they enrolled remained relatively constant. The lack of a pattern may reflect the fact that the number of applicants involved is relatively small or the fact that affirmative action programs in place in 1983 remained in place.



now admitting and enrolling at least some students who would not have been admitted a few years ago. Figure V illustrates the scope of the change. The decline in the number of applicants with relatively high academic credentials undoubtedly means that for most schools (not just those at the bottom of the hierarchy), the top layer of students is somewhat thinner now than it was in 1983. The ripple effect stemming from the apparent perception among applicants of a qualitative law school hierarchy, which we discussed in an earlier article, apparently has come to pass. In that article we hypothesized that the process was as follows:

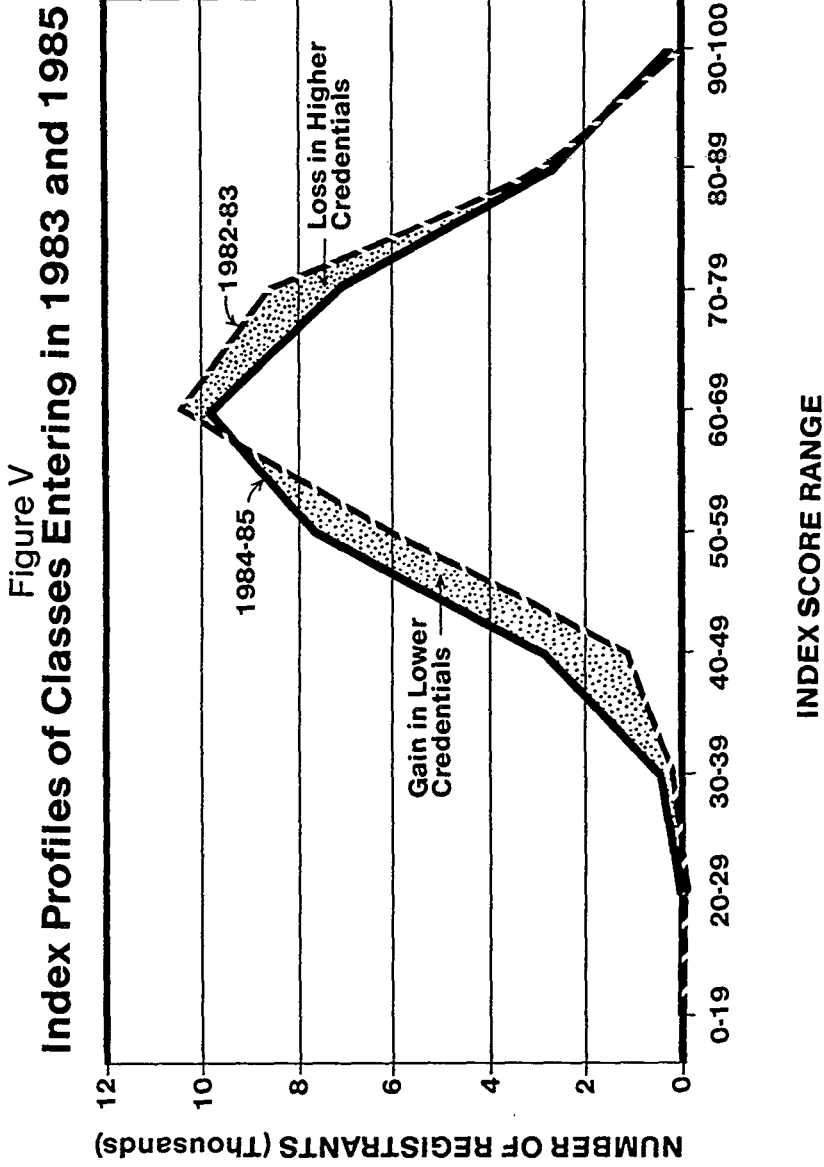
For purposes of analysis, assume that Schools *X*, *Y*, and *Z* had completely overlapping application pools, that, if given a choice, all applicants to the three schools preferred *X* over *Y*, and *Y* over *Z*, that all three schools suffered a 20 percent decline in applicant pools, and that all three decided to maintain the size of their entering class. To maintain its size, School *X* was forced to accept people it would have rejected in the recent past. By hypothesis, all of those admitted who would not have been admitted by *X* in prior years opted to attend *X* rather than *Y*. While *X*'s overall yield ratio may have fallen relatively little because so many at the low end decided to enroll, the overall academic credentials of those who enrolled declined to a greater extent than the drop in the average yield ratio might suggest. School *X*'s action not only changed the academic credentials of its own entering class, but had a sharp impact on the credentials of those enrolling at *Y* and *Z*. [*Y*, having lost the top of its entering class to *X*, will dip down in its pool and admit the top of *Z*'s entering class to make up the

Table A

Black Applicants: Admission and Enrollment by LSAT-GPA Index and Rank of Law School

Student Index Range	Admitted				Enrolled			
	1983		1985		1983		1985	
	#	Average School Rank	#	Average School Rank	#	Average School Rank	#	Average School Rank
10-19	4	161	8	117	3	163	6	113
20-29	38	140	76	135	21	142	61	138
30-39	389	122	592	121	220	115	356	119
40-49	1040	93	1555	95	452	85	611	91
50-59	1548	65	1585	64	463	59	415	55
60-69	1027	39	919	40	236	28	196	34
70-79	368	21	206	25	72	15	39	24
80-89	54	10	36	25	6	5	5	3

Although the figures do not reflect an enrollment movement from 1983 to 1985 to more highly ranked schools, they do indicate that affirmative action is a reality in law school admissions. Comparison of the data presented in Table 8 and Table A indicates that in 1985 the average ranking of schools attended by nonminority applicants in the 60 to 69 index range was 78 as compared to the average ranking of 34 for black applicants that year. Comparable figures for students in the 70 to 79 index range are 44 for nonminorities and 24 for blacks. As with the figures in Table 8, the data for enrollment and admission figures in Table A are not complete.



difference.]<sup>27</sup>

The figures in Table 8 reflect the ripple effect described above. Most law schools (even among the seventy or so that reasonably view themselves as being ranked in the top twenty or twenty-five schools<sup>28</sup>) seem to have enrolled students in 1985 with somewhat lower academic credentials than they did two years earlier. The shift in quality at the stronger schools is only at the margins and, thus, the change in quality has not required either a change in program or in grading patterns. The same cannot be said for many schools at the lower end of the hierarchy.

If the number of applicants who are among the "best and brightest" continues to decline, however, the marginal qualitative shifts may continue at many schools, even if the size of the pool stabilizes, unless enrollment size is reduced. And if the pool continues to decrease in size (even as little as 10%) while enrollment remains constant, the qualitative problems at many "strong" schools may become noticeable and call for adjustments in size, educational programs, or grading patterns.

#### IV. UNDERGRADUATE FRESHMAN ATTITUDES ABOUT LAW SCHOOL

Over the course of more than twenty years, Alexander Astin and his colleagues have been conducting a highly regarded survey of opinions and attitudes on campuses.<sup>29</sup> Each year, freshmen at more than 500 institutions are questioned. Astin measures expectations about legal education by asking freshmen whether they intend to earn a J.D. degree or become lawyers. If the attitudes expressed by freshmen persist through the undergraduate years, a decline in interest expressed in the fall of 1980 may be reflected in a decline in the number of seniors who apply to law school during the 1983-84 admission year. Because so many undergraduates take more than four years to earn their degrees, of course, the impact of changes in attitude on the law school applicant pool three years later would be attenuated; the changes in attitude, however, may affect the applicant pool for several years.

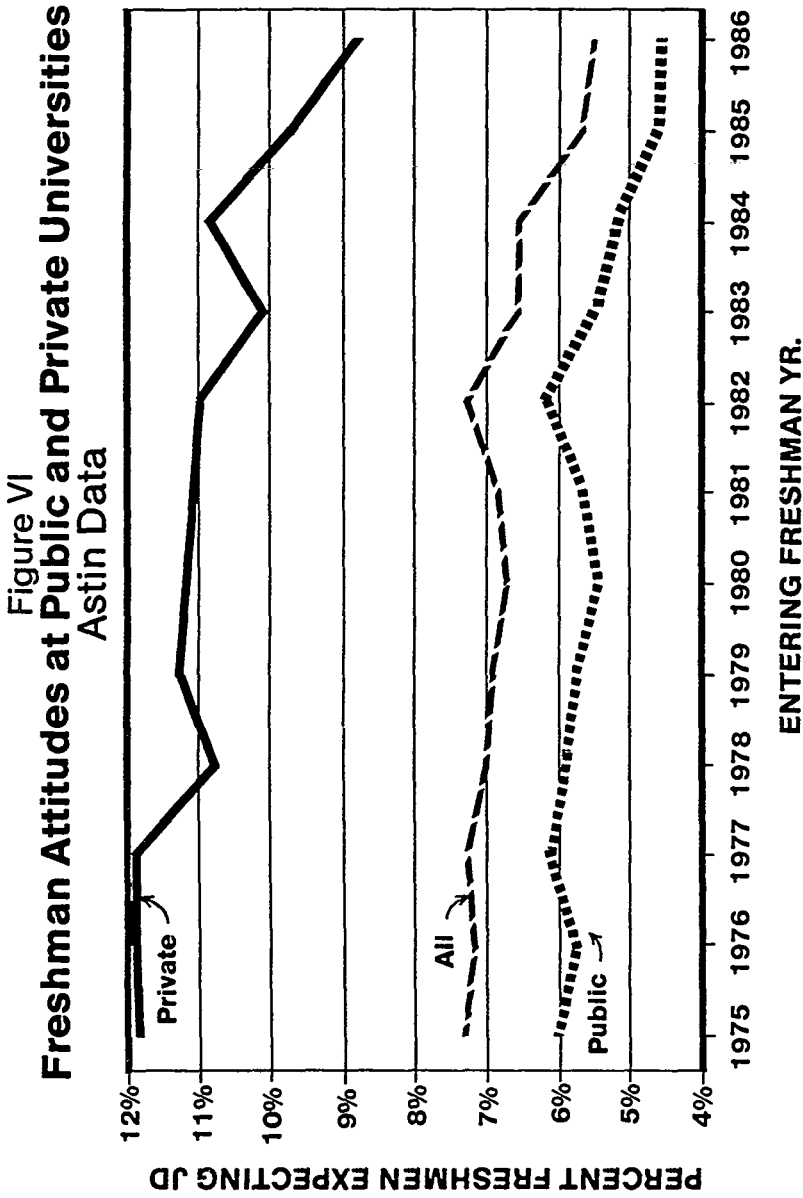
There has been a decline in interest in attending law school among freshmen. Figure VI depicts the percentage of freshmen at public and private universities (categories 1-6 in Table 6) who start their undergraduate work with an expectation of earning a J.D. Compared with the freshmen at public universities, more than twice the percentage of freshmen at private universities anticipate going to law school. Interest in

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27. Vernon & Zimmer, *supra* note 3, at 266.

28. See *infra* note 36.

29. The results of the 1986 survey are found in A. ASTIN, K. GREEN, W. KORN & M. SCHALIT, *supra* note 16.



legal education among freshman at private universities, however, has declined from a high of 11.9% in 1977 to a low of 8.8% in 1986. Interest among freshmen at public universities held reasonably steady at slightly below 6% until it peaked at 6.2% in 1982. It fell thereafter to 4.6% by 1986.

The difference in attitudes among male and female freshmen is reflected in Figure VII. Women's interest in legal education increased sharply in 1976 and 1977, and, with a few minor deviations, continued to increase through 1983. Women's interest then declined fairly sharply in 1984 and 1985, and revived slightly in 1986. Shifts of interest among women have not exceeded 1%, however, while men's interest fell from 6.2% to 3.7% over the same period. Because the magnitude of the shift in men's interest in legal education was almost three times greater than the magnitude of the shift in women's interest, the shifts in interest among men tend to dominate the overall figures. Except in 1982, male freshmen's interest in legal education declined steadily from 1975 through 1986.

Freshmen interest in legal education moved up in 1982, declined steadily over the next three years, reached a ten-year low in 1985, and recovered slightly in 1986. Figure VIII illustrates the trend in freshmen attitudes in highly selective public universities (category 3 in Table 6), the largest single source of law school applicants. Although fluctuations at highly selective public universities were wider than the national average (Figure VII), there was a 27% decline in interest from 1982 through 1986. Compared with the national average, however, a much larger percentage of men and women freshmen at the highly selective institutions expressed an interest in legal education, as illustrated in Figure VII. This disparity is partly due to the fact that institutions such as two-year colleges and other non-law school feeder institutions are included in the national base. The data in Figure VIII demonstrate that, since 1983, a higher percentage of women than men at highly selective public universities has expressed interest in attending law school.

In our earlier article, we noted that enrollment in undergraduate majors traditionally elected by students planning to attend law school—the social sciences (particularly political science) and the humanities (particularly history)—has fallen markedly.<sup>30</sup> We asked whether the declining interest in these areas might explain the declining interest in legal education, or whether the declining interest in legal education caused, at least in part, the declining interest in the particular subject matters. The Astin studies indicate that the decline in interest in legal education oc-

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30. See Vernon & Zimmer, *supra* note 3, at 269.

Figure VII  
Freshman Attitudes: Men and Women at All Institutions

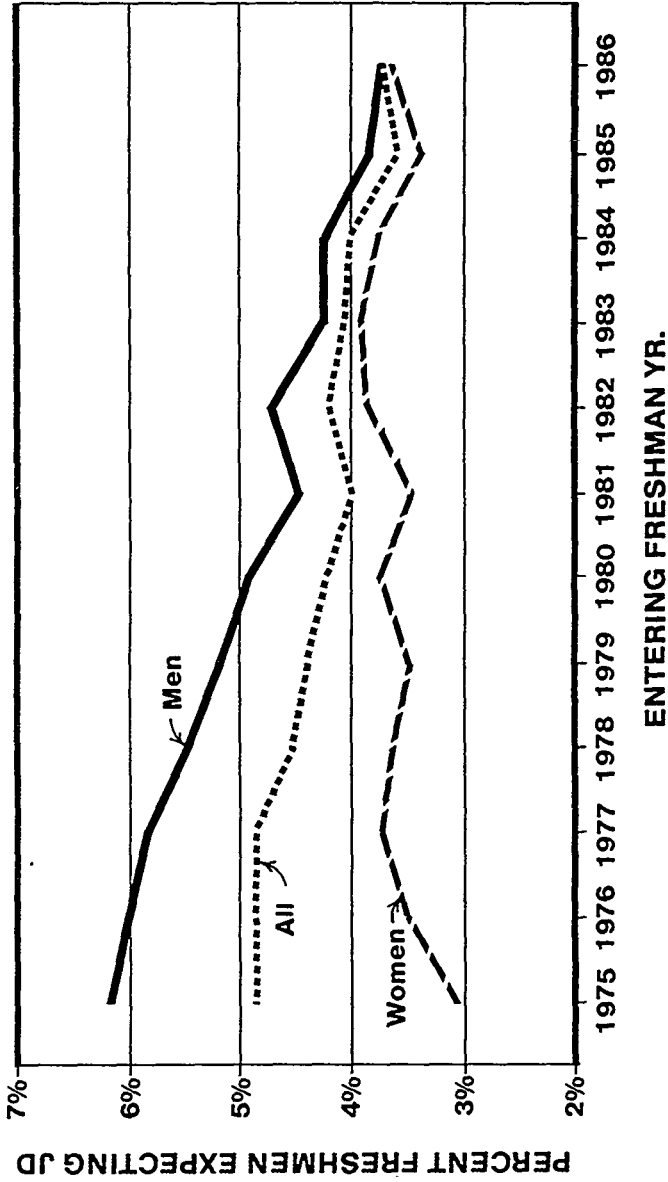
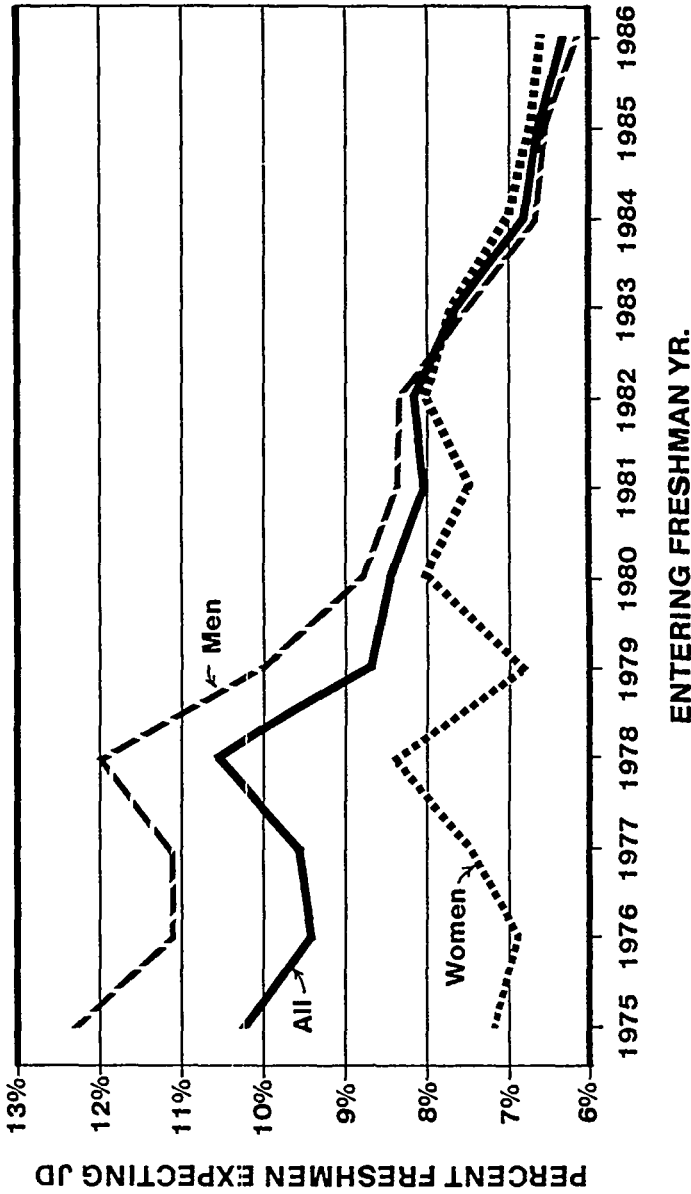


Figure VIII  
Freshman Attitudes at Highly Selective Public Universities



REF: ASTIN

curs before most students select majors; it seems more likely, then, that the declining interest in social sciences and humanities stems from a shift in student interest away from legal education rather than the reverse.

The reasons for the change in freshman attitudes about law school are not known. In our earlier article, we pointed out that the decline in interest was not unique and that interest in graduate professional education in general, including interest in dentistry, medicine, veterinary medicine, and graduate business administration, had declined during the 1980's.<sup>31</sup> The discussion in our earlier article focused on the likely factors that led college seniors and college graduates to decide not to apply to law school. As to those factors, we concluded that:

The most to be said is that a combination of elements rather than a single one probably caused the decrease in the pool and that at least some elements in the combination affected graduate professional education generally, including legal education. A shifting of undergraduate attention to vocational education and to engineering, computer science, and other technical fields, the increased availability of jobs resulting from an improved economy coupled with the high cost of attending graduate professional schools (both in time and money), and a perception that the financial returns following graduation are likely to be more modest than in the past because of perceived oversupply of lawyers functioned together to deter many potential applicants.<sup>32</sup>

Although some of the same reasons may influence freshman attitudes about legal education, the economic considerations involved are considerably more remote to freshmen than to seniors or college graduates who are already in the work force. Media, parents, and educators probably influence the freshman's attitude. High school counselors are probably playing a role in deflecting student interest in legal education. College freshmen would be in a better position to develop informed attitudes about a future in legal education and law practice if high school counselors were made aware of relevant facts.<sup>33</sup> Family attitudes strongly influence a child's perspective, and it may be that a worsening public perception of lawyers and the legal profession<sup>34</sup> has contributed to the decline in interest in legal education among freshmen. Whatever the reasons, the Astin studies show that there has been a declining interest in law as a career.

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31. *Id.* at 277-79.

32. *Id.* at 281.

33. It well may be worth the effort for the various national associations to distribute informational materials to high school counselors.

34. See, e.g., *What America Really Thinks About Lawyers and What Lawyers Can Do About It*, Nat'l L.J., Aug. 18, 1986, at S-1, col. 1.



## V. THE IMPLICATIONS OF THE DATA

### A. *The Qualitative Issues.*

The data concerning the decreasing size and quality of the applicant pool coupled with the data concerning the virtual maintenance of enrollment size by the law schools indicate that law schools, faculty members, and the national legal education organizations must think hard about qualitative issues concerning the applicant pool. Key facts bearing on the qualitative issues indicate that the following occurred during the five admission years from 1982 through 1986:

1. The law school applicant pool fell 16.2%, from 72,912 to 61,133.
2. The number of law school applicants from the most selective undergraduate institutions decreased at a faster rate than the pool itself—20% for highly selective public universities, 23% for highly selective private universities, and 29% for the most selective nonsectarian four-year colleges.
3. The number of applicants presenting the highest academic credentials (those with LSAT scores of 34 or higher and GPAs of 3.25 or higher) decreased by 27.8%, a decline that is greater than the 16.2% shrinkage in the pool size; and the number of applicants with such credentials continued to fall slightly between 1985 and 1986 when the size of the applicant pool increased somewhat.
4. The decline in academic credentials has been felt, at least at the margins, by nearly all law schools, and the margins will expand at most schools if the size and quality of the applicant pool continue to decline.
5. The percentage of persons making up the applicant pool who were admitted by at least one school increased from 63% to 72%, and the percentage admitted will increase to 80% if the size of the applicant pool decreases by another 10% and the size of the entering class remains constant.
6. The size of the law school entering class has remained relatively stable, falling from 42,034 to 40,195.

Some schools have reduced their size by design in an effort to maintain quality; others have been forced to reduce their size because their applicant pools simply did not yield as many students as they sought. Leaving aside affirmative action considerations, many schools have maintained their size<sup>35</sup> by accepting at least some students whose academic credentials were somewhat lower than the credentials of students accepted in 1983. In view of overhead costs stemming from investment in plant and library, and in view of the desire to maintain employment for faculty and staff, it is unlikely that many more schools will voluntarily reduce their enrollment by any sizable amount.

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35. See *supra* note 20.

Although a large percentage of law schools have felt the effects of a shrinking applicant pool and a decline in the academic credentials of applicants, not all schools have been affected equally. The truly elite schools probably have not suffered any decline in quality. Schools in the next group—the fifty or so that consider themselves ranking among the top twenty or twenty-five schools<sup>36</sup>—have seen the quality of their student bodies decline, at least marginally, but remain viable institutions of continuing quality. The seventy or eighty schools that rank themselves among the top fifty, but not among the top twenty-five, probably have suffered more than marginal qualitative declines and must monitor their qualitative standards carefully. The twenty or so schools that make up the bottom tier of schools have suffered serious qualitative declines from a base that was not very high five years ago. They present special problems that are discussed below.<sup>37</sup> All in all, if the applicant pool over the next few years remains relatively stable both in size and quality, the overall quality of legal education in America will have suffered to some extent, but it will have suffered seriously only at the bottom tier of schools and, perhaps, a few of the seventy or so schools just above the bottom tier. If the size or the quality of the pool continues to decline even modestly, however, all but a handful of schools will face serious qualitative erosion unless the size of the entering class is reduced.

1. *The Fifty Schools that Rank Themselves in the Top Twenty or Twenty-five.* Assuming that law school enrollment is likely to remain relatively stable at least over the next few years, if there is no further sharp decline in the applicant pool, almost all of the fifty or so schools that rank themselves just below the most selective schools will be able to maintain their size, grading norms, and education programs. For virtually all of these schools, maintenance of the status quo ante seems reasonable. Although students in the bottom of their classes may not present credentials that are quite as strong as they were a few years ago, the differential in credentials will be modest and therefore is unlikely to change performance levels substantially.<sup>38</sup> Similarly, although most of these schools have lost some depth at the top of their classes, the qualita-

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36. Once one gets past the 10 or so schools with entering students having average LSATs of 40 or higher and average undergraduate GPAs of 3.5 or higher, the next group of schools seems to have comparable student bodies, libraries, and physical plants, and each has differing strengths and weaknesses. Thus, for example, the school with a student body having an average LSAT of 36 may have a better faculty and library than a school with a student body having an average LSAT of 39. It is not unreasonable for such schools, in light of their very real unique strengths, to believe that they rank among the top 20 or 25 schools. See E. EPSTEIN, J. SHOSTAK & L. TROY, *BARRON'S GUIDE TO LAW SCHOOLS* 34-47 (6th ed. 1984) (comparing various law school rankings and resource indices).

37. See *infra* notes 42-43 and accompanying text.

38. Where the bottom is weaker, bar examination results might reflect the changes.

tive shift, although probably more than nominal, is not yet a cause for changing grading norms or program expectations. In essence, other than a slight increase in the number of "D" and "F" grades assigned and, perhaps, a slight decrease in the number of "A" grades, these schools will continue as they have without fear of compromising the quality of their graduates.

The scenario described above for the stronger schools in the country assumes that both the number of applicants in the pool and the academic credentials of those applicants remain relatively stable. At least some of the fifty or so schools are at the qualitative edge, with a thinned top and an expanded bottom. Anything beyond a minor shrinkage in applicant pool size or quality will probably force faculties to rethink school size, grading norms, and, perhaps, program content. If pool size and academic credentials decline more than moderately, both the American Bar Association and the Association of American Law Schools (AALS), if they undertake to perform their appropriate functions, should play a major role in urging, and at times requiring, the necessary adjustments.

2. *The Seventy Schools that Rank Themselves Between the Top Twenty-Five and Fifty.* Most of the other seventy or so schools that view themselves<sup>39</sup> as being among the top twenty-five to fifty schools in the country are very likely to have seen their applicant pool size and quality decline more than marginally. Each school in this group must make an individual judgment about the need to adjust size, grading norms, and program content. To the extent that the school's financial viability depends on enrollment, either because of the dominance of tuition in the budget or because state appropriations are driven by enrollment figures, there is a serious tension between the desire to maintain academic standards and the desire to maintain faculty and staff jobs.

The tensions that some of these schools (both public and private) now face were at the foundation of the ABA's traditional determination to refrain from approving proprietary schools. Although the ABA has abandoned this position,<sup>40</sup> the problems created by the tension between

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39. The rationale set forth *supra* note 36 applies here as well.

40. The ABA's Standard 202 provides: "The law school shall be organized as a nonprofit educational institution and may not be operated for private profit." STANDARDS FOR APPROVAL OF LAW SCHOOLS Standard 202 (1986). Standard 203 provides in part: "The law schools shall be governed by a Board whose members . . . have no financial interest in the operation of the law school." *Id.* Standard 203.

Although the Standards have not been amended, in June 1977 and February 1979, the Council of the Section of Legal Education and Admissions to the Bar issued an interpretive statement that indicated its willingness to approve a proprietary school if it met all requirements other than the provisions quoted above. The interpretive statement provides that if the Council recommends to the

survival (or profit) and quality remain. Both the ABA and the AALS must now address the survival/quality problems that face many nonproprietary schools; these problems will only be exacerbated if the size of the applicant pool continues to drop. After many years in which the ABA and AALS reinspection process focused on encouraging educational quality well above the minimum, we suggest that, with respect to the seventy or so schools in question, the ABA and AALS are likely to shift their focus to identifying and insisting on minimum qualitative standards. Unless the two associations can deal effectively with the problem of deteriorating quality, there is a danger that some schools' very human desire to survive may override the appropriate insistence on quality.

When reinspecting the schools in question, the AALS and the ABA should focus primarily on evaluating the quality of each school's graduates and the quality of each school's educational program. The associations should review grading standards more closely than they have in the recent past. The ABA and the AALS have an obligation to protect the public's right to competent and well-educated counsel. Admittedly, it is not clear how the AALS and the ABA can judge whether a school's graduates meet a minimum qualitative standard. Although factors such as the quality of the plant and library, the level of financial support for the faculty, and the breadth of the curriculum reveal much about the richness of the educational experience provided by a law school, they rarely indicate whether a school's graduates meet a *minimum* qualitative level. As a starting point, however, the associations should review a law school's grading standards and the admissions credentials of the student body.

Moreover, as distasteful as it may be to some in legal education, bar examination results should play a more important role in evaluating schools than they have in the recent past. Although a passing score on a bar examination obviously does not ensure minimum competence, the process is designed to filter out those who are clearly unqualified. Although bar examination results tell relatively little about the *overall* quality of a law school's educational program, information about a school's success rate on bar examinations is a valuable indicia of the quality of a substantial majority of a school's graduates.

Further, Multistate Bar Examination (MBE) results may assist accrediting agencies in making minimum quality judgments. The MBE is a machine-graded test of basic subject matter that uses equating techniques to ensure as far as possible that the test yields comparable scores over the

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House of Delegates that a proprietary school receive provisional approval, it will at the same time recommend that Standard 202 and the part of Standard 203 quoted above be repealed. *Id.* 1202.

years.<sup>41</sup> Accrediting agencies could make minimum quality judgments regarding a law school's graduates by noting deteriorating performances on the MBE over a three- to five-year period. MBE results obviously do not tell the full story. Just as LSAT scores are valuable but should not control admission decisions, MBE results alone should not control the qualitative judgment. The results would, however, be valuable as an element in the decision.

At present, MBE results are not considered in the accreditation process. As a general matter, they are currently available only through the various state boards of bar examiners. State boards could easily make annual reports to each law school, anonymously when appropriate, concerning the performance of its graduates on the MBE, and the law school could be required to report the results to the accrediting bodies. If the accrediting bodies are to make a serious effort at evaluating the minimum quality of law school graduates, they must be given the appropriate tools.

If the accrediting bodies determine that minimum standards are not met, a decision may be made to condition continued ABA approval or AALS membership on reduced enrollment. Fairness dictates that the qualitative decision be made only after all available evidence has been considered. We have suggested that this evidence should include data concerning the academic credentials of entering students, the grading system, state bar examination results, and the MBE results. Even with this evidence, we recognize that the qualitative decision to be made is extremely difficult. Absent such evidence, though, a rational decision borders on the impossible.

3. *The Bottom Twenty Schools.* Finally, the twenty or so schools that cannot reasonably claim membership in the top fifty present special problems. At least some of these schools are admitting a very large percentage of those who apply, including applicants with a limited demonstrated capacity to complete law school under reasonable grading standards. At least some of the schools may be in violation of ABA Standards<sup>42</sup> and AALS Bylaws.<sup>43</sup> Several schools have involuntarily re-

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41. Forty-six states and the District of Columbia require the MBE. Only Indiana, Iowa, Louisiana, and Washington do not. See BAR/BRI DIGEST (1987).

42. Schools that admit virtually all who apply are almost certainly in violation of Standard 501, which provides: "The admission policies of the law school shall be consistent with the objective of its educational program and the resources available for implementing those objectives. *The school may not admit applicants who do not appear capable of satisfactorily completing that program.*" STANDARDS FOR APPROVAL OF LAW SCHOOLS Standard 501 (1986) (emphasis added). Standard 209(a) addresses the problem of open admissions as follows:

If tuition is a substantial source of the law school's income, the school is faced with a potential conflict of interest whenever the exercise of sound judgment in the application of admission policies or academic standards and retention policies might reduce enrollment

duced enrollment because fewer persons have applied than they are prepared to admit, or because a large number of the applicants they do admit are opting to attend other schools. If reasonable academic standards are applied, the second- and third-year classes at some of the schools will be so small that the schools will be unable to fund themselves. In the long run, the process of lowering grading standards is self-defeating; the failure to apply rigorous grading standards will be reflected in poor bar examination results and a further decline in demand as prospective applicants learn the facts. If a reduction in enrollment is not an available option, the only solution may be to withdraw ABA approval or AALS membership, a drastic step that will require substantial courage.

### B. *The Future—Some Predictions.*

Because there are so many variables, it is difficult to predict with any degree of certainty how large the law school applicant pool will be over the next few years. The Astin data may provide a clue, albeit a somewhat uncertain one. Our discussion of the future is presented with full awareness that the one consistent pattern that emerges from enrollment projections in higher education is that they are almost always wrong.

1. *The Astin Data.* The Astin data show that there is a fairly strong correlation between the attitudes of freshmen about legal education and the size of the law school applicant pool when the freshmen have become seniors. Thus, the modest 1982 increase in the number of freshmen (both men and women) who expected to earn a J.D. degree is consistent with the slight upturn in the law school applicant pool during the 1985-86 admission year. Figure IX illustrates the relationship between the expressed interest of undergraduate freshmen and the law school applicant pool three years later. (The 1982-83 freshman who stayed in school and applied to law school during his or her senior year is

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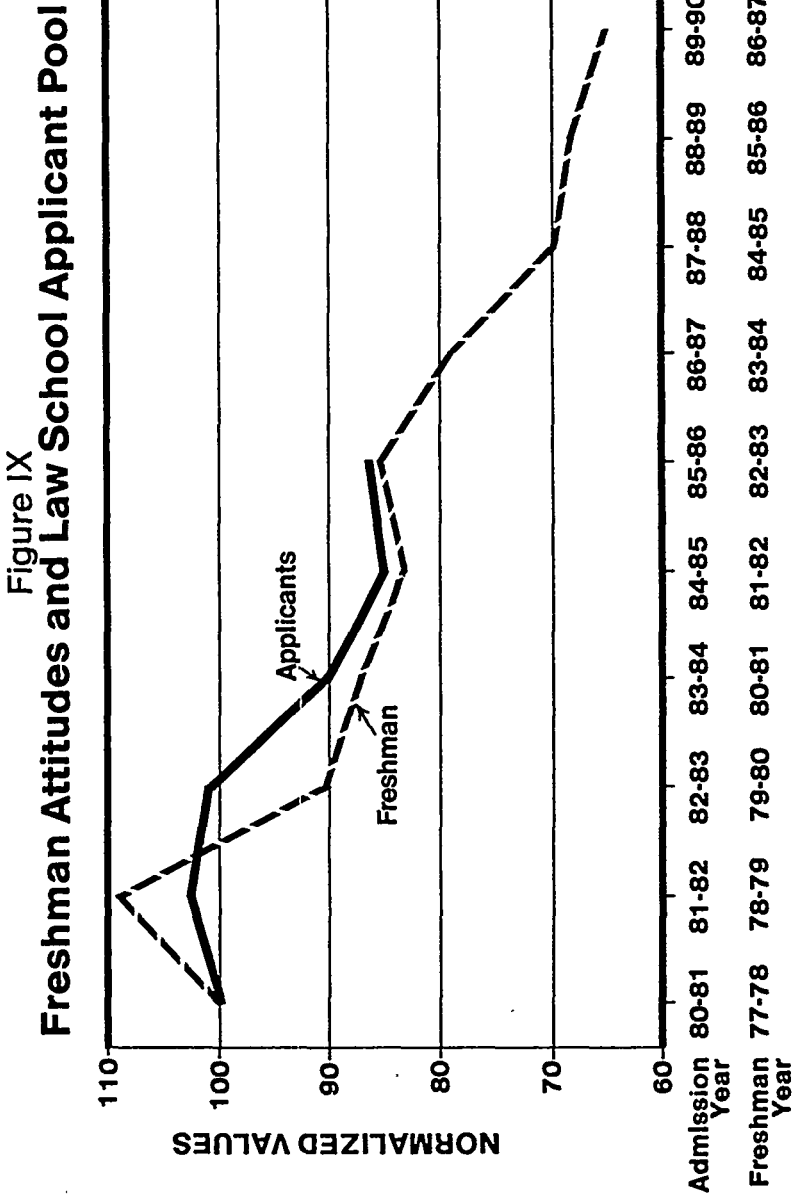
below the level necessary to support its program. The law school shall not permit financial considerations detrimentally to affect those policies and their administration.

*Id.* Standard 209(a). In interpreting Standards 209(a) and 501, the Council of the Section of Legal Education and Admissions to the Bar has said: "A law school which denies almost no one admission for academic reasons and which is experiencing consistently declining average LSAT scores, combined with low GPA's, for admitted students and which has operating deficits and heavy dependence on tuition income, does not comply with Standards 209(a) and 501." *Id.* I209.

43. Bylaw 6-2a provides:

A member school shall employ admission standards designed to admit only those applicants who are adequately equipped for the study of law. A member school should determine whether an applicant is adequately equipped for the study of law upon the basis of the undergraduate academic record, an admission test score, training, experience, and other indicia of aptitude for the study of law.

ASSOCIATION OF AMERICAN LAW SCHOOLS Bylaw 6-2a (1986).



likely to have applied in the fall of 1985 for admission in 1986.) The correlation is quite striking and indicates that the law school applicant pool will fall in each of the next four years.<sup>44</sup>

We would be much more comfortable using the Astin data for predictive purposes if there were a *direct* correlation between the percentage of freshmen who expected to earn J.D. degrees and the number of seniors who apply to law schools three years later. With a direct correlation, the number of senior applicants would have risen in the 1985-86 admission year to reflect the 1982 increase in freshman interest. The fact is, however, that the number of senior applicants fell somewhat in 1985-86. Whatever correlation is present relates to the size of the overall pool three years later and not to the number of college seniors applying to law school.

One might conclude that the 1986 correlation was simply fortuitous. Figure IX, however, demonstrates a high correlation between freshman attitudes toward legal education from 1975 to 1982 and the size of the law school applicant pool three years later. The correlation is particularly high for the 1984-85 and 1985-86 admission years. We have no satisfactory explanation for the correlation over the past several years and can only point out that historically the figures mesh. If the applicant pool continues to track the Astin data, the pool may shrink as much as 10% to 15% over the next three years.

2. *Senior Applicants and Others.* The 1986 increase in the number of applicants who earned degrees one or more years before applying to law school more than offset the decrease in the number of undergraduate seniors who applied. The number of applicants who were out of school one or more years may continue to increase, preventing a significant decline in the size of the applicant pool over the next few years. We have no way of knowing, however, why there has been a steady decline in the number of applications from undergraduate seniors or whether the decline will continue. We do not know why the 1985-86 admission year saw a reversal of the four-year downward trend of applicants who were out of school for one or more years before applying to law school. A decrease in the availability of jobs for graduating seniors in 1986-87 might contribute very directly to an increase in the size of the law school applicant pool.<sup>45</sup> More young college graduates may seek a

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44. A survey of 1500 members of the Harvard College class of 1986 reveals that the percentage of students planning to study law had fallen to 10% from a high of 19% in 1981. *More Harvard Graduates Pick Academic Careers*, Chronicle Higher Educ., Dec. 17, 1986, at 2, col. 5.

45. One source reports that employers are expected to hire about the same number of college graduates in 1987 as they did in 1986. Greene, *Job Outlook for 1987's Graduating Seniors: Level Hiring, Lagging Pay, and Drug Tests*, Chronicle Higher Educ., Jan. 7, 1987, at 33, col. 2.



legal education if other large companies follow General Motors and AT&T in making large staff reductions.<sup>46</sup> A general downturn in the economy might have the same effect, because relatively young college graduates are likely to be among the first to lose their jobs. The problem is exacerbated somewhat by the fact that the number of undergraduate degrees awarded is expected to continue to decrease at least until 1994.

If the percentage of senior applicants in the law school applicant pool continues to decrease at the same rate it did between 1985 and 1986, i.e., 0.05%, the size of the law school applicant pool will decrease over the next several years (Table 9) unless the other applicants (the 60% who apply one or more years after earning undergraduate degrees) take up the

Table 9

Projection of % of Graduating Seniors Likely to Apply to Law School Prior to Earning Their Undergraduate Degrees: 1987-1993

Year	Undergraduate Degrees Awarded	% of Senior Pool	Senior Applicants to Law School	Index (1982 as Base (30,528))
1987	935,000	2.53	23,655	77
1988	927,000	2.48	22,990	75
1989	927,000	2.43	22,526	74
1990	927,000	2.38	22,063	72
1991	922,000	2.33	21,483	70
1992	915,000	2.28	20,862	68
1993	900,000	2.23	20,070	66

slack. If the latter group declines, even at a modest rate, as it has every year since 1982 with the exception of 1986, the size of the applicant pool will be reduced more substantially.

By combining the trend in the number of senior applicants with the trend in the number of applicants who apply one or more years after earning an undergraduate degree (Table 4), we can speculate about what may happen in the near future. Because we are dealing with very large numbers of graduates (more than 900,000) and comparatively small numbers of law school applicants (60,000), small shifts in the percentage of college graduates interested in law school can change the size of the law school applicant pool substantially.

46. General Motors planned temporary lay-offs of 24,200 employees. See Holusha, *G.M.'s Production Cuts Leave Analysts Wary*, N.Y. Times, Dec. 22, 1986, at D1, col. 1. AT&T also planned to reduce its work force by 27,400, 10,900 of whom were to be persons holding management positions. See Feder, *AT&T Will Cut 27,400 Jobs*, N.Y. Times, Dec. 19, 1986, at D1, col. 6.

There were 795 more applicants in the 1986 pool than in the 1985 pool. The 964 drop in graduating senior applicants was offset by the 1759 increase in applicants who applied one or more years after having earned their undergraduate degrees. If the 1986 increase of 4.9% in the number of applicants who earned degrees one or more years before applying to law schools represents more than a one-year reversal of the trend, the law school applicant pool will increase somewhat over the next few years even if the number of college seniors who apply continues to decrease at the same rate as in 1986. Although we obviously cannot predict whether one scenario is more likely than any other, our instinct is that we will see a modest decrease in the law school applicant pool over the next three or four years. In essence, we tend to take the Astin data somewhat more seriously than the other data, but we lack the confidence to ignore the 1986 upturn.

## VI. CONCLUSION

For most law schools, the declining interest in legal education over the last five years would have been of relatively little importance had the academic credentials of the applicants not decreased at a faster rate. Law schools effectively dealt with a similar drastic decrease in enrollment following the boom that occurred after World War II.<sup>47</sup> However, unlike the boom that followed World War II, the surge of interest in legal education that occurred in the 1970's and early 1980's (caused by the increased number of women applicants)<sup>48</sup> gave rise to the creation of several new law schools<sup>49</sup> and the expansion of both plant and staff at existing law schools.<sup>50</sup> Thus, today the declining interest in legal education coupled with an even faster decline in the academic credentials of

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47. See Vernon, *Anatomy of Legal Education (Report of the Tunks Committee): The Way We Were and the Way We Are*, 60 WASH. L. REV. 571, 574 (1985).

48. See Vernon & Zimmer, *supra* note 3, at 270.

49. From 1972 to 1985, there were 25 new law schools added to the ABA's list of approved schools, not counting Antioch and Oral Roberts, which were removed from the list in 1986. Six of the newly approved schools were state-supported and 19 were private. In the fall of 1985, the 25 newly approved schools had total enrollments of 14,199, with the state-supported schools enrolling 2456 of that total.

The 25 schools approved in 1972 or thereafter had a total entering classes of 4994 in the Fall of 1985, or 12.4% of the national total.

50. The bulk of the expansion in law school enrollment resulted from the opening of new law schools rather than the expansion of existing law schools. Although many of the 147 schools on the ABA's list of approved schools in 1972 subsequently expanded the size of their faculties, the entering classes at those schools were only 3% larger in 1985 than in 1972, rising from 34,402 in 1972 to 35,479 in 1985. During the same period, the full-time faculty at the 147 schools rose from 3389 to 4286. See 1985 REPORT, *supra*, note 7, at 65; 1972 REPORT, *supra* note 7, at 40.

applicants presents serious problems for law schools, accrediting associations, the legal community, and the public.

While it is easy to argue that a 25% reduction in the number of law students is the only way to restore and maintain the quality of legal education at the 1982 level, reducing enrollment can be a painful process. Furthermore, it is nonsensical to think about size reduction in national terms or as an across-the-board process in which each of the 173 approved schools reduces enrollment by 25%. It makes neither educational nor fiscal sense for the very selective schools to reduce their size when the academic credentials of their student bodies remain at the same high level. In fact, it makes little fiscal or educational sense for any school to reduce its size *if* the academic abilities of its student body are sufficient to permit the faculty to teach at an in-depth level and *if* the grading standards applied weed out students who fail to demonstrate competence. The two "*ifs*" in the previous sentence are the factors on which each school and the national associations should focus as they attempt to protect the public from incompetent lawyers.

In thinking about the problem, one should remember that the qualitative norms and expectations in legal education increased dramatically from the early 1970's to the early 1980's. The breadth of the educational experience expanded and clinical education was established. The student-faculty ratio improved dramatically. The qualitative improvements have been expensive, particularly the one-on-one supervision required for good clinical education. The qualitative improvements in academic programs were accompanied by a parallel improvement in the academic credentials presented by applicants. Starting in 1982 or 1983, however, the credentials started to fall and, as of 1986, they seemed to be roughly equivalent to the credential mix of the early 1970's.<sup>51</sup>

As the ABA and the AALS attempt to ensure minimum qualitative standards for the educational programs of the late 1980's and early 1990's, they must decide whether the gains made by legal education are sufficiently important to warrant the withdrawal of approval or membership from schools that cannot afford broad-gauged educational programs and well-supervised clinics. In the same vein, they must decide whether some schools are reaching so far down in the applicant pool as to violate the Standards of the ABA and the Bylaws of the AALS.<sup>52</sup> The interest

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51. Because of the change in LSAT scoring and possible shifts in undergraduate grading patterns, only a rough comparison can be made.

52. The language of the provisions set forth *supra* notes 42-43 concerning minimum academic credentials of law students is sufficiently general to raise serious questions of adequate notice to schools whose accreditation or membership is revoked for a violation. The associations should give thought to redrafting these provisions if they are seriously considering applying them.

of the public must be the dominant consideration. Part of the indiscriminate enrollment issue will require the associations to ensure that students are not misled about the likelihood of their graduation and the likelihood that they have the capacity to practice law competently. The ABA and the AALS face formidable tasks.