Admission to Law School: New Measures

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Admission to Law School: New Measures

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Standardized tests have been increasingly controversial over recent years in high-stakes admission decisions. Their role in operationalizing definitions of merit and qualification is especially contested, but in law schools this challenge has become particularly intense. Law schools have relied on the Law School Admission Test (LSAT) and an INDEX (which includes grade point average [GPA]) since the 1940s. The LSAT measures analytic and logical reasoning and reading. Research has focused on the validity of the LSAT as a predictor of 1st-year GPA in law school, with almost no research on predicting lawyering effectiveness. This article examines the comparative potential between the LSAT versus noncognitive (e.g., personality, situational judgment, and biographical information) predictors of lawyering effectiveness. Theoretical links between 26 lawyering effectiveness factors and potential predictors are discussed and evaluated. Implications for broadening the criterion space, diversity in admissions, and the practice of law are discussed.
Situation in the 50s: “There were two requirements for admission in 1955, there were 11,750. A leading judge described the mission for decades, but recent changes in the environment of legal education (Kidder, 2001). Scores between race subgroups, and the potential racial bias in the academic significance of differences in LSAT rowliness of LSAT predictive validity studies, overinterpreting LSAT claims to fair testing—stereotype threat, criterion narrowness (Henderson, 2004).

Correlations between LSAT and FYGPA are unsurprising, given the overlap in what both purport to and actually do measure. The LSAT was designed by asking teachers of 1st-year law courses to identify which skills they reward with high grades. The LSAT is a test that measures analytic and logical reasoning, along with reading. Measurement of performance in law school, especially in 1st year, is similarly narrow. Exams typically require students to read fact patterns, identify and analyze legal issues, assemble evidence and arguments, and sometimes assess implications—essentially the same abilities measured by the LSAT. Also, both the LSAT and 1st-year exams place a significant premium on speededness (Henderson, 2004).

Norton, Suto, and Reese (2006) examined the differential validity of the LSAT and UGPA combination for different ethnic groups (African American, Asian American, Latino, and White law students) in 2002, 2003, and 2004 entering law school classes. Using data from 183 law schools, with FYGPA as the criterion, they showed that the LSAT is not differentially valid for the groups studied. Furthermore, the differential validity results are similar to those reported for cognitive ability tests used in employment settings (cf. Schmidt & Hunter, 1981, 1998). That is, when the regression equation for a combined group (minority and nonminority) is used to make predictions of academic success, the equation tends, if anything, to overpredict minority students’ performance. These findings replicate those of earlier studies (Anthony & Liu, 2000; Stilwell & Pasley, 2003; Wightman & Muller, 1990). Some commentators, however, raise probing questions about these judgments (Kidder, 2000, 2001). Specifically, Kidder reported that overreliance on the LSAT not only yields adverse consequences for students of color (Kidder, 2000) but also ignores problems that undermine LSAT claims to fair testing—stereotype threat, criterion narrowness of LSAT predictive validity studies, overinterpretation of the academic significance of differences in LSAT scores between race subgroups, and the potential racial bias in the environment of legal education (Kidder, 2001).

The LSAT has been the dominant force in law school admission for decades, but recent changes in the environment of legal education have intensified its impact. In 1950, 2 years after the first use of the LSAT, 6,750 tests were administered; in 1955, there were 11,750. A leading judge described the situation in the 50s: “There were two requirements for admission... first, you had to have a college degree; and, second, you had to be breathing. And either requirement might be waived” (Raushenbush, 1986, p. 2). By fall 2009, however, 151,400 LSAT tests were administered; 58,400 of 86,600 applicants were admitted to some American Bar Association accredited law school (LSAC Volume Summary, 2010). More applicants means greater selectivity and more competition, especially at highly selective schools. Law school attended, for the most part, controls access to law’s highly stratified array of jobs. For many aspiring lawyers, getting into a desired law school can be tougher than passing the bar, and for many purposes, admission to school is now the tightest point in entry to the legal profession. Because growing numbers covet a legal education as a pipeline to professional status and salaries, public scrutiny of admission policies is intense, and the constant threat of litigation over the “fairness” of admission policies drives decision makers toward ever more “defensible” strategies.

In a context where for more than half a century the LSAT has been the only empirically valid admission test, the pull to lean on it heavily has been nearly irresistible. The attraction is further amplified because relying on simple numeric indicators reduces faculty and administrative time needed to make decisions. But the danger of succumbing to a fallacy of misplaced precision is substantial. With more applicants, more scores cluster at any given point along the range. Choices between individual scores tend to rest on smaller actual differences. Sometimes decision makers distinguish between scores falling within a test’s statistical error of measurement (Cascio, Outtz, Zedek, & Goldstein, 1991). Recognizing the narrowness of its intent and validating research, the LSAC regularly admonishes schools not to overrely on LSAT scores. However, some evidence suggests that even when schools adopt policies to prevent that overemphasis, scores exert greater influence than those policies intend (Kidder, 2000, 2001).1

U.S. News’s profitable gambit of ranking educational institutions has further fueled excessive preoccupation with LSAT scores. Under the banner of consumer protection, “rankings fever” has become an obsession (Espeland & Sauder, 2009; Henderson & Morriss, 2006). No matter where a school falls in the hierarchy, higher rankings increase prestige, draw students, loosen alumni and donor wallets, give faculty ego points, and raise leverage within the university. The quickest, most direct route a school can take to raise its competitive rank is to raise the LSAT scores of its matriculating students.2

1In a study of University of California law school admission statistics, Kidder (2000) found that in 1998, holding undergraduate institution and major constant, for applicants who had GPAs of 3.75 or more, a 5-point difference in LSAT score cut the chance of admission from 89% to 44% at Berkeley Law School; for the same year at UCLA, the chance of admission dropped from 66% to 10%.

2Most factors in the ranking depend on reputation as evaluated by various relevant audiences, or matters related to institutional wealth. One factor is based on the LSAT. Until recently, the rankings used LSAT scores of entering
Ergo, LSAT scores have become even more decisive in admissions.

Critique

In recent decades, commentators have criticized legal education for overemphasis on academic competencies and inadequate attention to professional preparation (A.B.A., 1992; Edwards, 1992; Sullivan, Colby, Wegner, Bond, & Shulman, 2007). The same issues are echoed in commentary on admission practices. Scholars and commentators have urged that “merit” for purposes of admission to law school is too narrowly defined (Haddon & Post, 2006; Kidder, 2001; Sturm & Guinier, 1996). Assessing only three competencies (logic, analysis, and reading) and validating itself only through correlation with 1st-year grades, the LSAT makes no attempt to account for professional competence, or for the range of other factors that contribute to grades or other indices of law school performance. Linda Wightman (2000), former vice-president of operations, testing, and research for LSAC, urged that new assessments beyond the LSAT should focus on diverse abilities and skills that are needed to perform in school, but no such assessment has emerged.

Law schools are professional schools; few graduates are destined for academic jobs. The cost of 3 years of law school is escalating sharply, but law graduates are not adequately prepared for actual legal work when they finish school. Judges decry the poor preparation of lawyers practicing before them (Edwards, 1992). Clients increasingly object to bills that include a sizable premium for training new lawyers who are not yet productive enough to support their salaries (Wegner, 2010). Even students who do not want to practice in large firms routinely take those jobs because they believe that only relatively wealthy employers can afford to provide the training necessary to practice. In sum, admission criteria that focus primarily on academic potential please faculties oriented to university priorities, but they do not necessarily match students’ goals or optimize the schools’ mandate.

Critics also object to admissions practices they see as reinforcing racial and class privilege. Scores on cognitive tests, including the LSAT, correlate strongly with socioeconomic status and educational opportunity; both overlap with race (Haddon & Post, 2006; Kidder, 2000; Sturm & Guinier, 1996; Wightman, 1997). Due to differences in race and ethnic group test performance as measured by mean differences in test scores, heavy emphasis on LSAT scores in admission decisions reduces the presence of African Americans and Chicanos/Latinos in law school and the profession as well as diminishing the prospects of those from nonelite families (Kidder, 2000, 2001, 2003; Wightman, 1997). This adverse impact occurs because of race group differences on LSAT scores, even though the LSAT is considered “test fair” on the basis of statistical tests that find no differences in regression lines for minority and majority members (i.e., the degree to which LSAT predicts FYGPA for different racial groups is equivalent; American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education, 1999) when the outcome being predicted is also cognitive (FYGPA). In brief, the regression line analysis shows that there is overprediction for the minority group, which argues against the test being “unfair.”

Rising numbers of applicants make competition more intense with particularly negative effects on minority aspirants. Decisions to admit turn on smaller differences in applicants’ test scores. Black and Mexican American applicants today have stronger academic credentials than in the past; minority applicants also have stronger academic indicators than most of those (of all races) admitted to law school decades ago (Kidder, 2003; LaPiana, 2001; Raushenbush, 1986). But credential inflation is overcoming growth in the number and quality of minority applications, resulting in a decline in the percentage of underrepresented minority students enrolled in law school today (Lewin, 2010; Society of American Law Teachers & Johnson, 2010).

The LSAT itself has been vetted for bias, but overreliance on applicant LSAT scores may create what Jencks (1998) described as “selection system bias.” Jencks defined selection system bias as disproportionate weighting of factors—each highly important to the goal sought—where racial group performance differs on one factor but not the other; weighting the first factor significantly more than the second constitutes selection system bias. Law school admission provides an illuminating example. In admission, cognitive, test-taking ability is one factor in selection; another is or should be competencies vital to effective professional performance. Research shows that White students typically outperform African American, Hispanic, and other underrepresented minority groups in cognitive, school-skill type tests (Hough, Oswald, & Ployhart, 2001). By contrast, research suggests that racial groups perform similarly on noncognitive tests that have been demonstrated to be related to job performance (Guion, 1987; Hough et al., 2001; Hunter & Hunter, 1984; Schmitt, Rogers, Chan, Sheppard, & Jennings, 1997). Emphasizing academic tests (on which Whites excel) without including tests that predict lawyering performance (on which race does not significantly affect performance) could be characterized as selection system bias that harms underrepresented minority applicants (Jencks, 1988). Such bias is especially problematic where persuasive arguments for inclusion of predictors of professional performance arise from institutional role, from professional critique, and from a need for greater fairness in populating the profession of the future.

The major limits and downsides of current admission practices, as well as the logic of law schools’ role as gatekeepers for the profession, urge that admissions research move...
beyond attempts to predict grades in law school and that other criteria of effectiveness and predictors of those criteria be investigated. We believe that legal education needs a richer set of tools that not only can reliably predict academic performance but also can identify and assess competencies predictive of professional effectiveness. That such predictors could produce greater diversity through race neutral, merit-based assessment is a plus. Research that has examined the validity of measures other than cognitive ability provides the opportunity to compare prediction of performance both in law school and in lawyering (Shultz & Zedeck, 2011).

IDENTIFYING AND MEASURING FACTORS IN LAWYERING EFFECTIVENESS

Before we could work on predictors of lawyering effectiveness, we needed to identify the factors that are important to effective lawyering. To identify such factors, we conducted hundreds of individual and then group interviews with Berkeley Law alumni, faculty, students, judges, and some clients, asking questions like, “If you were looking for a lawyer for an important matter for yourself, what qualities would you look for? What kind of lawyer do you want to teach or be?” Twenty-six factors emerged from an iterative interview and discussion process; discussion among participants from different types of settings, substantive fields, and levels of lawyering experience reflected consensus that the set of 26 factors was comprehensive. Admittedly, the results came from alumni of only one law school, and thus perhaps are biased. But although all participants were graduates of Boalt Law alumni, they worked in many different types of practice and ranged in experience from 1 to 30 years. The identification of effectiveness factors (and the generation of behavioral examples of outcomes used in performance rating scales, discussed next) represent one cohort of law school alumni, but they embody experiences and expectations in hundreds of different settings and firms.

We also asked participants to specify examples of more and less effective behaviors for each factor (“What behavior demonstrates to you that a particular lawyer has or lacks effectiveness?”); this process generated approximately 800 examples. We then asked alumni to rate a subset of the suggested behavioral examples on a 1-to-5 scale in terms of how effective they judged each stated behavior to be as an illustration of a particular effectiveness factor. Many organizations use this procedure (Behaviorally Anchored Rating Scales [BARS]; Smith & Kendall, 1963) to develop performance appraisal measures. More than 2,000 alumni responded. We calculated means and standard deviations for the examples rated and then used only those examples about which there was considerable agreement as “anchors” for various levels along the performance rating scales. The products of this research stage were (a) 26 factors identified as important to effective lawyering, (b) 715 behavioral examples of varied levels of performance on those factors, and (c) BARS for each of the 26 effectiveness factors that provide a mechanism for assessing the effectiveness of any given lawyer.

For convenience of discussion, however, we grouped the 26 effectiveness factors into eight conceptual clusters while recognizing that others might group them differently (see Table 1). A statistical factor analysis may also have identified a smaller or different subset, but for the purposes of the research, we maintained each of the 26 effectiveness factors as a distinct area of measurement. We adhered to the generated list of factors rather than a factorial solution for several reasons. First, we wanted to use the effectiveness factors as bases for evaluating performance. Maintaining the uniqueness and specificity of the effectiveness factor provided a context for the rater by which to evaluate lawyers; given that we had lawyers from different types of practice, we were convinced that maintaining specificity in context would yield the most reliable rater judgments. Had we factor analyzed the data, and found a construct such as “communications,” the task of rating on “communications” (which might subsume “advocacy,” “negotiations,” “speaking,” etc.) would be difficult and different for the various practices.

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>Twenty-Six Effectiveness Factors With Eight Umbrella Categories</th>
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<tbody>
<tr>
<td>1: Intellectual &amp; Cognitive</td>
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<tr>
<td>• Analysis and Reasoning</td>
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<td>• Creativity/Innovation</td>
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<td>• Problem Solving</td>
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<td>• Practical Judgment</td>
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<td>2: Research &amp; Information Gathering</td>
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<td>• Researching the Law</td>
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<td>• Fact Finding</td>
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<td>• Questioning and Interviewing</td>
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<tr>
<td>3: Communications</td>
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<td>• Influencing and Advocating</td>
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<tr>
<td>• Writing</td>
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<td>• Speaking</td>
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<td>• Listening</td>
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<td>4: Planning and Organizing</td>
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<td>• Strategic Planning</td>
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<tr>
<td>• Organizing and Managing One’s Own Work</td>
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<td>• Organizing and Managing Others (Staff/Colleagues)</td>
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<td>5: Conflict Resolution</td>
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<td>• Negotiation Skills</td>
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<td>• Able to See the World Through the Eyes of Others</td>
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<td>6: Client &amp; Business Relations – Entrepreneurship</td>
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<tr>
<td>• Networking and Business Development</td>
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<tr>
<td>• Providing Advice &amp; Counsel &amp; Building Relationships with Clients</td>
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<td>7: Working with Others</td>
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<tr>
<td>• Developing Relationships within the Legal Profession</td>
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<tr>
<td>• Evaluation, Development, and Mentoring</td>
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<tr>
<td>8: Character</td>
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<tr>
<td>• Passion and Engagement</td>
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<td>• Diligence</td>
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<td>• Integrity/Honesty</td>
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<td>• Stress Management</td>
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<td>• Community Involvement and Service</td>
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<td>• Self-Development</td>
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Second, factor analysis is often undertaken for purposes of parsimony in theoretical explanations; we were interested in practical applications of the factors for rating purposes—the more specific and concrete the factor, the easier to rate. Third, retaining the different types of factors provides for the opportunity to explore different patterns of correlations for the potential test measures and the factors. This allows for different decision rules such that if the interest is in selecting those who are likely to be good at "influencing and advocating," as opposed to those who are good at "negotiation skills," separation allows for this investigation. Also, there is the opportunity for a law school to use the results to determine whether its curriculum should focus on one or more factors at the exclusion of others, particularly if the results show that a test score predicts good performance on one factor while it predicts poor performance on another factor (a result that we found in our research; Shultz & Zedeck, 2011).

**TYPES OF PREDICTORS OF JOB PERFORMANCE**

Effective lawyering, like effectiveness in any career, draws upon many competencies (as identified in Table 1). It is the competency or criterion of performance that should drive what predictor is studied for use as an admissions instrument, that is, understanding of what concept defines or underlies performance should be the basis of the predictors or tests investigated. Accordingly, we used the "eight umbrella categories" in Table 1 to drive the search for predictors that measure constructs hypothesized to be pertinent to the competencies. We identified tests that are (a) "cognitive" and measure skills that are academic, involve reasoning, and require analysis; (b) measures of practical and judgment skills or "tacit knowledge" (practical intelligence and tacit knowledge reflect individuals' ability to find the best fit between themselves and the demands of the environment; knowledge relevant to real world problems and grounded in experience; knowledge based on emotions, experiences, insights, and intuition; Sternberg & Horvath, 1999); (c) measures of personality, style, interest, and motive that clarify how individuals approach and deal with people, situations, and data; and (d) character and background measures to identify how experience relates to performance in particular endeavors.

The LSAT represents the "cognitive" aspect of the predictor battery. As traditionally used in psychometrics, the category "cognitive" mainly encompasses academic and test-taking capability, especially verbal and numeric knowledge and reasoning. Overwhelming evidence shows that cognitive ability thus defined is a predictor of job performance (Sackett, Schmitt, Ellingson, & Kabin, 2001; Schmidt, 2002). The LSAT, UGPA, and Index Score assess (traditionally) cognitive skills. However, other types of assessments—traditionally labeled "noncognitive" dimensions like personality, interpersonal skills, and practical judgment—are also valid predictors of performance in employment; their use can improve selection of good employees. Some evidence suggests that validity can be increased in some jobs if appropriate additional predictors such as measures of social skills or personality traits are used in combination with cognitive ability measures (Guion, 1987; Hunter & Hunter, 1984; Schmidt & Hunter, 1998; Schmitt et al., 1997).

In addition, racial subgroup differences are smaller, or nonexistent, on noncognitive measures such as biodata and personality inventories. As already noted, a major concern with standardized cognitive tests such as the LSAT is the mean difference in performance between ethnic groups, particularly African Americans. Generally, African Americans score about 1 standard deviation below Whites on measures of general cognitive ability, though this standardized mean score difference is reduced in high complexity jobs (Hough et al., 2001). Latinos also tend to score lower than Whites on these measures, whereas Asians tend to score slightly higher than Whites (Hough et al., 2001). Employment personnel research attempts to minimize disadvantage to members of racial, gender, or ethnic groups by combining valid noncognitive measures of performance with traditional cognitive ability tests in selection processes (Hunter & Hunter, 1984; Ones, Viswesvaran, & Schmidt, 1993; Schmitt et al., 1997).

**RESEARCH PLAN**

Use of a broader range of predictors and criteria could improve not only coherence between admission and professional effectiveness but also diversity. Our project (Shultz & Zedeck, 2011) therefore sought to determine to what degree various types of predictors could explain lawyer effectiveness factors, particularly those that are not well explained by LSAC-type cognitive measures; accordingly, the emphasis was on noncognitive predictors.

Having identified new and broader criteria (26 lawyer effectiveness factors) and developed methods to assess individual performance on those factors (26 BARS), we then selected, adapted and/or wrote new noncognitive tests that we hypothesized would predict high performance on these factors. To test the validity of our hypotheses, we recruited law graduate volunteers for the study. We invited alumni (1973–2006) from two Bay Area law schools (N = 15,750) to participate in the research. Participant volunteers numbered 1,148 and were female (56.8%), Caucasian (68.5%) practicing attorneys, with the largest number in large firm (16.6%) or government (13.7%) practice. All areas of expertise were represented with the most frequent practice focus being litigation/advocacy (29.1%). (A full description of the sample is presented in Shultz & Zedeck, 2011.) To ensure that no volunteer need spend more than 2 hr, the computer
randomly and evenly directed participants to one of 40 different combinations of subparts of the new test battery.

In the study consent form, we asked participants’ permission to collect their LSAT scores, UGPA, and FYGPA. We also requested that each volunteer do a self-evaluation on a self-identified set of relevant effectiveness factors and identify two supervisors and two peers who could evaluate their recent lawyering performance. Identified evaluators were asked to assess as many effectiveness factors as their knowledge of the participant’s work would allow. Raters used that subset of relevant BARS to rate (ranging from 1 to 5 in .5 increments) the participant’s level of performance on each factor. We obtained more than 4,000 evaluations of participants’ lawyering performance via self-, peer, and supervisor ratings. In analyzing performance rating results, we created an average peer score, average supervisor score, and a self score for each participant. In this article, we focus on results for what we called “Other” ratings (average of peer and supervisor ratings); use of different rating combinations did not change the bottom-line conclusions of the research.3

Examining the resulting correlations between traditional academic criteria, new test results, and ratings of professional performance, we were able to determine which new tests were predictive of effective lawyering and to compare their validity with that of cognitive predictors like the LSAT, UGPA, and Index Score.

Before describing the results, we note several limitations in the data:

1. All participants had graduated from law school. The sample population included graduates of only two law schools. Sample sizes for ethnic groups, although representative of the overall potential pool, were small thereby limiting the opportunity (low statistical power) to identify significant race/ethnic differences.
2. Participants were self-selected volunteers who responded to a broad invitation. Volunteers may be more likely than other grads to be reasonably successful in law.
3. Participants were practicing law or were working in law-related jobs; those who quit the profession were not included.

3Barrett (2008) undertook an analysis of the project’s ratings within rater groups. He concluded that averaging both the two peer ratings and two supervisor ratings was reasonable. Additional analyses indicated that sufficient similarity existed between averaged supervisor and averaged peer ratings to average the two averages to yield an “Other” rating viewpoint. See Shultz and Zedeck (2008) for a complete presentation of the intercorrelations among all performance perspectives.

COMPARATIVE VALIDITY OF PREDICTORS OF LAWYER EFFECTIVENESS

LSAT, UGPA, and Index Score as Cognitive Predictors of Lawyering Performance

Our results show that LSAT scores correlated with eight effectiveness factors: Analysis and Reasoning, Creativity/Innovation, Problem Solving, Researching the Law, Writing, Networking, Integrity, and Community Service.4 Correlations ranged from .07 (Problem Solving) to .15 (Writing); the median correlation was approximately .10. Given that the LSAT specifically aims to assess analytic and logical reasoning and reading, correlations with effectiveness factors such as Analysis and Reasoning, Writing, and Researching the Law were expected and supported. For Networking and Community Service performance factors, the correlations (−.12 and −.10, respectively) were negative; high scorers on the LSAT did not do well on these two effectiveness factors. (The negative correlations illustrate one reason we decided to retain the 26 factors as separate; to identify different patterns of correlations that have the potential to yield contradictory conclusions and outcomes.) Networking and Community Service both require interaction with others. It may be that those who scored highly on the LSAT were not viewed by the raters as devoting attention to Networking and Community Service or lacked the necessary skills to be effective. An alternative hypothesis is that Networking and Community Service require skills other than cognitive ones; subsequent analyses with the other tests in this study support this hypothesis (presented next).

Correlations between the Index Score and the 26 factors generally paralleled those found for the LSAT. UGPA results showed fewer correlations than LSAT scores. UGPA correlated best with Writing (r = .12) as well as with Managing Self, Diligence (rs = .09), and Integrity (r = .07). Overall, the LSAT, UGPA, and INDEX were predictive of relatively few of the effectiveness factors, mainly those that overlapped with the LSAT’s measurement targets. Although the LSAT, UGPA, and Index Score were not developed or intended to predict the relatively less cognitive lawyering effectiveness factors, the important finding for this research was that, for the most part, they did not. These results provide an impetus to identify different types of predictors, such as noncognitive measures, as potential screening devices for admission to law school and for predicting who will be successful at lawyering.

Personality and Related Constructs

Strong evidence suggests that certain dimensions of personality are useful in predicting job performance. Personality can be described as those traits, states, and moods that are stable

4All reported correlations in this section were significant at the .05 level.
and enduring over time and that distinguish one person from another (Alport, 1937). A broader conceptualization can encompass a person’s strengths, weaknesses, values, and motivations (R. Hogan, Hogan, & Warrenfeltz, 2007). Personality is important to performance because the degree to which an individual’s personality fits with the requirements of a job or the values of an organization will have a significant impact on both success and satisfaction (e.g., Chatman, 1991; Kristof, 1996). The question for this research is whether personality factors can explain variability in law firm performance independent of or in addition to that explained by the cognitive components.

Much personality research embraces the Five-Factor Model (FFM; Big 5), which categorizes personality into five broad factors: Extraversion, Agreeableness, Conscientiousness, Neuroticism (Emotional Stability), and Openness to Experience (Saucier & Goldberg, 1998; Wiggins & Trapnell, 1997). Early meta-analytic work (Barrick & Mount, 1991; Salgado, 1997; Tett, Jackson, & Rothstein, 1991) found that personality holds some utility for predicting job performance. Barrick and Mount (1991) reviewed 117 studies and found personality-performance correlations ranging from .03 to .13 among the five facets of the FFM, with Conscientiousness being the strongest and most consistent predictor of job performance across professions. More recently, Hurtz and Donovan (2000) reexamined the relationship between personality and job performance and found that the mean sample-size weighted correlations ranged from .04 to .14 across dimensions, again with Conscientiousness having the highest validity. Conscientiousness is a general predictor of job performance. Other Big 5 traits predict performance in specific jobs because different jobs call for different personality profiles and strengths (R. Hogan, Hogan, & Roberts, 1996). This variability in profiles and strengths is obvious for the lawyering profession as shown in the 26 effectiveness categories that may have different relationships with job performance, obscuring the relationship of the higher order personality dimensions to job performance. For example, the factor of Conscientiousness has more specific facets such as Order, Impulsivity, Cognitive Structure, Play, Endurance, and Achievement.

Our measure of personality, the Hogan Personality Inventory (HPI; R. Hogan & Hogan, 2007) is composed of 206 true–false self-report items; it measures normal personality based on the FFM and is designed specifically for use with working adults. The HPI includes seven primary personality scales scored on the basis of J. Hogan and Hogan’s (1991) reinterpretation of the FFM: Adjustment, Ambition, Sociability, Interpersonal Sensitivity, Prudence, Inquisitive, and Learning Approach. (The main difference between the HPI and the FFM is that it divides Extraversion into Adjustment and Ambition and divides Openness into Inquisitive and Learning Approach.)

Table 2 presents brief definitions/descriptions of the seven HPI scales; we note our hypotheses about which effectiveness factor categories (italicized in brackets) would be predicted by particular HPI scales. The hypothesized relations influenced the choice of the HPI as one noncognitive measure to examine. (Note that only the effectiveness category Communications is presumed not to be associated with any of the HPI scales.)

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<th>TABLE 2</th>
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<tr>
<td>Hogan Personality Inventory</td>
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<table>
<thead>
<tr>
<th>HPI scales</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Adjustment</td>
<td>Reflects the degree to which a person is steady in the face of pressure, or conversely, moody and self-critical (FFM: Emotional Stability). [Character]</td>
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<tr>
<td>Ambition</td>
<td>Evaluates the degree to which a person seems leader-like, status-seeking, and achievement-oriented (FFM: Extraversion). [Working with Others]</td>
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<tr>
<td>Sociability</td>
<td>Assesses the degree to which a person needs and/ or enjoys social interaction (FFM: Extraversion). [Client &amp; Business Relations - Entrepreneurship]</td>
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<tr>
<td>Interpersonal Sensitivity</td>
<td>Reflects social sensitivity, tact, and perceptiveness (FFM: Agreeableness). [Conflict Resolution]</td>
</tr>
<tr>
<td>Prudence</td>
<td>Concerns self-control and conscientiousness (FFM: Conscientiousness). [Planning and Organizing]</td>
</tr>
<tr>
<td>Inquisitive</td>
<td>Reflects the degree to which a person seems imaginative, adventurous, and analytical (FFM: Openness). [Intellectual &amp; Cognitive]</td>
</tr>
<tr>
<td>Learning Approach</td>
<td>Reflects the degree to which a person enjoys academic activities and values education as an end in itself (FFM: Openness). [Research &amp; Information Gathering; Character]</td>
</tr>
</tbody>
</table>

Note. FFM = Five-Factor Model.
Correlations between our participants’ HPI test results and their rated performance on our 26 lawyering effectiveness factors showed promising correlations for four of the HPI scales—Adjustment (correlated with 22 effectiveness factors; \( r = .07-.22 \); the median correlation was approximately .10.), Ambition (correlated with 14 effectiveness factors; \( r = .08-.24 \); the median correlation was approximately .11.), Interpersonal Sensitivity (correlated with 12 effectiveness factors; \( r = .08-.18 \); the median correlation was approximately .13.), and Prudence (correlated with 18 effectiveness factors; \( r = .07-.20 \); the median correlation was approximately .095).\(^5\)

The strongest correlations for Adjustment were with Stress Management (\( r = .22 \)) and Advising Clients (\( r = .13 \)). The strongest correlations for Ambition were with Networking (\( r = .24 \)) and with Passion (\( r = .21 \)). Prudence correlated most highly with Managing Self (\( r = .20 \)), Managing Others (\( r = .17 \)), Developing Relationships (\( r = .17 \)), and Diligence (\( r = .19 \)). Interpersonal Sensitivity correlated most highly with Developing Relationships (\( r = .18 \)), Evaluating, Mentoring, and Developing (\( r = .17 \)); and Community Service (\( r = .18 \)).

The most highly correlated HPI scales (Adjustment, Ambition, Prudence, and Interpersonal Sensitivity) did not show a pattern of highly significant correlations with three of the lawyering effectiveness factors that are reflected in the LSAT—Analysis and Reasoning, Researching the Law, and Writing. Note also that the HPI scales correlated with more effectiveness factors than did the LSAC measures, and they correlated at somewhat higher levels. In general, they correlated with factors not measured by the cognitive LSAC-type scores. This finding lends support to our contention that cognitive factors by themselves cannot explain the domain of lawyering performance, and that different types of predictors may be necessary to enhance prediction of lawyering performance.

Across the seven HPI scale scores, the only group difference patterns to emerge were modest: Male participants generally scored slightly more positively on three dimensions (Adjustment, Sociability, and Intellectance) than female, and Caucasians scored somewhat higher on Learning Approach than did Hispanics and African Americans.

Situational Judgment Tests

Another type of test that increases the coverage of the effectiveness domain and has proven useful in employment selection is called a Situational Judgment Test (SJT). This type of test has roots in practical/tacit knowledge (Sternberg & Horvath, 1999). SJTs present descriptions of hypothetical job-related scenarios, asking respondents to pick how they would handle the situation from a list of possible responses. The hypothetical situations are often developed by asking professionals in the field what critical situations they encounter in their jobs (Weekley & Ployhart, 2005).

Organizations selecting among applicants often pair SJTs with traditional cognitive ability tests because SJTs have significant criterion-related validity and possess incremental validity beyond cognitive ability and personality measures (Chan & Schmitt, 2002; McDaniel, Morgeson, Finnegan, Campion, & Braverman, 2001). For example, Chan and Schmitt (2002) found that the SJT had a significant .30 correlation with overall job performance and had an incremental validity of .21 for overall performance. Weekley and Ployhart (2005) found that the SJT was correlated .21 with overall job performance and had a significant incremental validity of .18 above and beyond a cognitive ability test and a FFM personality inventory. SJTs are also drawing interest to predict student performance (judged by mission statement and educational objectives) in undergraduate schools (Oswald, Schmitt, Kim, Ramsay, & Gillespie, 2004). Oswald et al. (2004) showed that the SJT has validity above and beyond cognitive ability and personality for predicting college performance. Another important reason for the popularity of SJTs is that they result in fewer ethnic differences than traditional cognitive ability tests (Clevenger, Pereira, Wiechmann, Schmitt, & Harvey-Schmidt, 2001).

Understanding how potential lawyers would react in critical situations is important to predicting performance in the complex, conflict-ridden, and pressured roles of lawyers. After examining prototypes from other contexts, we wrote an SJT that we hypothesized would predict the 26 factors of effective lawyering. Note, however, that because we aimed to create an admission test for law school, the items could not rest on legal knowledge or lawyering experience but only on a general understanding of the factors identified in our earlier research. Our construction of the SJT required multiple steps.

We wrote approximately 200 hypothetical situations—each hypothesized to reflect one or more of the 26 effectiveness factors—such that several items linked to each of the factors. Sometimes we used items from existing SJT measures (e.g., from W. J. Camara, personal communication, January 9, 2006; S. J. Motowidlo, personal communication, January 9, 2006) to stimulate ideas for items that could be customized for our lawyer effectiveness factors; however, we wrote many items as originals for the specific purposes of the research. For each item scenario, we developed four to five answer options representing a range of viable responses. Second, we pilot tested the items with practicing lawyers to get feedback regarding suitability, clarity, sensitivity to bias, and balance. The final product was an SJT with 72 items.

The following is a sample SJT item that we hypothesized would reflect competency in three effectiveness factors: Influencing and Advocating, Developing Relationships, and Integrity:

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\(^5\)These correlations were significant at the .05 level.
You learn that a co-worker, Angela, who you helped train for the job, copied some confidential and proprietary information from the company’s files. What would you do?

a. Tell Angela what I learned and that she should destroy the information before she gets caught.
b. Anonymously report Angela to management.
c. Report Angela to management and after disciplinary action has been taken, tell Angela that I’m the one that did so.
d. Threaten to report Angela unless she destroys the information.
e. Do nothing.

We developed an empirical scoring key for the SJT instrument based on responses that differentiated those rated as more effective from those rated as less effective lawyers in our sample, as well as on hypothesized relationships with the effectiveness factors. The key was cross-validated (see Shultz & Zedeck, 2011, for a full discussion on the scoring key development and how SJT scores were established for each participant).

In our validation research, our volunteer participants’ SJT scores showed significant correlations ($p < .05$) with 23 of the effectiveness factors (except Managing Others; Evaluation, Development, and Mentoring; and Community Service). The correlations ranged from .11 to .21; the median correlation was approximately .17. Consistent with the literature on noncognitive tests (Clevenger et al., 2001), there were no real differences among the race or gender subgroups for the SJT, except that Hispanics generally scored higher than other ethnic groups. We believe the SJT results were impressive both because (a) a large number of effectiveness factors were predicted by the SJT, and (b) correlations were generally higher, though moderately, than correlations between the LSAT and the subset of effectiveness factors that are most cognitively oriented.

Biographical Information Data

Past performance is often the best predictor of future performance. Biographical Information Data (BIO) measures offer structured and systematic methods for collecting and scoring information about an individual’s background, experience, and interests (Mumford, 1994). Items vary both in the nature of the constructs measured (e.g., past attitudes; experiences) and in the type of response scale (e.g., frequency of behavior, amount, degree of agreement). Research has shown that BIO scales can predict both college GPA and job performance. Like other noncognitive predictors, BIO scores reflect fewer ethnic differences than standardized tests such as the SAT (Oswald et al., 2004).

Following the same process as with the SJT, we wrote 220 BIO items that we hypothesized would predict the various effectiveness factors. Sometimes we used items from existing BIO measures (e.g., from W. J. Camara, personal communication, January 9, 2006; S. J. Motowidlo, personal communication, January 9, 2006) to stimulate ideas for items that could be customized for our lawyer effectiveness factors. Once again, we pilot-tested the items with attorneys and selected those rated best for clarity, suitability, and balance before including them in our final test battery of 80 items. As with the SJT, we used empirical scoring keys based on participants’ responses and hypothesized relation to our effectiveness factors. (Again, see Shultz & Zedeck, 2011, for a full discussion on the scoring key development and how BIO scores were established for each participant.)

The following is a sample BIO item that we hypothesized would reflect competency in both Creativity and Problem Solving:

How many times in the past year were you able to think of a way of doing something that most others would not have thought of?

a. Almost never.
b. Seldom.
c. Sometimes.
d. Often.
e. Very frequently.

BIO scores showed significant correlations ($p < .05$; ranging from .09 to .25; six correlations were .20 or higher; the median correlation is approximately .175) with 24 of the 26 effectiveness factors (except Integrity and Stress Management). Average scores on the BIO test yielded similar findings for female and male participants, and for Caucasians and Asian/Pacific Islanders. African Americans scored highest on the BIO, and Hispanics scored lowest, although the differences among the four groups are not statistically significant. In general, the results show no practical differences based on gender and ethnicity (accounting for at most 1% of variance), a finding consistent with the literature (Clevenger et al., 2001) for these types of tests. Once again, the number of effectiveness factors predicted by the BIO test was compelling.

Dispositional Optimism (OPT)

OPT refers to a generalized tendency to expect positive and favorable outcomes in the future (Carver & Scheier, 1981). Optimism has been recognized as a fundamental component of individual adaptability because of its relationship with stress resilience and coping (Hobfoll, 2002; Scheier & Carver, 1992). Optimists are more confident and persistent when confronting challenges; pessimists are more doubtful and hesitant (Carver & Scheier, 2002). Some research indicates that optimism predicts lower levels of stress.
and depression for students making their transitions to the 1st year of college (Aspinwall & Taylor, 1992; Brissette, Scheier, & Carver, 2002). Evidence suggests that OPT has a unique impact on both self-reported job performance and organizational performance appraisals (Youssef & Luthans, 2007). Optimism may be a valuable resource for lawyers who face great time demands, high job insecurity, and poor organizational climate (Goldhaber, 1999; Heinz, Hull, & Harter, 1999; Makikangas & Kinnunen, 2003; Scheier & Carver, 1985; Schultz, 1999; Xanathopoulos, Bakker, Demerouti, & Schaufeli, 2007).

We used the Revised Life Orientation Test (LOT–R; Scheier, Carver, & Bridges, 1994) to assess generalized outcome expectancies, with higher scores indicating a more optimistic overall outlook on life (Scheier & Carver, 1985). The LOT–R consists of six items, three of which assess optimism and three reverse-scored items that measure pessimism, plus four filler items answered on 5-point Likert scales.

The OPT predictor showed potential in that it significantly (p < .05) correlated positively with 10 of the effectiveness factors (rs = .08–.15; the median correlation was approximately .105). Most notable are the correlations with Speaking, Networking, Passion, Stress Management, and Community Service. Because OPT correlated in the high .4s with the HPI Adjustment and Ambition scales, the use of OPT and HPI might be duplicative depending on choices about which tests to include in a battery. Notably, African Americans scored higher than Caucasians on OPT, although no other significant subgroup differences emerged.

Other Predictors Examined in This Research

In addition to the HPI, we also administered two other Hogan personality tests: the Hogan Development Survey (HDS), which assesses behavioral tendencies that can “derail” a person’s career success (Bentz, 1985; R. Hogan & Hogan, 1997), and the Motivation, Values and Preferences Inventory (MVPI), which evaluates the fit between an individual and the organizational culture by directly assessing a person’s motives, values, and preferences (J. Hogan & Hogan, 1996). Only two HDS scales showed some predictive promise: Excitable, measuring overenthusiasm followed by disappointment and lack of persistence (significant [p < .05] correlated negatively with 18 of the effectiveness factors, correlations ranging from –.12 to –.23), and Reserved, reflecting detachment and lack of awareness of others’ feelings, correlated with eight effectiveness factors (correlations ranging from –.13 to –.25). However, each also correlated with scales from the HPI, making them arguably redundant unless one wanted for other reasons to use the HDS in preference to the HPI.

Only the MVPI Altruism scale showed some promise, correlating with seven effectiveness factors (correlations ranging from .16 to .25), the highest being with Community Service.

The MVPI Altruism result illustrates a potential value of increasing the types of predictors and lawyering effectiveness measures pertinent to law school admissions, that is, data and results can be used to address curricula as well as orientation for the school’s training. For example, a school that wished to focus selection on identifying applicants that would emphasize community service in their law careers could pursue use of the MVPI instrument, and in particular, rely on the Altruism score.

Self-Monitoring, a trait that differs from those included in the Big 5, seemed potentially salient because of lawyers’ distinctive professional responsibilities for representing clients (“role morality”). Self-monitoring involves learning what is socially appropriate in new situations, having good self-control of emotional expression (facial and verbal), and using this ability to create a desired impression (Snyder, 1974; Snyder & Gangestad, 1986). Some evidence suggests that high self-monitors have more career mobility and success (Kilduff & Day, 1994), as well as higher ratings of job performance (Caldwell & O’Reilly, 1982; Caligiuri & Day, 2000). We administered the Self-Monitoring Scale (Snyder, 1974); the results showed only one significant correlation (with Community Service) and did not suggest continuing pursuit at least in this form.

Emotional intelligence targets the ability to regulate one’s own emotions and perceive/understand others’ emotions (Goleman, 1995). Some studies suggest that emotional intelligence predicts the performance of students (Lam & Kirby, 2002) as well as job performance (Law, Wong, & Song, 2004; Slaski & Cartwright, 2002). Emotional intelligence could be important to lawyers who must manage interactions with clients, juries, judges, and colleagues as well as “read and interpret” whether the communications between lawyers and others are being understood.

To try to assess this quality, we developed an Emotion Recognition test patterned after work by Ekman who assesses individuals’ speed and accuracy in recognizing various emotions on slides of faces (cf. Ekman, 2004). In our exploratory test battery, we used stock color photos of neutral and emotional facial expressions developed in the laboratories of emotion researchers (e.g., Ekman, 2004; D. Keltner, personal communication, 2006) to present faces of different people expressing one of 10 emotions: anger, compassion, contempt, disgust, embarrassment, fear, happiness, sadness, shame, and surprise. In each item, participants saw (a) a neutral facial expression, followed by (b) a very brief (one sixth of a second) change in expression reflecting one particular emotion, and (c) a return to the initial expression. Participants had 5 s to choose which of the 10 emotions appeared during the changed facial expression. Perhaps because of technical problems,7 results were not predictive of the factors we hypothesized would be correlated; only two significant

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6A Self-Monitoring Scale type test rewritten specifically for law performance might show better results.

7An ER test allowing longer time intervals, presenting fewer emotions, and using more consistent photographs might have improved results.
correlations were obtained (with Researching the Law and with Writing).

### Intercorrelations Among New Predictors

For HPI, HDS, and MVPI, the strength of the intercorrelations within each instrument and between the individual scales across instruments ranged from .00 to .55. For BIO, the correlations between it and the other predictors ranged from .00 to .39; for SJT, the correlations between it and other predictors ranged from .01 to .21; for Self-Monitoring Scale the correlations ranged from .00 to .50; for OPT, the correlations ranged from .02 to .54; and for the Emotion Recognition test, the correlations ranged from .00 to .13.

This pattern of results suggests that the different, potentially new predictors were measuring abilities and characteristics that are relatively independent of each other. These findings lend support to our premise for the research—the need for understanding the broad domain of lawyering performance and identifying tests that can provide a comprehensive prediction model.

### Correlation Among the LSAC Measures and the New Predictors

The intercorrelations among the LSAT, UGPA, and Index Score measures ranged from .20 (between LSAT and UGPA) to .78 (for the relations between the components and the INDEX). These same predictors had correlations that ranged from .00 to .37 with the new predictors studied in this research. However, approximately 74% of the correlations were below .10; also, a number of the correlations were negative.

The pattern of correlations among the three traditional and the new predictors suggests some degree of independence. The lack of overlap in the existing and new measures suggests that different traits and abilities were being measured, and, again, that the tests had the potential to predict different aspects of performance. Use of different test measures could explain significant incremental variance above and beyond that which is explained by any single test such as the LSAT or INDEX.

### Moderator Variables

We examined the relationship between the separate predictors of HPI (seven scales), BIO, SJT, and OPT and each of the 26 effectiveness factors of lawyer performance through moderated regression to determine whether there was differential validity for any participant subgroup. Results indicated few instances of significant incremental variance due to race or gender (slope differences, similar to those found in other research). Where significant increments existed, the amount of variance was negligible (approximately 1% incremental variance).

### Incremental Variance

The research sought to determine whether a battery of tests could be formed that would explain variance in ratings of actual lawyer performance and whether the tests identified/developed for the project would yield incremental variance (hierarchical moderated regression) above what the LSAT, UGPA, and Index Score explain. However, given that the LSAT, UGPA, and INDEX scores did not demonstrate many correlations with the lawyering effectiveness factors, rather than conduct hierarchical regression analyses, we conducted stepwise regression analysis in which the order of entry into the analysis was determined by statistical relationships among the predictors and their correlations with the performance evaluations. In the stepwise solution, the noncognitive factors emerged first in the analyses.

Multiple regression results show a combination of two, and in some instances three, tests can produce multiple correlations with the effectiveness factors in the range of the mid .20s to the low .30s. For 15 of the 26 effectiveness factors, both SJT and BIO were identified as the best predictive battery. In contrast, LSAT appeared in only three batteries; the LSAT and the INDEX did not demonstrate much value along with or in addition to the other potential tests in predicting lawyering performance. Taken as whole, the data suggest that SJT, BIO, HPI, and OPT have promising potential to predict lawyer performance effectively.

### CONCLUSION

Our program of research (Shultz & Zedeck, 2011) has investigated what factors define effective lawyering and assessed the validity and utility of cognitive and noncognitive tests for predicting those competencies. Based on extensive research in the field of employment selection and diversity, the hypothesis underlying this research design of the study we have described was that well-developed predictors that cover a broad range of different types of requisite job-related characteristics, skills, and abilities would show significant relationships with factors important to actual lawyer effectiveness (see Table 2). If so, use of such predictors could broaden the admissions criteria for and better justify the current bases for making highly selective law school admission decisions. To test the hypothesis, we first engaged with focus groups of lawyers to identify cognitive and noncognitive abilities that are desirable for good practice of law, such as analysis and reasoning, research and information-gathering skills, communications, planning and organizing, conflict resolution, client and business relations, working with others, and positive character dispositions. Again, using focus groups of lawyers, we developed examples of above-average, average, and below-average behaviors that illustrated possible lawyer performance responses. We next selected predictors we hypothesized would likely show meaningful correlation
with the effectiveness factors, administered the resultant test battery (including multiple types of predictor tests), and collected performance appraisals from peers, supervisors, and self. The sample included a large number of practicing lawyers and workers in law-related jobs who had varied experience in terms of years, settings, and practice areas and comprised a modest but representative number of minority practitioners. Correlation of results confirmed our hypothesis about the relation between predictors and effective performance in this sample. The exploratory data we report here make a compelling case for undertaking large-scale, more definitive research on a national sample. These research results, if confirmed in a national study, suggest that law school admission decisions should expand beyond the usual cognitive set of competencies emphasized by the LSAT and INDEX.

New tests like the ones we developed (SJT and BIO) could make important contributions to law school admission decisions, using merit-based, theoretically justified selection methods to select applicants whose competencies are conducive to good lawyering as well as good academic achievement, while also strengthening the profession’s racial diversity. The results suggest that the best overall predictors of lawyer effectiveness were SJT, BIO, OPT, and several of the HPI scales. But which tests, or combination of tests, should be used depends on particular targets and goals of schools and employers, not just on overall prediction.

If further research confirms the validity of the performance-predictive tests identified in the Shultz and Zedeck (2011) research, the new measures would open up an array of valuable options in admission practices. In selecting employees, tests have typically been used in top-down fashion, where those with the highest scores are selected first. Other alternatives could be explored. Member schools might, for example, use the LSAT and/or Index Score to set an academic floor and then use the new scores and other file materials to select among applicants who surpass that floor. This could prioritize successful completion of law school and the bar while admitting a diverse and generally effective set of prospective lawyers. Or a school might use the LSAT to identify the top 20 to 30% (in terms of academic potential) and then combine the LSAT score with one or several of the new test scores into a new type of INDEX, using the combined information to admit applicants. This would allow a school to select and train the top intellectual analysts while choosing particular types of lawyering traits to get special emphasis; diversity impact might be less than with some other approaches. By contrast to admission practices that now predominantly emphasize LSAT scores, a school might simply combine the Index Score and new test scores in order to assure that it selects a student body on the basis of relevant academic and performance-predictive factors, and one that is likely to be more diverse than is attained by current admissions criteria. An approach like this would equalize the importance of predicted academic performance and professional competency while excluding applicants who are low on either variable. Or a school might establish minimum scores for each of multiple test instruments and require that an applicant achieve the minimum score on each element in order to gain admission. Depending on where the minimums were set, this could serve mainly to exclude people whose strengths were concentrated in one of the two categories. These suggestions for use of additional information from the new scores are not exhaustive but it is hoped that they will stimulate thought about potential new approaches to law school admission.

Beyond admission decision making, legal education could derive added benefits from the theory undergirding this research (linking predictors with effectiveness factors); the approach undergirding our research has utility in the general landscape of lawyer education, selection, and practice for (a) development of law school curriculum and professional training, (b) improved alignment of hiring and compensation choices with employer objectives, and (c) improved appraisal and targeting of professional development.

A law school could discuss within itself its educational orientation and modify its curriculum accordingly. Schools might use the effectiveness factors identified in the Shultz and Zedeck (2011) research to identify curricular weaknesses or to emphasize particular specialties such as negotiation or effective advocacy. Curricular changes could also be paired with admission selection that uses the particular test(s) that predict effectiveness on the specialized factor. New measurements would also provide applicants, career placement counselors, and employers with more information about applicants’/students’/graduates’ strengths and areas for improvement.

Legal employers are especially concerned at present with hiring attorneys who will be not just smart but productive in particular ways within projectable time frames. They need better alignment of compensation with work performance and better ways to assess that performance. When they have specialized needs, employers could use predictors from the Shultz and Zedeck (2011) research that correlate with relevant performance criteria as part of their selection process. Performance appraisal on factors most important for a given employer could contribute to promotion and retention decisions.

The database for the Shultz and Zedeck (2008, 2011) research and development of instruments based on it could provide detailed information for attorney performance targets, appraisal, and feedback. The effectiveness factors themselves and scales for appraising them in terms of job performance could be useful training and self-development tools for practicing attorneys.

Overall, by focusing on the conceptual linkages between predictors and job performance, the Shultz and Zedeck (2011) research has identified the value of considering a range of cognitive and noncognitive abilities in legal work. This model has implications that could change the landscape
of law—who enters the profession; how they are educated; and how legal employers select, develop, and reward their attorneys.

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REFERENCES


