Creating Opportunity: Admission in U.S. Legal Education

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The task of admitting students into law school is a crucial and complex one. Because the vast majority of law students both graduate and pass the bar examination, admission decisions have consequences beyond the walls of our law schools. Law school admission decisions help determine who will become lawyers and lawmakers, judges and governors, activists and policymakers, peacemakers and negotiators.

Historical Background

In nineteenth-century university legal education, admission was neither crucial nor complex. Within the university, with few exceptions, studying to become a lawyer was part of an undergraduate curriculum. In 1890, according to John Ritchie, "No law school in this country required any college work for admission, and only eighteen out of sixty-one then existing law schools enforced any entrance requirements... It was easier to gain admission to the law school than to the liberal arts colleges of all but four American universities having law schools."1

For much of the twentieth century, law school admission remained a rather casual affair. While there was some effort to recruit applicants from prestigious undergraduate colleges, the widespread multimedia marketing efforts of today were unknown. Law schools similarly devoted few resources to application processing and decision-making; responsibilities for those tasks rested largely with a small number of faculty, an administrator who had many other responsibilities, or the dean.

Before the Second World War, all but a few law schools admitted virtually every applicant. Many relied on the first year of law school to cull those who could not meet their intellectual demands. It was not unusual for a dean, on the first day of first-year orientation, to invite students to look at the people seated to their left and right, and then to explain that one or even two of the three would not be present at graduation ceremonies.

Things began to change after World War II. An influx of students capitalizing on their G.I. education benefits transformed American higher education.

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Law schools began to see increasing numbers of applicants from backgrounds and colleges with which they were not familiar. With this influx came greater competition among applicants for law school seats, and among law schools for the best and brightest applicants. The competition increased dramatically in the 1970s, both because of the new emphasis on the law as a force for political change that emerged from the 1960s and, relatedly, because women and members of racial and ethnic minority groups began applying to law school in numbers previously unseen. This postwar period also saw the emergence of a class of professional admission officers; serious law school marketing efforts; attempts to achieve racial diversity; and a shift away from using the first year of law school to determine who would become lawyers to relying on rigorous admission criteria.

**Today's Landscape**

There are 181 nationally accredited law schools in the United States and dozens of schools without national accreditation. Those 181 schools enrolled 49,100 first-year students in fall 1999. The total number of applicants for those seats was 74,400. They generated 325,000 applications (an average of 4.4 applications per applicant). Of those 74,400 applicants, 69 percent (51,300) were offered admission to at least one nationally accredited law school. More than 8,000 applicants who were admitted chose not to enroll.

All of these numbers are large, but they are significantly less than volumes for the most recent peak year, 1991, which saw an all-time high in applicant volume. In that year 99,400 applicants generated 453,900 applications—an average of 4.6 applications per applicant. Slightly more than 54 percent (53,800) of those applicants were offered admission, and 44,000 students enrolled. Clearly an applicant's odds of being admitted to at least one nationally accredited law school are better today than they were a decade ago. It is a common mistake to conclude that the number of new U.S. lawyers rises and falls as the number of law school applicants changes. In fact, the total number of first-year law students has held remarkably constant even during this period of flux.

Theories to explain the recent drop in demand for legal education abound, but no systematic study of the causes has been undertaken. Although the correlation is not precise, the dramatic drop in the number of applicants that occurred in the 1990s corresponds with the longest and most robust economic expansion in U.S. history. Clearly some of those people who might have applied to law school in the past are finding opportunities elsewhere. Unlike our colleagues in U.S. medical and business schools, U.S. law schools have not had the benefit of large numbers of foreign applicants to help soften the decline in domestic demand. The good news for us is that the overall decline in applicant volumes has leveled off in the last couple of years.

An enterprise that must process hundreds of thousands of documents representing the lives of thousands of people cannot do so in a casual way. The law school admission process has become systematized and professionalized. Our annual cycle typically begins in the summer, with the preparation of recruitment materials—hard-copy publications, videotapes, CD-ROMs, and
Web pages. In the fall, just after the start of classes, recruitment travel begins. Law school admission professionals, graduates, students, and faculty visit hundreds of college campuses and attend dozens of regional recruitment events, all in an effort to attract applicants. Many of these events include representatives from more than 100 law schools, sometimes resembling a marketplace (some might say a flea market) for legal education. In late fall applications begin to arrive and the process of making admission decisions begins. During the spring and summer, law schools monitor closely the number of admission offers they have made and the number of acceptances they have received, all in an effort to produce an exact number of incoming students, neither more nor less. Too small an incoming class means lost tuition dollars. Perhaps equally problematic, too large a class means unacceptable student/teacher ratios and strained resources.

The Decision-Making Process

The crux of this entire process is, of course, the method law schools use to make individual admission decisions. Nearly every school says that it considers a variety of factors. The most common are undergraduate grades and the rigor of undergraduate course work, Law School Admission Test scores, employment, community service, statements of purpose, and letters of recommendation. Many schools are beginning to look for a good fit or balance between applicants and their specialized curricular programs. For example, schools with a high-tech focus might look especially favorably on applicants with engineering backgrounds. Evaluative personal interviews with applicants are rare.

Most law schools—those that are not legally prohibited from doing so—also consider race and ethnicity in an effort to ensure diverse classrooms. Some schools consider applicants’ socioeconomic backgrounds as another way to diversify their classrooms.

The Law School Admission Council plays a pivotal role in this process, although all admission decisions are made by the law schools themselves. LSAC is a nonprofit organization whose members are the nationally accredited law schools in the U.S. and fifteen Canadian law schools with common law programs. Perhaps the most important LSAC service is the Law School Admission Test. The LSAT is a standardized half-day test of reading and verbal reasoning skills that all nationally accredited U.S. law schools require. It is designed to measure a limited set of skills that are important to success in law school. It is validated annually against first-year law school grades. It does not purport to predict who will graduate from law school, pass the bar examination, or be successful in the practice of law, although recent studies report a statistical relationship between LSAT scores and overall success in law school and on the bar examination. Students pay LSAC a fee to take the LSAT, and LSAC reports scores to law schools at no charge to the schools.

LSAC also serves as a clearinghouse for undergraduate transcripts and letters of recommendation. An applicant submits transcripts to LSAC, which then calculates a grade-point average using a common grading scale. This conversion allows law schools to compare directly grades earned from differ-
ent colleges using different grading systems. When an applicant applies to a law school, that law school notifies LSAC that it has received the application. LSAC in turn sends to the law school the applicant’s LSAT score, converted grade information, transcripts, letters of recommendation, and a host of other information that LSAC collects from the applicant. This data exchange promises to be largely electronic in the very near future.

It is not possible to describe a single decision-making model that applies to all U.S. law schools. Schools have different goals and missions, and their admission efforts should reflect them. For example, the ranks of law faculty and of appellate judges historically have come from a relatively small number of highly selective law schools. Other schools typically send their graduates to big law firms with mostly corporate clients. Some see their mission as providing lawyers and leaders for their individual states, rather than for the country as a whole. Admission decisions often reflect these differences.

In addition to differences in mission, law schools differ by selectivity. Some law schools receive applications from many, many more people than they can admit. Their challenge is to make decisions that reflect their goals and values—diversity, scholarship, service, leadership, and many others. Some other schools need to admit most of their applicants in order to fill their first-year classes. For these schools, the challenge is not to identify whom to admit, but whom to deny. They typically look for signs that an applicant will not be able to be successful in their academic programs.

Despite these differences, there is one admission model that is predominant. In this model, applicants are arrayed according to a numerical index that combines their LSAT scores and undergraduate grades. Those applicants with index values above a certain number are presumptively admitted, and those with values below a certain point are presumptively denied admission.

Files in the presumptive-admit category are reviewed for indicators of inadmissibility—typically some past misconduct or academic difficulty. Files in the presumptive-deny category are reviewed for interesting characteristics that might offset low predictors. Such characteristics might include a strong record of community service, a history of overcoming hardships, contribution to diversity, relation to an alumnus, and many others. The files of applicants not assigned to one of the two presumptive categories are given what is commonly called a full-file review—careful scrutiny of every background factor. Even schools that use this model differ in many ways—on the points at which the categories are defined, the proportion of the pool that receives a full-file review, and the factors that determine who will be admitted within that pool.

**Challenges for the Future**

The single biggest challenge facing U.S. legal education is the ongoing attack on affirmative action programs—programs that take race into account when making admission decisions in order to achieve a diverse student body and a profession that reflects the diversity in U.S. society. Another conference commentator is discussing affirmative action, so I will simply say that a vigorous defense of affirmative action is a continuing vital concern of mine and of
the Law School Admission Council. We have come too far in the history of race relations in the U.S. to allow the resegregation of legal education.

Another, sometimes related challenge is a tendency among some law schools to overrely on numerical admission factors such as the LSAT. The test is a good one—perhaps the best of its kind. But it is not a substitute for a thoughtful examination of an applicant’s entire record, and it does not even purport to measure many of the qualities that we know contribute to success in law school—qualities such as intellectual curiosity, self-discipline, listening skills, clear writing ability, and many, many others. In 1999 a work group of the Law School Admission Council designed a group of Alternative Admission Models to assist individual law schools in making admission decisions more consistent with their particular institutional mission. Implementation of these models is an ongoing challenge.

Fueling the overreliance on numbers is the pernicious effect of various law school ranking schemes. These commercial rankings often are based largely on a small set of factors that the rankers have determined to be indicators of a law school’s quality. Among them, almost always, is the average LSAT score of the school’s entering first-year class. For some, student LSAT scores have become a stand-alone measure of a school’s quality, all but forcing many schools to concentrate on that single factor when admitting a class. We must do more to help U.S. law schools and the public at large understand the limited role that the test should properly play in admission decision-making.

Finally, legal education in the United States must devote more resources to the important job of selecting its students. Overreliance on the numbers results from external pressures, but also from the fact that they are convenient and inexpensive. Doing a more thorough whole-person review of applicant files will require both more time, particularly on the part of law faculty and professional staff, and more money. It will be time and money well spent.