

## THE STANDARD LAW SCHOOL ADMISSION TEST

Law school admission procedure has become more civilized during the past quarter of a century. No longer is it customary to indulge in the barbarous practice of admitting nearly everyone with a college degree and then excluding a large percentage of the class at the end of the first year; instead, admissions committees are now charged with the duty of attempting to separate the sheep from the goats and of admitting only those applicants who give fair promise of doing acceptable work. In aid of this task, great weight can properly be placed upon an applicant's college record. But reliance upon college grades entails pitfalls. Low grades probably do indicate—at least in the vast majority of cases—the presence of a bad risk, but on the other hand high grades cannot negative the possibility that their proud possessor has a sponge-like mind which can retain a vast array of facts but is incapable of critical and independent thought. Then too, the course of study pursued by the applicants will, in the nature of things, vary widely, and there are also marked variations among the educational standards of the various colleges. As a result, a perplexed admissions committee will often be forced to choose between two applicants with equal grades, one of whom, let us say, has gone to an engineering school, while the other has majored in history; or between graduates of two colleges, one of which is well known and the other relatively obscure. Lastly, complete reliance upon grades will result in the elimination of some who possess first-rate minds but did only fair work at college because of the pressure of extracurricular activities.

Considerations such as these have induced a fair number of law schools to experiment with capacity tests designed to measure qualities which are deemed essential for the successful study of the law. Experience to date indicates that capacity tests used in conjunction with college grades provide a better basis for predicting law school success than do college grades alone. The construction, improvement, and administration of a successful test is, however, a mammoth and expensive undertaking, which will strain the resources of even the largest law school. First of all, the task of finding persons of the requisite ability who can devote their time to the construction of a test is likely to prove no less difficult than staffing a regiment of dodoes. But the construction of a test is only the initial step in the process. Some questions will be defective—no matter how careful and skillful the drafters—and these can be discovered and eliminated only by a painful process of internal checks and tabulations quite beyond the facilities of the average law school. Then too, the value of any particular type of question, or indeed of the test as a whole, can be judged only in the light of experience—that is, by comparing the scores made by the applicants with their later success or failure in law school; and, in view of the relatively limited number of students admitted to any one law school, it takes time for such evidence to accumulate. Furthermore, no test will be a real success unless constant efforts are made to improve it through experimentation with new ideas. Lastly, there is the problem of administration, which will prove particularly acute for those law schools which are fortunate enough to draw their student

body from all parts of the country. Such schools will have to bear the expense of administering the test at a multitude of points or else will presumably be forced to the undesirable alternatives of either waiving the test altogether in the case of far-away applicants or of discouraging their applications by the requirement that they must travel to the seat of the law school in question in order to take the test.

Difficulties such as these seem to call for but one solution: namely, that a number of law schools—as many as possible—should cooperate in a plan whereby a standard test would be prepared and scored by an experienced testing organization equipped to administer the test at many points throughout the country. Such a scheme would immediately enlist the services of persons whose vocation is the construction of tests and who have at their disposal mechanical contrivances to lighten the otherwise arduous task of making the various checks which are essential to insure the elimination of defective questions. The scheme would also reduce to modest proportions the expense which a law school would be called upon to bear and, since the number of applicants taking such a test would naturally be large, it would shorten materially the time that must elapse before sufficient evidence has accumulated to prove or disprove the value of any particular type or category of question. More important still, such a scheme would lead to the continual pooling of ideas by the various law-school representatives as to what are the qualities essential for success in law school and as to the best means of testing them. Indeed, it is hard to conceive how, granted proper interest and cooperation from all concerned, such a plan could fail to produce the best legal capacity test that has yet been devised.

So, at least, it seemed to us of the Columbia Faculty of Law. Our experience, since 1928, with our own legal capacity test had revealed that it was of real value in identifying those applicants who were definitely bad risks. But, since the close of the war, the task of selecting our student body from among a vastly increased number of applicants had made us feel the need of a capacity test that would not merely eliminate the poor student but would assist us in discriminating between the excellent student and one who is only good. Last summer we finally took the bull by the horns and approached the College Entrance Examination Board in Princeton, New Jersey (it has now merged its testing staff with those of the American Council on Education and the Carnegie Foundation for the Advancement of Teaching to form the Educational Testing Service), to inquire whether it would be willing to undertake the task of constructing and administering a new test provided that we, on our part, could induce several other law schools to use the test and to support it financially. From the start, good fortune blessed our efforts. Educational (as we shall henceforth call it) not only proved willing to undertake the task but offered to bear a generous share of the cost. The Harvard and Yale law schools, to whom our initial inquiries were directed, agreed almost from the outset to become our partners in the plan, even though this meant in the case of Yale the renunciation of a successful capacity test of her own manufacture. And by November of last year some ten other law schools had enlisted in the venture.

In the meantime, Educational has gone through its files with a view to selecting those materials already at hand which promised to prove useful in

testing legal capacity. These materials were grouped into a series of three-hour tests and given last fall on a purely experimental basis to first-semester students at seven law schools. Grades received by those students in the January-February examinations have been made available to Educational, and studies are now in progress to determine the value of the various segments of the experimental tests in the light of actual law school experience.

Many basic decisions affecting the future course of the program were reached last November at a meeting of representatives of the law schools then participating. It was decided, first of all, that any law school which is a member of the Association of American Law Schools may become a participant in the plan, and thus entitled to a full voice in all decisions affecting either the administration or content of the test, upon payment of a fee in an amount to be determined by consultation between the law school concerned and the Educational Testing Service. On the other hand, any law school at all, with no cost to itself, may require its candidates for admission to take the test. Candidates taking the test will be charged a fee of ten dollars. The sum so received will be used, first, to defray the direct costs of the enterprise, next to reimburse Educational and the participating law schools for their respective contributions, and finally, after all such contributions have been repaid in full, any future balance will be applied, as Educational and the participating law schools may see fit, either to a reserve fund, to the reduction of the examination fee, or to finance the development of new testing materials.

At the urgent request of the law-school representatives, Educational also agreed at the November meeting to prepare a test in time for use in selecting applicants for admission to law school in the 1948-1949 academic year. This test, in view of the time factor involved, is based largely upon materials selected by the law schools from among those that were already in Educational's files. It was administered on February 28 of this year to 2,667 students at some 68 points throughout the country, and again on May 8 to 2,942 candidates at 90 centers. As will also be true in the future, this test will be graded by Educational at its Princeton office and individual scores will be furnished to the law school or schools to which the student has applied, as well as to the student himself. Scores received on the various sections of the test will then be correlated by Educational with the students' law school grades. In this way a body of valuable evidence will be obtained as to the type of question best suited to test a person's capacity for the study of law.

It should be emphasized, of course, that the test offered this year is recognized by all concerned to be somewhat of a stop-gap affair which will be changed considerably in the years to come. At a meeting held in Princeton in January of this year, agreement was reached among the participating law schools as to what, at least, are the essential mental qualities for the successful study of law. On the basis of this discussion, Educational is now busily engaged in constructing new types of questions which should be ready for inclusion in the 1949 version of the test. Representatives of Educational have also visited several law schools in order to get a first-hand insight into the demands placed upon the students and to get the benefit of new ideas through talking with as many law teachers as possible.

It is felt that nothing would be gained by discussing here the contents of the 1948 test. Sample questions are contained in a "Bulletin of Information" published by Educational, and, as already noted, this test represents only a preliminary effort which, nevertheless, is confidently expected by the participating law schools to prove fully as effective as any legal capacity test now in use. Nor can there be discussion of the questions which will appear on next year's test, since no definite decisions on this score have yet been reached. Brief mention, however, may perhaps usefully be made of some of the more important qualities which the test will attempt to measure.

First of all, the test will examine a candidate's "verbal comprehension." By this is meant something more than general reading capacity. It denotes rather the ability to go beneath the actual words of a given passage and determine its precise meaning. The student will be called upon to do just this from the first day of his admission to law school, and he who has little capacity in this regard is obviously a poor risk. But a test of "verbal comprehension," even in the sense here used, is largely negative in its results; he who lacks it will in all probability be unsuccessful in law school, but he who does possess it will not necessarily do well. Accordingly, a major portion of the test will be devoted to an examination of what, for want of better terms, will be called reasoning ability and the power to arrive at practical or common-sense judgments.

Some of the more important qualities falling under the head of "reasoning ability" which the test will attempt to measure are: (1) capacity for independent thought as distinguished from capacity for uncritical absorption or retention of information; (2) capacity for close analytical reasoning, by which is meant a feeling for analogy and the ability to see issues and to distinguish between the relevant and the irrelevant, the important and the unimportant; (3) capacity to see through words, or, stated in another way, the ability to recognize that words affect one's mental processes; (4) capacity and drive to get behind premises, together with a healthy skepticism of generalities; and (5) capacity to move comfortably from the abstract to the concrete and vice versa. This last quality may be described as the ability to give a concrete illustration of a principle, and, from the opposite point of view, the ability to derive a principle from a concrete case. All of these qualities are obviously important to success in the study of law, but he who possesses them even in a high degree will never be a first-rate law student and lawyer unless he is also blessed with ordinary common sense. Accordingly, the test will also attempt to measure this quality.

So much for the qualities which will be tested. Brief mention may also be made of what will not be covered by the test. First of all, it is well to emphasize that the test is solely one of legal capacity; hence no attempt will be made to examine a candidate's cultural background or his familiarity with any field of knowledge. Furthermore, neither moral and emotional qualities nor, alas, precision in writing will be tested, for the simple reason that they do not seem susceptible of satisfactory measurement by existing techniques of group testing.

At the present writing, the following twenty law schools are cooperating in the development of the "Law School Admission Test": Boston Univers-

ity, University of Buffalo, California (School of Jurisprudence), Chicago, Columbia, Cornell, Harvard, Michigan, Nebraska, New York University, Northwestern, Ohio State, Pennsylvania, Rutgers, St. John's, Stanford, Syracuse, Southern California, Virginia, and Yale.

Everyone concerned is fully aware that the 1949 version will be only the second step in a lengthy development. The keynote for the years to come will be consultation, experimentation, correlation of test scores with law school grades, and then more experimentation. Through this continuous process, it is confidently believed that the test will keep abreast of developments and will eventually become, if it is not already, far better than any that has heretofore been devised.

WILLIS REESE.

*Columbia University.*