

Law School Admissions in Perspective

Prof. Walter B. Raushenbush

I was a Harvard College senior when I applied for admission to the autumn 1950 entering class at the University of Wisconsin Law School. I figured my college grades were good enough for admission, and I was glad that Wisconsin did not require the threatening, very new Law School Admission Test (LSAT) which had recently become a prerequisite for application to Harvard and quite a few other leading law schools. Little did I know Wisconsin then required only that the applicant be breathing and have passed three years of college—and that either requirement might be waived!

In 1958, when I had the good fortune to join the Wisconsin Law Faculty, not much had changed. We still didn't require the LSAT, despite its increasing acceptance in legal education. Our stated requirements were a 2.5 undergraduate grade point average (GPA) if the applicant had a college degree, 2.75 if only three years of college. We waived those requirements fairly often, but only after counselling the applicant about potential troubles ahead. And indeed, as many alumni remember, in those days roughly a third of those who began law school did not graduate—most due to academic failure.

In 1959, the Law School began to require the LSAT of all applicants. However, we did not then build the LSAT into our admission standards, which remained unchanged until the fall of 1964, when 300 new law students poured through our "open door." Such a crowd was unexpected, was really more than we could handle, and forced a new look at our admissions policies. By that time, too, several years of experience told us that the LSAT was predictive enough of first-year academic performance by our students that we needed to take LSAT scores into account.

A faculty committee on which I served developed a flexible admissions policy of admitting the best qualified to the extent our capacity allowed—considering undergraduate GPA, LSAT, and other factors. This policy, changed in relatively few respects, has continued to

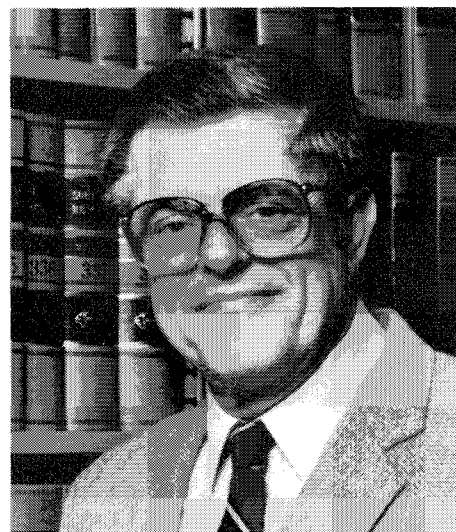
serve us well. Its current operation is described in an accompanying article.

The most noteworthy adjustments to the admissions policy adopted in 1964 have been: (1) Addition in the late 1960's of affirmative action recruitment and admission of minority applicants; (2) at the height of the 1970's application explosion (see below), limitation of non-residents to approximately 20% of the entering class; (3) in the 1970's, development of a carefully articulated group of factors in addition to LSAT and GPA which the Admissions Committee will consider and which are set forth in the Law School Bulletin; and (4) in the modest slump in applications in the mid-1980's, raising the non-resident limit to approximately 30% of the entering class.

Another decision with policy implications was dictated by events. Just as the unexpected 300 first-years descended on us in 1964, we were involved in the largest construction project in the Law School's modern history. The old red-sandstone-veneer Law building was demolished, and the existing classroom-office complex was constructed to join the already existing two wings of the library. The new construction was based on the assumption, seemingly valid when the planning was done, that the future Wisconsin Law School would have 650 to 700 students. As most alumni know, since 1964 our building has never (except for summer school!) held so few.

Admissions policy is obviously implicated. Theoretically, the school could have cut back sharply on admissions to produce the size of student body for which the building was designed. We did not. By the early 1970's, our law student body size became relatively stable at approximately 900 students, roughly a third larger than optimum in terms of physical capacity. Nine hundred students was, and continues, far beyond optimum in terms of faculty size and various other resources. Plans for an architecturally ingenious major remodeling and expansion give us hope, but are not my subject here.

What is relevant is the way in which



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demand for legal education, by a larger number of highly qualified applicants than we could possibly enroll, has led the school over the past quarter-century to stretch mightily to seat far more law students than would have been ideal. My rough estimate is that we have enrolled an average of 65 more students a year than our physical and other resources reasonably suggested. The total is approximately 1600 men and (increasingly) women, approximately 1200 of them Wisconsin residents who were afforded an opportunity at this law school because of our stretch. Our action helped make viable and meaningful, too, our affirmative action admissions policy for minority applicants. Alumni may differ over whether this continuing decision to stretch capacity was wise. Combined with the post-World War II inadequacy of the old red building, it has meant that few alumni alive today remember their law school as anything but overcrowded. For my part, I hate seeing an eager and highly qualified applicant turned away. I'm proud, for the faculty and the staff and myself, that we have done our best to provide opportunity to as many as we could during a time when so many of the



Admission office staff: Marilyn Johnson (l.) and Mary Duckwitz (r.)

best and brightest have wanted to join the legal profession, and to train for it at Wisconsin.

That time of high demand seems not yet over. A review of recent fluctuations and trends, both at Wisconsin and nationwide, may be of interest. The last year when Wisconsin Law School offered admission to all applicants the Admissions Committee judged fully qualified was 1968. That was the year when graduate and professional study stopped being shelter against the Vietnam War draft, so applicant demand was significantly (but only temporarily) reduced. For 1969 and

1970, applicant numbers increased. Then in the 1970-71 admission year, law school applications across the country exploded upward. It proved to be no one-year phenomenon; application volume increased moderately for several additional years, and proved to be on a new and higher plane.

No one was sure why. The number of women applying to law school was increasing significantly, but gradually. Population figures in the relevant age groups were increasing somewhat. The number of older applicants who had graduated from college several years or

even decades earlier was clearly increasing. Members of minority groups, encouraged by the law schools, were applying in larger numbers. Taken all together, the various hypotheses explained barely half of the increases. And attention turned to how long it would last. Should law schools expand? Many did. Should new law schools be established? Quite a few, opportunistically it seemed, hurried to open. For several years, figures gathered by the ABA showed that no ABA-approved law school reported having any empty seats in its entering class. The University of Wisconsin seriously weighed establishing a second state law school in Milwaukee, but decided against it.

In the latter 1970's, applicant volume remained high, but stopped climbing. A careful study by the national Law School Admission Council indicated that volume would start tending downward by the mid-1980's, then flatten out, then start increasing again by the early 1990's. The projections were cautiously offered, were based on the best available demographic information, and were largely wrong. At many law schools, applications tended down immediately. Some schools cut entering class sizes; a few began to reduce faculty size.

At Wisconsin, applications peaked at 1266 in 1982. By 1986, the number had steadily dropped to 1385, a 28 per cent loss in four years. But since then, in Wisconsin or nationally, has there been the predicted lower plateau as we await the early 1990's increase? Hardly.

Nationally, the number of individuals who applied to at least one ABA-approved law school has increased steadily and dramatically. So has the number of applicants to Wisconsin. The figures:

Admissions		
Year	National	Wisconsin
1986-87	65,100	1,448
1987-88	74,900	1,938
1988-89	82,700	2,482
1989-90	88,000	2,675

Preliminary 1990-91 figures suggest that another increase of similar proportion is quite possible, though not certain.

What explains these dramatic increases, which basic demographic information did not suggest? No one is sure. The proportion of women in the national applicant population seems to have stopped increasing, leveling off at approximately 43 per cent; we do not know why it stopped short of the proportion of women in the population. At Wisconsin, from 1988-89 to 1989-90, the number of women applying dropped from 936 to 711. But those who applied

were apparently better; 306 were accepted and 137 registered, compared to 243 and 126 in 1988-89.

Are increasing numbers of people applying well after they graduate from college? Apparently so; the largest percentage increase in national applicants from 1988-89 to 1989-90 came in the 26 to 30 age group. Also, from 1988-89 to 1989-90 the increase in applications from members of minority groups significantly exceeded the overall national percentage of increase. But these phenomena are limited partial explanations. It has been seriously suggested that a significant factor is the "attractive" image of the profession portrayed by television's "L.A. Law," which may be as good an explanation as any. It is also true that more and more of today's middle-aged parents of young people in their early twenties have had substantial higher education. Such educated parents are arguably more likely to encourage and support their children in professional and graduate education.

What lies ahead? We wish we knew. It is beginning to appear that the large numbers of recent law graduates, combined with the economic downturn, is making it harder for Wisconsin law graduates to find law jobs. When this phenomenon becomes widely known, it seems likely that application volume will ease. But we are approaching the years when it has been said that population factors will increase the supply of potential applicants. At Wisconsin, it is at least clear that the number and quality of our applicants are so high that a significant downturn in volume will not much reduce the quality of our graduating classes, nor even remove the need for highly selective admissions policy and practice.

What remains is to reflect briefly over the impact of the past quarter-century of selective admissions at Wisconsin—after a century of open opportunity for legal education. I close by suggesting, from a strictly personal viewpoint, a few points worth pondering:

(1) Has the ability to select among the best and brightest been good for the legal profession? In our younger ranks, we are now unquestionably a more intellectually elite profession than we were a quarter-century ago. But does Podunk need, can

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it attract, can it keep, an intellectually elite general practitioner? Have we produced a partial mismatch between our graduates and the work that awaits them—a mismatch which may partially account for the observable vocational restlessness and discontentment among many lawyers?

(2) A related issue is the arguable loss of rigor in faculty expectations and grading of law students. When our admissions door was relatively open, many individuals enrolled who proved unable (or, in fewer cases, unwilling) to do satisfactory academic work in law school. The faculty knew that we were enrolling many students who were significant academic risks; we accepted the unpleasant duty of identifying unsatisfactory work, and flunking students out. As we became more selective in admitting students, we were reading fewer failing exam answers. Past failure percentages, with nearly a third flunking out, were no longer appropriate. In less than a decade we reached a failure percentage of less than five percent. We moved on to a point where it is now almost fair to say that we regard any unsatisfactory student academic performance as more our failure than the student's. In 1961, most of the lower half of the graduating class had worked hard to survive where many classmates had failed, were pleased and proud to become lawyers, and were glad to turn their hands to what law work they could find. In 1991, fewer of the graduating class will fit that description; more will be bright people who did enough to get by nicely, are perhaps less committed to the law, and thus may be less satisfied with the law work they find to do.

(3) In the earliest years of the applica-

tion boom, as we became more selective, we had the same few minority applicants as before. Most had low college grades and low test scores—products of educational disadvantage if not discrimination. Before 1965, our non-discriminatory open-door admissions practices had resulted in acceptance of most such applicants. Some failed, as was to be expected, but some proved stronger than their "numbers," worked hard, survived, and graduated. There are impressive success stories among them. When we became more selective from 1965 on, it quickly became clear that we were screening out almost all of our few minority applicants. That phenomenon helped us see the need for affirmative action efforts in recruiting and admitting law students who were members of minority groups. That's a large topic, for another article. It is gratifying that our law student body today has at least ten times the number of minority students enrolled in 1967-68. As to minority applicants, too, we have become selective. 189 applied for 1990 admission; 60 were accepted; 28 enrolled. All who were accepted, and indeed some who were not, were fully qualified on the basis of numerical credentials. Affirmative action policies operated only as to choices made by the Admissions Committee among fully qualified applicants.

(4) In some ways, the increase in numbers of women applying and enrolling over the past quarter-century has been as dramatic as increases in minority enrollment. Women do not account for more than their share of the late 1980's upsurge in law school applicant numbers. Nor did women account for more than a modest fraction of the sharp upsurge of the early 1970's. But during the rather stable latter 1970's and the downturn of the early 1980's, the percentage and number of female applicants kept increasing. They prevented what might well otherwise have been a severe slump in demand for legal education. More important, they have given the profession access to all rather than half of our national talent pool, and have made the essentially all-male legal profession of 1965 a fading memory. That is an optimistic note on which to end this personal perspective on law school admissions.