

Guild Notes

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The Problem With Use of the LSAT in Law Schools Admissions

What NLG Students Are Doing About It

by Laura Raymond

The American Bar Association (ABA) is currently reviewing proposed changes to its accreditation standards, including those related to equality of opportunity and diversity in admissions. A group of law students in the Guild has seized on this opportunity in an effort to enact real equality in admissions around the country. If nothing else, they are working to raise awareness over what is a crisis in legal education and the legal profession, with grave implications for society at large, and in particular communities of color. This crisis is the under representation of people of color in law schools and in

the legal profession. The ABA's 2004-2005 "Miles to Go" study cites that representation of people of color among lawyers is less than 9.7 percent, compared to 20.8 percent among accountants and auditors, 24.6 percent among physicians and surgeons and 18.2 percent among college and university teachers. What's worse is that, according to the study, admittance to law schools for people of color is actually dropping, with the greatest slippage being among African-American students.

Law students and those who work with students in the Guild are getting involved in the review of the ABA's accreditations standard because it presents an opportunity to impact the

admissions process at all accredited law schools in the country. Since we learned about this opportunity in July we have been working to learn more about the issue, read through the various drafts of guidelines, and figure out how to best make our voice heard.

In July, the National Lawyers Guild National Executive Committee (NEC) voted to sign on to a proposed set of changes to admissions procedures at accredited law schools submitted to the ABA Standards Review Committee by the Coalition for Racial and Ethnic Diversity in Law School and the Legal Profession. Among other aspects to their proposal but perhaps most importantly, the coalition sought to change

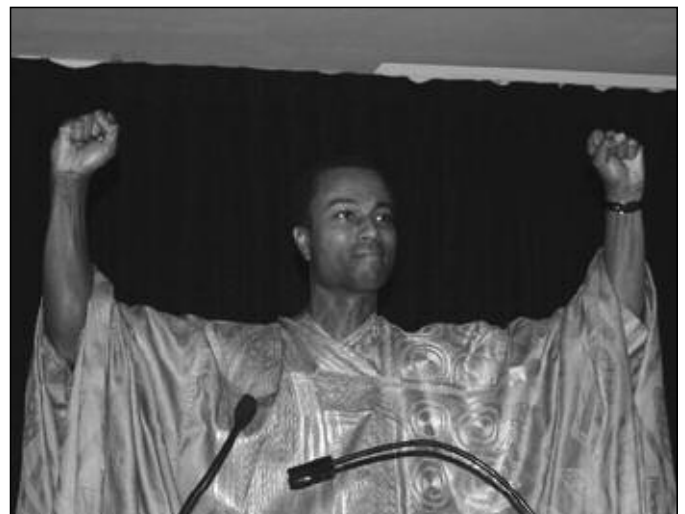
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Convention Wrap-up

by Ashlee Albies

Each year at the national NLG convention, panels and workshops are crammed into a tight three-day schedule, forcing attendees to make that difficult decision of choosing one over another. This year was no different, and I overheard many remarks wondering when a person would find time to eat. While this concurrent scheduling left me oscillating between excitement for attending certain panels and disappointment for missing others, my frustration was quelled by sheer pride and awe for the great work being done by Guild members, and being part of the host chapter helping plan the convention here in Portland.

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Longtime Guild lawyer and freedom fighter Mark Fancher receives the Ernie Goodman Award at the Convention Banquet.

PHOTO: TIM PLENK

American Bar Association continued from cover

the way the LSAT is used in admissions. Increasingly, law schools are relying more heavily on the LSAT in admissions as a way to boost their ranking. LSAT scores range from 120 to 180, with an average LSAT score of 150. Many schools establish a cutoff score at 145 that no potential student can score below. This is problematic for various reasons; one being that the Law School Admission Council (LSAC), which designs and administers the test, has warned against over reliance on the test. In addition, LSAC President Philip D. Shelton states that, "LSAC, and all other standardized testing companies that produce skills assessment tests, has always stated that the use of a cutoff score for this test is inappropriate. The reason is that the difference between scores is insignificant and would be even if the test were a more perfect measure than it is."

A disproportionate number of the potential students who are denied admission only because their LSAT is between 140-145 are people of color. As Rogelio A. Lasso, a professor at University of Missouri-Kansas City states, "By LSAC's own calculations, over 55% of applicants with an LSAT of 140 would end up in the third, second and first quartile at the end of their first year. Moreover, when universities provide these students with academic support programs tailored to their needs, their success rates rise dramatically. That means we are denying a chance for a legal education to a great number of students of color who are likely to go on to succeed in law school and in the practice of law. Given that law students go on to make law, whether it is as judges, legislators, litigators, or policy analysts, the lack of representation of people of color in the legal profession has grave implications for communities

of color." In fact, enrollment of African-American and Latino law students nationally has dropped since 1994 despite an increase in applications.

In August 2005, the coalition's proposal for new diversity guidelines was rejected in favor of the ABA Diversity Committee's recommendations, which are now open for public comment and will be voted on in January. The National Lawyers Guild students have taken the position that the Diversity Committee's proposal is much too weak. It offers little binding language and does not address the LSAT issue, which is important to achieving non-discrimination in admissions. However, the recommendations in the proposal have not been accepted yet; there still is time to demand that the ABA adopt stronger guidelines to ensure racial justice and real equality and diversity in admissions and address the growing problem of discriminatory LSAT usage. We have until January 5, 2006 to send in comments to the ABA (but the earlier the better) so we have to move quickly!

At the National Convention in Portland, a working group of the NLG national student network outlined a five-step plan to quickly address the situation:

1. Issuing an NLG student position paper on the proposed guidelines for consideration by the ABA
2. Re-writing of the guidelines to bring them into line with what we think needs to happen
3. Marshalling an outpouring of comments to the ABA (by you!)
4. Organizing a National Day of Action: November 29, 2005
5. Ensuring a Guild presence at the AALS conference in January, where there will be a live public comment period before this issue is discussed and decided upon

For number 3 to happen in a meaningful way we really need the support and participation of as many NLG members as possible. Please take a minute to review the website: <http://quickplace.udayton.edu/> coalition, which has information about LSAT use. Also, review the Proposed revisions to Standards 210-212 here: www.abanet.org/legaled. Then make your voice heard! Send in a comment to the ABA at the address provided at the end of this article.

Whether or not the ABA decides to include the LSAT issue in the accreditation standards, this should continue to be an issue that we mobilize around. If it is included in the standards, we must make sure that the law schools we are affiliated with as students, professors, and alumnus are in accordance and make changes to admissions practices in a meaningful way so that change does not exist solely on paper. If it is not included, we should push for change on an institutional level to ensure the law school does the right thing even without the ABA pressure. ■

Laura Raymond is the National Student Organizer based in the National Office. She asks that anyone interested in more information about this issue please contact her at studentorg@nlg.org

All comments to the ABA should be submitted to:

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Please also send a copy to studentorg@nlg.org