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Do Med Schools Do It Better?: Improving Law School Admissions by Adopting a Medical School Admissions Model

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Do Med Schools Do it Better? Improving Law School Admissions by Adopting a Medical School Admissions Model

*Rebecca C. Flanagan**

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I. INTRODUCTION: DO MED SCHOOLS DO IT BETTER?

Hardly a day passes without national or local media running a story criticizing law schools, legal education, or the skills of young lawyers. Dozens of articles have been written on the failure of law schools to properly prepare law students for the work they will do after they graduate.¹ Although there are a few commentators—primarily law professors, who have a vested interest in the status quo²—who think this criticism will pass when the job market improves, most critics believe law school must fundamentally change in order to produce practice-ready graduates.³

In contrast to the constant criticism leveled at legal education, medical education receives little public criticism. While there are some critics who think medical school should be shortened to three, instead of four years,⁴ and others who criticize the disjunction between medical education and internship,⁵ it is quite rare to find any meaningful criticism of medical training in popular media or academic circles. Additionally, the public honors and trusts doctors, while lawyers are the subject of jokes and scathing criticism.⁶

The perceived differences between doctors and lawyers start with differences in how lawyers and doctors are educated and trained. Both professional programs have their origins in the nineteenth

1. David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 20, 2011, <http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-belawyers.html?pagewanted=all>.

2. See Erwin Chemerinsky & Carrie Menkel-Meadow, *Don't Skimp on Legal Training*, N.Y. TIMES (Apr. 14, 2014), <http://www.nytimes.com/2014/04/15/opinion/dont-skimp-on-legal-training.html?hp&rref=opinion>; Lucille A. Jewel, *Tales of A Fourth Tier Nothing, A Response to Brian Tamanaha's Failing Law Schools*, 38 J. LEGAL PROF. 125 (2013); Lawrence E. Mitchell, *Law School is Worth the Money*, N.Y. TIMES, Nov. 28, 2012, <http://www.nytimes.com/2012/11/29/opinion/law-school-is-worth-the-money.html>.

3. David M. Moss, *Tethered to Tradition: Toward an Innovative Model for Legal Education*, 17 CHAP. L. REV. 1 (2013); Ethan Bronner, *A Call For Drastic Changes in Educating Lawyers*, N.Y. TIMES, Feb. 10, 2012, <http://www.nytimes.com/2013/02/11/us/lawyers-call-for-drastic-change-in-educating-new-lawyers.html?pagewanted=all>.

4. Denise Grady, *The Drawn-Out Medical Degree*, N.Y. TIMES, Aug. 1, 2014, <http://www.nytimes.com/2014/08/03/education/edlife/the-drawn-out-medical-de=gree.html?src=xps>.

5. Pauline W. Chen, *Are Med School Grads Prepared to Practice Medicine?*, N.Y. TIMES (Apr. 24, 2014), <http://well.blogs.nytimes.com/2014/04/24/are-med-school-grads-prepared-to-practice-medicine/?module=Search&mabReward=relbias%3Ar%2C%7B%221%22%3A%22RI%3A7%22%7D>.

6. Sixty-nine percent of respondents rated the honesty and ethics of doctors to be very high or high. In contrast, only twenty percent of respondents rated the honesty and ethics of lawyers to be high or very high. Gallup Poll, *Honesty/Ethics in Professions* (Dec. 5–8, 2013), <http://www.gallup.com/poll/1654/honesty-ethics-professions.aspx>.

century, and evolved to preeminence in the twentieth century.⁷ Despite similar origins, medical education has become more rigorous, more practice-oriented, and more thorough.⁸ While legal education has made some minor changes during the twentieth century, the case method of instruction still reigns supreme over 140 years after its introduction.⁹

The differences between legal education and medical education start before students enter their post-graduate professional programs; the differences in preparation begin during the undergraduate years. This article briefly compares pre-law and pre-medical undergraduate preparation, and discusses how the differences in preparation shape preparedness in professional school. Taking cues from the successes in pre-med preparation, this article provides recommendations for improving the law school admissions model by adopting more rigorous pre-law preparation standards. The recommendations in this article are a necessary prerequisite for law schools looking to produce the “practice ready” graduates that the public demands.¹⁰

II. LAW SCHOOL ADMISSIONS: THE PATH OF LEAST RESISTANCE

It doesn't take a lot of preparation to apply to law school; to be admitted to an ABA-accredited law school, an applicant must have completed a “bachelor's degree, or successful completion of three-fourths of the work acceptable for a bachelor's degree, from an institution that is accredited by . . . the Department of Education.”¹¹ In addition, students must “take a valid and reliable admission

7. See generally THE CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, MEDICAL EDUCATION IN THE UNITED STATES AND CANADA (1910), available at http://archive.carnegiefoundation.org/pdfs/elibrary/Carnegie_Flexner_Report.pdf.

8. See KENNETH M. LUDMERER, TIME TO HEAL: AMERICAN MEDICAL EDUCATION FROM THE TURN OF THE CENTURY TO THE ERA OF MANAGED CARE (1999); MOLLY COOKE ET AL., EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY, 1-3 (2010).

9. See ROBERT STEVENS, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S, 247, 278 (1983) (referring to the case method as “no other teaching method [could be] considered its peer” and “that remarkable and resilient vehicle.”).

10. See Margaret Martin Barry, *Practice Ready: Are We There Yet?*, 32 B.C.J.L. & SOC. JUST. 247, 255 (2012); Scott Westfahl, *Response: Time to Collaborate on Lawyer Development*, 59 J. LEGAL EDUC. 645, 647 (2010); Robert I. Reis, *Law Schools Under Siege: The Challenge to Enhance Knowledge, Creativity, and Skill Training*, 38 OHIO N. U. L. REV. 855, 862-863 (2012); James Etienne Viator, *Legal Education's Perfect Storm: Law Students' Poor Writing and Legal Analysis Skills Collide with Dismal Employment Prospects, Creating the Urgent Need to Reconfigure the First-Year Curriculum*, 61 CATH. U. L. REV. 735, 739-740 (2012).

11. ABA Standards and Rules of Procedure for Approval of Law Schools, A.B.A. STANDARDS FOR APPROVAL OF L. SCH., 38 (2013-2014), available at http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2013_2014_standards_chapter5.authcheckdam.pdf.

test,” presumptively the Law School Admission Test (LSAT).¹² Law schools do not require specific classes, extracurricular involvement, clinical or experiential training, or community service. While all the aforementioned are helpful, especially if a student would like to be admitted to one of the best law schools, they are far from necessary for admission to the vast majority of law schools. Although law schools may add other requirements—most require students to submit a personal statement and letter(s) of recommendation—the only requirements necessary are a bachelor’s degree earned by the time classes begin and an LSAT score. Even when schools require additional materials from applicants, “the lion’s share of almost every law school class is admitted based primarily on the strength of individual applicants’ combined undergraduate grades (UGPA) and LSAT, or index scores.”¹³

For admission to a professional program, these are low hurdles to cross. In reality, admission to law school represents a sliding scale, with the most prestigious programs requiring substantial experience, extracurricular involvement, and the highest-caliber undergraduate education.¹⁴ As law schools move down the rakings ladder, admissions standards become more and more relaxed, closer to the minimum threshold set by the ABA.¹⁵

Law schools with lesser application requirements find myriad justifications for the relaxed standards. The relaxation of admissions standards has been especially pronounced since 2011.¹⁶ The “new normal,”¹⁷ a term used to describe the economy after the

12. *Id.*

13. Kristen Holmquist et al., *Measuring Merit: The Shultz-Zedeck Research on Law School Admissions*, 63 J. LEGAL EDUC. 565, 571 (2014).

14. See Harvard Law School, *Admission FAQ*, <http://www.law.harvard.edu/prospective/jd/apply/the-application-process/jdfaq.html#medianLSAT> (last updated Sept. 17, 2014); Yale Law School, *Admissions Entering Class Profile*, <http://www.law.yale.edu/admissions/profile.htm> (last visited Sept. 17, 2014).

15. See Florida A&M College of Law, *1L Class Profile*, <http://law.famu.edu/go.cfm/do/Page.View/pid/13/t/1L-Class-Profile.html> (last visited Sept. 17, 2014); New England Law-Boston, *New England Law At-a-Glance*, <http://www.nesl.edu/admissions/ata glance.cfm> (last visited Sept. 17, 2014).

16. See Ashby Jones & Jennifer Smith, *Amid Falling Enrollment, Law Schools Are Cutting Faculty*, WALL ST. J. L. BLOG (July 15, 2013), <http://online.wsj.com/news/articles/SB10001424127887323664204578607810292433272> (“Law schools faced with a dwindling pool of applicants confront a tough choice. They can fill seats by relaxing admissions criteria, a tactic that risks jeopardizing their standing in the influential annual rankings put out by U.S. News & World Report.”).

17. U.S. Bureau of Labor Statistics, *The U.S. Economy to 2022: Settling into a New Normal* (Dec. 2013), <http://www.bls.gov/opub/mlr/2013/article/the-u-s-economy-to-2022-settling-into-a-new-normal-1.htm>.

“Great Recession” of 2008,¹⁸ radically changed the landscape of law school admissions.¹⁹ After the recession, potential law students turned away from law schools as it became apparent that a J.D. was not the path to stable or lucrative employment for the math-averse. The recession hit legal employment especially hard, and criticism of law school job statistics became endemic.²⁰ While law students who graduate from top-ranked law schools still receive job offers from large law firms, students graduating from lower-ranked law schools face significant educational debt and a grim employment landscape.²¹ These factors have combined to create a challenging admissions environment for many, if not most, law schools.

A. *No Required Courses*

Law schools do not require any specific courses, or prefer any particular majors, for admission. The Law School Admission Counsel (LSAC) pre-law guide, titled “*Thinking About Law School*,” states that “[n]o particular undergraduate education is recommended; students are admitted to law school from almost every academic discipline.”²² Similarly, the ABA’s pre-law website states that “[t]he ABA does not recommend any undergraduate majors or group of courses to prepare for a legal education. Students are admitted to law school from almost every academic discipline.”²³ The ABA suggests that J.D. applicants develop certain skills, such as “Problem Solving, Critical Reading, Writing and Editing, Oral Communication and Listening, Research Organization and Management, Public Service and Promotion of Justice, Relationship-building and

18. Matt O’Brien, *Will We Ever Fully Recover from the Great Recession?*, WASH. POST (June 10, 2014), <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/06/10/will-we-ever-fully-recover-from-the-great-recession/>.

19. See Martha Neil, *Law School Applications Down 37 Percent Since 2010; First-Year Class Could be Smallest in 40 Years*, A.B.A. J. (July 22, 2014), http://www.abajournal.com/news/article/law_school_applications_down_37_percent_new_lsac_survey_shows_theyve_dropped.

20. Jennifer Smith, *Law 2014 Paring Back at U.S. Law Schools Continues*, WALLST.J.L. BLOG (Jan. 2, 2014), <http://blogs.wsj.com/law/2014/01/02/law-2014-paring-back-at-u-s-law-schools-continues/>.

21. See *Ranking the Go-To Law Schools*, NAT’L L. J. (Feb. 24, 2014), <http://www.nationallawjournal.com/id=1202643450571>; see generally *Section of Legal Education-Employment Summary Report*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR, <http://employmentsummary.abaquestionnaire.org> (provides employment reports on all ABA-accredited law schools, as well as a summary report for all law schools).

22. *Thinking About Law School*, L. SCH. ADMISSION COUNCIL 2, <http://www.lsac.org/docs/default-source/publications-%28lsac-resources%29/thinkaboutlaw-school.pdf> (last updated Jan. 2015) [hereinafter LSAC REP.].

23. *Pre-Law*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR, http://www.americanbar.org/groups/legal_education/resources/pre_law.html (last visited Sept. 17, 2014) [hereinafter A.B.A. REP.].

Collaboration, Background Knowledge, and Exposure to the Law.”²⁴ Despite these recommendations, the ABA has a rather sparse explanation of how students can gain those skills, and even less information about how law students can incorporate skill building into their undergraduate or post-graduate careers. Applicants are left to their own devices to figure out how to gain these skills, especially if they have already graduated from college and work full-time.

It is particularly noteworthy that the explanation of how students acquire “background knowledge” closely parallels the requirements for a liberal arts degree. The ABA suggests taking courses in history, political thought, political systems, basic mathematical and financial skills, a basic understanding of human behavior and social interactions, and an understanding of diverse cultures, international institutions, and world events.²⁵ The recommendations under “background knowledge” are at odds with the introductory paragraph, on the same page, which states that the ABA does not recommend “any undergraduate majors or group of courses.”²⁶ Additionally, these recommendations come at the end of the page, far below the introductory statement stressing that “[t]here is no single path that will prepare you for a legal education.”²⁷ Only the most committed, diligent applicants will read to the end of the page to see the recommendations, and are likely to be confused by the contradictory information. An applicant can choose which recommendations to follow; either the ABA doesn’t recommend any “group of courses,” in which case they can apply without background knowledge, or they can follow the latter recommendations, and get a broad liberal arts education, quite similar to what has been understood as “pre-law” by many educators and professors.²⁸

The lack of required courses, and contradictory recommendations from the body that accredits law schools, means that anyone with a bachelor’s degree and an LSAT score can apply to law school. Even if a potential law student followed the conflicting ABA recommendations, the lack of standards among undergraduate institutions makes it difficult for students to know if the classes they are selecting actually provide the knowledge they need to succeed; a modern world history course at one college may be a course focusing on non-

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. Nancy B. Rapoport, *Changing the Modal Law School: Rethinking U.S. Legal Education in (Most) Schools*, 116 PENN ST. L. REV. 1119, 1120–1122 (2012).

Western societies, or a vast survey course including American history.²⁹

In addition, rising grade inflation makes it difficult for pre-law students to know if the classes they are selecting are actually providing them with the requisite skills necessary to succeed in law school. Grade inflation has become a significant problem at undergraduate colleges and universities.³⁰ Many students can earn above-average grades throughout their undergraduate years by artfully selecting courses and majors.³¹ This problem is especially pronounced in business programs.³² Students (and law school admissions professionals) cannot look to their undergraduate grade point averages to determine if they have mastered the “background knowledge” the ABA suggests will help them succeed in law school.³³

Students who, through diligent research and careful attention to course descriptions, manage to craft an undergraduate program that provide them with the background knowledge necessary for law school may still be underprepared for the rigors of law school coursework. Empirical research suggests college graduates who apply to law school today are far less qualified than previous generations of applicants.³⁴ Recent empirical studies have questioned the rigor of many undergraduate programs. Many college students that

29. See U. Conn., *Course Catalog, Modern World History*, available at <http://catalog.uconn.edu/hist/>; Lafayette College, *History Courses, History of the Modern World*, available at <https://history.lafayette.edu/courses/#105> (although these courses share very similar names, the descriptions of the courses show they have vastly different coverage, and will provide students with completely different background knowledge and skills. Students would have a very difficult time trying to meet the A.B.A. recommendations for background knowledge by just looking at course names).

30. See Stuart Rojstaczer & Christopher Healy, *Where A Is Ordinary: the Evolution of American College and University Grading*, 114 TCHR. C. REC. 1 (2012); Stuart Rojstaczer & Christopher Healy, *Grading in American Colleges and Universities*, TCHR. C. REC. (Mar. 4, 2010); Catherine Rampell, *A History of College Grade Inflation*, N.Y. TIMES (July 14, 2011), <http://nyti.ms/1cNm3gh>.

31. Talia Bar et al., *Grade Information and Grade Inflation: The Cornell Experiment*, 23 J. ECON. PERSP. 93, 94 (2009); Richard Vedder, *Student Evaluations, Grade Inflation, and Declining Student Effort*, CHRON. HIGHER EDUC. (June 19, 2010), <http://chronicle.com/blogs/innovations/student-evaluations-grade-inflationdeclining-student-effort/249>

26. 32. David Glenn, *The Default Major: Skating Through B-School*, N.Y. TIMES, Apr. 14, 2011, <http://www.nytimes.com/2011/04/17/education/edlife/edl-17business-t.html>.

33. Winai Wongsurawat, *Grade Inflation and Law School Admissions*, 16 QUALITY ASSURANCE IN EDUC. 224, 225 (2008) (unfortunately, there are no more recent studies tracking the increased use of LSAT in law school admissions).

34. RICHARD ARUM & JOSIPA ROKSA, *ACADEMICALLY ADRIFT: LIMITED LEARNING ON COLLEGE CAMPUSES* (2011).

graduate from bachelor's programs show few gains in critical thinking, reasoning, and writing skills.³⁵ Other studies suggest that college students today study dramatically less than college students since the 1960's.³⁶ While the reasons for the decline in undergraduate rigor are beyond the scope of this paper,³⁷ it is critical to note that law schools are facing a decline in the quality of pre-law education. A pre-law student of 2014 is not like a pre-law student of 2004, 1994, or 1984. The lack of guidance by the ABA recommendations compounds the problem for applicants, who do not know what they should be studying, or how to acquire the skills necessary for success. Institutionally, law schools have been uninvolved with the dialogue about skills acquisition on undergraduate campuses, so undergraduate institutions do not know how to craft a pre-law program that helps students acquire the skills necessary for law school success.

The end result of the lack of required courses or competencies for admission to law school is an applicant pool that does not have the fundamental knowledge or skills to succeed in law school.³⁸ Many law schools are forced to provide substantial remedial training in basic writing, as well as instruction in critical thinking and reading,³⁹ while working to train students to work in an increasingly complex and technologically advanced field. However, the remedial training offered by law schools is often squeezed into the curriculum, between required 1L courses, and limited to students who are clearly at-risk (based on the LSAT and UGPA) or students who have already failed to perform on law school exams.⁴⁰ The type of remediation provided by the majority of law schools does not reach students who have substantial weaknesses in foundational knowledge and skills, but rise above "at-risk" standard.⁴¹

35. *Id.*

36. Philip Babcock & Mindy Marks, *The Falling Time Cost of College: Evidence From Half a Century of Time Use Data*, 93 REV. ECON. & STAT. 468 (2011).

37. See Susan Stuart & Ruth Vance, *Bringing a Knife to the Gunfight: The Academically Underprepared Law Student & Legal Education Reform*, 48 VAL. U. L. REV. 41 (2013); Rebecca C. Flanagan, *The Kids Aren't Alright: Rethinking the Law Student Skills Deficit*, 15 BYU EDUC. & L.J. (forthcoming 2015), <http://ssrn.com/abstract=2478823> (both articles discuss, in depth, the declining standards among undergraduate institutions and the decline in skills acquisition among undergraduate students).

38. See Stuart & Vance, *supra* note 37.

39. Academic support programs are designed to work with a small number of incoming students with undergraduate GPA's and LSAT scores that place them at risk for academic failure.

40. Kathy L. Cerminara, *Remembering Arthur: Some Suggestions for Law School Academic Support Programs*, 21 T. MARSHALL L. REV. 249, 251 (1996).

41. See Louis N. Schulze Jr., *Alternative Justifications for Academic Support II: How "Academic Support Across the Curriculum" Helps Meet the Goals of the Carnegie Report and*

B. Law School Admissions Test

The lack of prerequisites necessary to be admitted to law school are supposed to be a boon to the field, providing legal education with a spectrum of opinions to stimulate class discussion and deepen student perspectives.⁴² In reality, the lack of requirements means that there is little standardization among law school applicants other than their LSAT score. The LSAT does not measure any academic subject matter; it is a test of “the reading and comprehension of complex texts with accuracy and insight, the organization and management of information and the ability to draw reasonable inferences from it, the ability to think critically, and the analysis and evaluation of the reasoning and arguments of others.”⁴³ These skills are measured through five, 35-minute sections of multiple-choice questions: one reading comprehension section, one analytical reasoning section, and two logical reasoning sections.⁴⁴

The LSAT makes a very narrow assertion: it is the best predictor, in conjunction with undergraduate grade point average, of first-year law school grades.⁴⁵ The LSAT does not purport to measure the ability or skills necessary to be a lawyer, the attributes necessary for success in the field, or qualities valued in an ethical practitioner.⁴⁶ It is designed to measure an applicant’s ability and skills considered essential for success in law school.⁴⁷ The LSAC-sponsored history of the test found that the LSAT was never meant to test lawyering skills or ability; rather, “the test’s usefulness came in its ability to predict lack of success—students who did poorly on the aptitude test usually did poorly in law school.”⁴⁸

How to be successful on the LSAT is a topic that is fraught with political, social, and educational controversy.⁴⁹ To do well on the LSAT, applicants need ability to do well on standardized tests of

Best Practices, 40 CAP. U. L. REV. 1, 25 (2012) (arguing for broader implementation of academic support to reach all students, not just traditionally at-risk populations).

42. A.B.A. REP., *supra* note 23.

43. LSAC REP., *supra* note 22.

44. *Id.*

45. *LSAT Scores as Predictors of Law School Performance*, L.A.W. SCH. ADMISSION COUNCIL, www.lsac.org/docs/default-source/jd-docs/lsat-score-predictors-of-performance.pdf (last visited Sept. 17, 2014).

46. W.P. LaPiana, *A History of the Law School Admission Council and the LSAT*, L. SCH. ADMISSION COUNCIL 4 (2001), <http://www.lsac.org/docs/default-source/publications-%28lsac-resources%29/history-lsac-lsat.pdf> (“[T]he LSAT was linked to success in law school, not success at the bar.”).

47. *Id.* at 2–4.

48. *Id.* at 2.

49. See Phoebe Haddon & Deborah W. Post, *Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and Redefinition of Merit*, 80 ST. JOHN’S L. REV. 41 (2006) (arguing that the LSAT is the “center of the storm” involving admissions).

verbal reasoning and logic; they need time-intensive, specifically-tailored training for the test,⁵⁰ or they need to major in the liberal arts.⁵¹ There are myriad problems with these strategies. LSAT preparation is costly and time consuming. The average cost of the two most popular LSAT prep programs is \$1424.⁵² The “most popular” option among people enrolling with Kaplan test prep was an in-class prep program, which requires test takers to attend twenty-eight hours of in-class lectures, as well as three full-length, proctored LSATs.⁵³ It would be difficult, if not impossible, for a student who must work to pay for school, or take care of a family to invest the time and effort in adequate LSAT preparation.

Additionally, LSAT rewards the applicants who have chosen liberal arts majors. Liberal arts may provide a better foundation for critical thinking and reasoning than pre-professional majors such as business, health sciences, and communications. However, liberal arts disciplines fail to provide students with career training required to find post-graduate employment.⁵⁴ For first-generation college students, or students looking to attend law school part-time because they have to support a family, liberal arts is a luxury they cannot afford. Despite the fact that law schools, the LSAC, and the ABA say that anyone can do well in law school, liberal arts majors seem to do better. In a study of the undergraduate majors that score the highest on the LSAT, “among those majors with at least 1000 takers, the top major was Philosophy, followed by Economics, History, English, and Political Science.”⁵⁵ In majors with fewer

50. Allyson P. Mackey et al., *Experience-Dependent Plasticity in White Matter Microstructure: Reasoning Training Alters Structural Connectivity*, 6 FRONTIERS IN NEUROANATOMY 1 (2012) (researchers at University of California at Berkeley found that rigorous, three-month training in reasoning increased white matter neuroplasticity and increased LSAT scores).

51. Michael Nieswiadomy, *LSAT Scores of Economics Majors: The 2008–2009 Class Update*, J. ECON. EDUC. (June 25, 2009), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1430654.

52. The cost of the Kaplan In-Class test prep was \$1399 (as of Nov 1, 2014). KAPLAN, *available at* <http://www.kaptest.com/lsat/lsat-prep-course/course-options>. The cost of the Princeton Review “Ultimate” test prep was \$1449 (as of Nov 1, 2014). PRINCETON REVIEW, *available at* <http://www.kaptest.com/lsat/lsat-prep-course/course-options>.

53. *Id.*

54. Patricia Cohen, *In Tough Times, the Humanities Must Justify Their Worth*, N.Y. TIMES, Feb. 25, 2009, <http://www.nytimes.com/2009/02/25/books/25human.html>; *see also* ANDREW HACKER & CLAUDIA DREIFUS, HIGHER EDUCATION? HOW COLLEGES ARE WASTING OUR MONEY AND FAILING OUR KIDS—AND WHAT WE CAN DO ABOUT IT 101 (2010) (Hacker and Dreifus noted that students interviewed “were constantly badgered by parents and relatives who wanted to know how supposedly useless subjects would help them move up the social ladder.”).

55. Derek T. Muller, *The Best Prospective Law Students Read Homer*, EXCESS OF DEMOCRACY (Apr. 7, 2014), <http://excessofdemocracy.com/blog/2014/4/the-best-prospective-law-students-read-homer>.

than 1000 LSAT takers, the top five majors were classics, policy studies, international relations, art history, and mathematics.⁵⁶ Earlier studies have found similar results; liberal arts majors do the best on the LSAT.⁵⁷

The LSAT is also widely criticized because of its negative effects on students of color. The average LSAT score during test administrations from 2005 through 2009 was 142.37 for African American test takers, while the average score for white takers was 152.7.⁵⁸ The LSAT “disproportionately disadvantages (and excludes) students of color,” leading to more homogenous classes.⁵⁹

Not only is the LSAT a test that rewards white applicants who can afford test preparation, but it has made no effort to keep up with the skills, knowledge, or abilities necessary for success as a lawyer.⁶⁰ This is one of the most significant criticisms of not only the LSAT, but of law school generally; instead of measuring what it takes to succeed as a practitioner, law schools look to measure which students will not do poorly in their first year of law school.⁶¹ The limited academic skills required to do well during the first year of law school do not relate to success as a practicing attorney.⁶² These aptitudes are not measured in any meaningful way during the law school application process.⁶³

Attempts to supplement or replace the LSAT with a better test, or a test that does a better job of predicting the success of future lawyers (instead of the success of law students) have not been fruitful. The most recent attempt at supplementing the LSAT was a proposal by Majorie Shultz and Sheldon Zedeck. Professors Shultz and Zedeck sought to “expand the focus” of law school admissions by examining the competencies related to professional performance.⁶⁴ Professor Zedeck, a scholar in the field of personnel psychology, and Professor Schultz, a law professor, started by researching what defines successful or effective lawyering.⁶⁵ After extensive

56. *Id.*

57. Nieswiadomy, *supra* note 51.

58. Susan P. Dalessandro et al., *LSAT Performance with Regional, Gender, and Racial/Ethnic Breakdowns: 2005–2006 Through 2011–2012 Testing Years*, L. SCH. ADMISSION COUNCIL 26–32 (2012), available at [http://www.lsac.org/docs/default-source/research-\(lsac-resources\)/tr-12-03.pdf](http://www.lsac.org/docs/default-source/research-(lsac-resources)/tr-12-03.pdf).

59. Holmquist et al., *supra* note 13, at 565.

60. *Id.* at 566 (“Commentators had long critiqued the LSAT as too narrow, but . . . no persuasive additions or alternatives had emerged.”).

61. LaPiana, *supra* note 46.

62. Holmquist et al., *supra* note 13, at 565.

63. *Id.* at 568 (“Law schools rely heavily on the LSAT for admissions decisions, despite little or no evidence that the LSAT predicts lawyering competence.”).

64. *Id.* at 566.

65. *Id.* at 576–577.

research, Schulz and Zedeck developed twenty–six factors of lawyering effectiveness, including “problem solving, practical judgment, listening, organizing and managing one’s own work, [and] building and developing relationships.”⁶⁶ Next, they selected and developed eight tests, and evaluated the strength of the tests to measure lawyering effectiveness using 1100 volunteers among students and alumni at Hastings Law School and Berkeley Law.⁶⁷ Results of this study found that the new tests predicted almost all of the twenty–six competencies.⁶⁸

Despite the efficacy of the Shultz–Zedeck test, the professors need to conduct additional research before the test is ready to be implemented.⁶⁹ The professors see the test as a useful adjunct to the LSAT, one that measures professional competencies alongside academic ability.⁷⁰ Unfortunately, to implement and conduct further research on the Schultz–Zedeck test would require funding and participation from most law schools.⁷¹ At this time, the law school community has not responded to the need for a more reliable admissions test.

Law school admissions is plagued by a number of deficiencies that cannot be easily remedied unless law schools work in concert with each other and accrediting bodies. These deficiencies are not insurmountable, but law schools must look carefully at how they admit students to produce a better model.

III. PRE–MED: A GAUNTLET NOT EASILY PASSED

In sharp contrast to law school admissions, admission to a United States medical college requires applicants to prepare throughout their undergraduate years. American medical schools require applicants to successfully complete an array of specific, foundational courses in the sciences, have a very strong Medical College Admissions Test (MCAT) score, as well as extensive clinical and research experience. While these make up the essential requirements for admission to medical school, most successful applicants have stellar undergraduate grades, are active in extracurricular activities, have years of community service experience, and a composite letter of recommendation from their undergraduate or post–baccalaureate program. Lastly, a medical school applicant must do well during an

66. *Id.* at 577.

67. *Id.* at 578–579.

68. *Id.* at 580.

69. *Id.*

70. *Id.* at 582.

71. *Id.* at 583.

interview with medical school admissions staff or faculty in order to be admitted to medical school. If admission to law school represents the path of least resistance for the math-averse college graduate, admission to medical school is a marathon-length gauntlet, an intellectually, academically, and personally challenging array of requirements and competencies that must be mastered in order to be admitted. Medical schools term this gauntlet “holistic review,” and it is designed to admit and train the best-prepared students.⁷²

A. *Pre-Med Course Requirements: Foundational Knowledge and Fundamental Skills*

The overwhelming majority of United States medical schools have minimum course requirements for admission. Of 141 allopathic (M.D.-granting) medical schools in the United States, 119 medical schools require organic chemistry, 118 require inorganic (general) chemistry, 97 require biology, and 84 require English courses.⁷³ Medical school prerequisites require about one-third of a college students' credit hours, leaving enough time for pre-med students to choose almost any major.⁷⁴

Although medical schools currently require science and English courses in order to apply, a recent recommendation by the Scientific Foundations for Future Physicians looks to change the pre-med course requirements.⁷⁵ Instead of focusing on courses, medical schools are urged to focus on academic competencies.⁷⁶ Competencies are learner-performances, where “[e]mphasis should be on defined areas of knowledge, scientific concepts, and skills rather than on specific courses or disciplines.”⁷⁷ Competencies are meant to allow students to get a broad-based, “intellectually expansive” liberal arts education, allow undergraduate colleges and universities to develop novel “interdisciplinary and integrative science courses” without increasing instructional hours in the sciences, and increase “scientific rigor and its relevance to human biology.”⁷⁸ Competencies

72. Robert A. Witzburg & Henry M. Sondheimer, *Holistic Review—Shaping the Medical Profession One Applicant at a Time*, 368 NEW ENG. J. MED. 1565 (2013).

73. ASSOCIATION OF AMERICAN MEDICAL COLLEGES, THE OFFICIAL GUIDE TO MEDICAL SCHOOL ADMISSIONS (10th ed. 2014) [hereinafter OFFICIAL GUIDE].

74. *Id.*

75. *Scientific Foundations for Future Physicians, Report of the AAMC-HHMI*, AAMC-HHMI (2009), available at <https://www.aamc.org/download/271072/data/scientificfoundationsforfuturephysicians.pdf>.

76. *Id.* at 1–2.

77. *Id.* at 1.

78. *Id.*

would require undergraduate institutions to work with medical colleges to develop courses to meet the new competencies, and would require the MCAT, to accurately assess mastery of the competencies in pre-med students.⁷⁹

B. MCATs: A Purpose-Driven Test

The MCAT is comprehensive, academic, and integrated with the competencies necessary to succeed as a medical professional. The current MCAT is divided into four sections: the physical sciences (encompassing general chemistry and physics); verbal reasoning (evaluating applicant ability to understand information and arguments); biological sciences (covering biology and organic chemistry); and a trial section (test questions for an overhauled 2015 MCAT, which will be administered beginning the spring of 2015). The new MCAT exam will add a section on psychological, social, and biological foundations of behavior, focusing on the social sciences and “the importance of socio-cultural and behavioral determinants of health and health outcomes.”⁸⁰ The verbal reasoning section will change slightly, becoming the section on critical analysis and reasoning skills, which emphasizes that “medical schools want well-rounded applicants from a variety of backgrounds.”⁸¹

The MCAT is closely tied to undergraduate education. It would be difficult, if not impossible, for most people to achieve even an average score on the test without coursework in biology, chemistry, and physics. The MCAT administered after 2015 will also require coursework in social sciences, specifically psychology, sociology, or anthropology.⁸² Applicants who plan on applying to the small minority of medical colleges that do not specifically require foundational coursework in the sciences will find that it is nearly impossible to succeed on the MCAT without mastery of basic sciences.

The MCAT administered in 2015 was overhauled because, in the words of the president of Association of American Medical Colleges,

79. *Id.*

80. *The MCAT2015 Exam for Students*, ASS'N OF AM. MED. COLLEGES, <https://www.aamc.org/students/applying/mcat/mcat2015/> (last visited Sept. 17, 2014).

81. *Id.*

82. OFFICIAL GUIDE, *supra* note 73, at 29; see also Elisabeth Rosenthal, *Pre-Med's New Priorities: Heart and Soul and Social Sciences*, N.Y. TIMES, Apr. 15, 2012, <http://www.nytimes.com/2012/04/15/education/edlife/pre-meds-new-priorities-heart-and-soul-and-social-science.html?smid=pl-share>.

“the health system of tomorrow will require a different kind of physician.”⁸³ The MCAT is designed to test an applicant’s ability to successfully complete medical school, but also seeks to stay current with the medical profession, and what skills and knowledge are required to stay proficient in the field. The new MCAT will last seven-and-a-half hours.⁸⁴ The content of the MCAT was expanded, but the test will continue to “be updated to stay current with the exponential growth of medical knowledge, focusing on the areas medical school educators and students think are most important for medical school.”⁸⁵

1. *Clinical Experience and Community Service: Keys to “Holistic Review”*

A popular guide to medical school admissions sums up the process this way: “If you will be happy pursuing any profession other than medicine, go do that. If not, become a doctor.”⁸⁶ If a pre-med student can check all the academic boxes, they still have to prove to medical colleges that they have research, or clinical, experience to complement academic knowledge gained through undergraduate coursework. Clinical experiences are not strictly limited to work in a laboratory or medical facility; clinical experiences can be health policy research, academic research in an emerging area of medical concern, or population-based research, such as working in an underserved foreign country.⁸⁷ Clinical experience can also be community-based and, although the two components can be distinct, it is often combined with community service. The key to clinical experience and community service is what they show about the applicant’s interests and attributes. Medical college admissions professionals want to see that applicants explore medicine before committing to a seven-to-twelve year journey. Specifically, that the applicants understand “the daily demands placed upon physicians,” can demonstrate the communication and empathy skills necessary to work with different people, and the “willingness to put others’ needs before [their] own.”⁸⁸

83. Darrell G. Kirch, *A Word from the President: MCAT2015: An Open Letter to Pre-Med Students*, AAMC REP. (Mar. 2012), <https://www.aamc.org/newsroom/reporter/march2012/276772/word.html>.

84. *MCAT2015 Frequently Asked Questions*, ASS’N OF AM. MED. COLLEGES, <https://www.aamc.org/students/applying/mcat/mcat2015/faqs/> (last visited Nov. 1, 2014).

85. Kirch, *supra* note 83.

86. SUZANNE M. MILLER, *HOW TO BE PRE-MED* xvi (2013).

87. *Id.* at 38–39.

88. OFFICIAL GUIDE, *supra* note 73, at 12.

Clinical experience and community service are a part of the holistic review process in medical school admissions. Holistic review in medical school admissions is defined as “a flexible, individualized way of assessing an applicant’s capabilities by which balanced consideration is given to experiences, attributes, and academic metrics and . . . how the individual might contribute value as a medical student and future physician.”⁸⁹ Holistic reviews match desirable physician traits with applicant data; while an academic record and MCAT scores can measure intellectual ability, “commitment to service, cultural sensitivity, curiosity and engagement” are some of the qualities that can be demonstrated through clinical experience and community service.⁹⁰ Most notably, holistic review emphasizes “attributes . . . that are associated with excellence in physicians.”⁹¹ By requiring clinical experience and community service by applicants, medical schools look beyond success in medical school, to success as a medical professional.

Commitment to the holistic review process is demonstrated through the application process. Medical schools, like law schools, have a unified application process, known as the American Medical College Application Service (AMCAS).⁹² The AMCAS consist of nine sections, asking applicants for basic personal information in sections one through three, academic information in sections four and nine, and “holistic” information in section five (work and activities), section six (letters of evaluation), and section eight (personal statement).⁹³ Applicants have three separate sections in which to demonstrate their personal qualities and experiences that would make them an exceptional physician.

Some medical schools seek additional, school specific information from top applicants, including supplemental letters of evaluation and supplementary writing samples.⁹⁴ This process is known as the secondary application. The secondary application allows students to use their clinical experiences and community service to demonstrate “fit” with a particular medical school, based on their mission.

89. *Holistic Review*, ASS'N OF AM. MED. COLLEGES, <https://www.aamc.org/initiatives/holisticreview/> (last visited Sept. 17, 2014).

90. Witzburg & Sondheimer, *supra* note 72, at 1566.

91. *Id.*

92. OFFICIAL GUIDE, *supra* note 73, at 37.

93. *Id.* at 38.

94. *Id.* at 41.

2. *Medical School Interviews: You Can't Just be Good on Paper*

Medical schools seek applicants who will become great doctors, not just great students. After applicants complete the AMCAS process, top applicants are invited to an interview. Interviews are meant to supplement the first and secondary application processes. While an applicant may shine on paper, it is particularly difficult to measure such qualities as empathy, self-awareness, ability to communicate clearly, and interpersonal skills without meeting the person behind the accomplishments.⁹⁵ The interview allows medical school admissions teams to “evaluate . . . other traits necessary to . . . the development of a competent, compassionate, and responsible physician.”⁹⁶ The interview process usually lasts a full day, and students are interviewed in small or large groups, meeting with everyone from the admissions team to faculty, students, and administration.⁹⁷ Applicants must demonstrate the “soft” skills necessary to be a successful physician, not just be an academic star.

IV. APPLYING THE MEDICAL SCHOOL ADMISSIONS MODEL TO LAW SCHOOLS: PROBLEMS AND PROGNOSTICATIONS

The medical school and law school admissions processes bear few similarities. Medical school admissions is comprehensive, rigorous, and intense. In contrast, the law school admissions process is limited, straightforward, and primarily academic. Many critics point to the current economic situation at law schools to dismiss any suggestion that law school admissions should become more rigorous. Applying the medical school admission process, with holistic review of all applicants, would be expensive, time-consuming, and in the short-term, lead to a further decline in applicants. At a time when law schools are struggling to fill their classes, the last thing many schools want to do is create more hurdles to admission.

However, the long-term payoff of a more thorough, holistic admissions model is significant. Law schools will have better prepared students, with standardized foundational knowledge, allow-

95. *Id.* at 48.

96. *How Important is the Interview in Getting Accepted to Medical School?*, ASS'N OF AM. MED. COLLEGES, <https://www.aamc.org/students/aspiring/basics/284808/interview2.html> (last visited Nov. 1, 2014).

97. *Who Should I Expect to Meet with in My Interview?*, ASS'N OF AM. MED. COLLEGES, <https://www.aamc.org/students/aspiring/basics/284818/interview7.html> (last visited Nov. 1, 2014).

ing first-year classes to spend less time on remedial skills. Students who do not have to spend time on remedial skills are more prepared to move onto experiential learning earlier in their law school career, which has the potential to graduate more practice-ready graduates. Less reliance on the LSAT (or supplementing the LSAT with a more complete test of skills, such as the Schulz-Zedeck test) opens the possibility of a more diverse, more competent law school class. Applicants with pre-law “clinical” or volunteering experience in law will be more certain about their career choice, and have a better network when they graduate, potentially leading to fewer dissatisfied, disillusioned law school graduates.

A. What We Can Borrow from the Medical School Model

There is much law schools can do to build a better admissions model. Law schools can start by evaluating what skills and knowledge pre-law students need in order to succeed beyond the first year of law school academics. While the LSAT remains a good test to measure academic ability, law schools have not yet evaluated what skills and knowledge students need to succeed outside of the classroom and beyond the first year. Law schools have relied on personal statements and letters of recommendation to provide information about an applicant’s motivation, interpersonal skills, resilience, integrity, and purpose. Both of these tools are incomplete and inadequate. A more thorough admissions model would adopt the most successful elements of the medical school admissions process and adapt them to the unique needs of law schools.

1. Designate Core Competencies for Undergraduate Education

Medical schools have long relied on undergraduate science courses to provide the foundation for medical school courses. Recent research recommends that medical schools move to a competency-based model, providing flexibility for students to acquire the requisite skills through a wider variety of courses.⁹⁸ Law schools can adopt a similar competency-based model, focusing on the key competencies that pre-law students must demonstrate before applying to law school. Law schools would need to identify which key skills provide the foundation of law school academic success, skills that cannot be adequately measured by a short test such as the LSAT. The identification of key academic skills is more important

98. *Scientific Foundations for Future Physicians*, *supra* note 75.

now that fewer students are majoring in the traditional liberal arts disciplines that previously provided the foundation of law school learning.⁹⁹ Law schools could require applicants to have completed at least one course with a substantial analytical writing requirement, and require applicants to have either completed a course in grammar and style, or alternatively, have successfully completed CoreGrammar, an online grammar tutorial.¹⁰⁰ Similarly, law schools could require applicants to have a foundation in basic economic principles, civics, modern western traditions, and basic philosophy.

To employ a competency-based assessment of transcripts, law schools would need to work with undergraduate institutions to identify which courses provide foundational skills and knowledge.

This process can be simplified by contracting with LSAC. The LSAC already evaluates applicants' transcripts as a part of the law school credential assembly service (LSCAS), which summarizes transcripts and converts all undergraduate grades to a standard system.¹⁰¹ LSAC can work with undergraduate institutions to evaluate courses to find which courses meet designated competencies. Because LSAC already has an existing relationship with undergraduate institutions and some understanding of courses and grading policies, this process should not require extensive research or years to complete. The benefit of core competencies is a standardized foundation of essential knowledge and skills across all matriculants.

To ameliorate the challenge core competencies would pose to non-traditional applicants, law schools could create short post-baccalaureate programs, similar to the programs created by many medical schools. Medical school post-baccalaureate programs allow medical school aspirants to fulfill the core competency requirement they may have missed during their undergraduate years.¹⁰² Law schools could adapt the medical school model to fit the needs of pre-law students, creating short, full-time post-baccalaureate programs that run over the summer break, or part-time, year-long

99. *Requesting Transcripts*, L. SCH. ADMISSIONS COUNCIL, <http://www.lsac.org/jd/apply-ing-to-law-school/cas/requesting-transcripts> (last visited Nov. 1, 2014).

100. See Ruth Ann McKinney & Katie Rose Guest Pyral, CORE GRAMMAR FOR C., <http://coregrammarforcollege.com> (last visited Jan. 18, 2015).

101. *Policies Related to Transcript Summarization*, L. SCH. ADMISSIONS COUNCIL, <http://www.lsac.org/aboutlsac/policies/transcript-summarization> (last visited Nov. 1, 2014).

102. *Postbaccalaureate Premedical Programs*, ASS'N OF AM. MED. COLLEGES, <https://services.aamc.org/postbac/> (last visited Nov. 1, 2014); Cecilia Capuzzi Simon, *A Second Opinion: The Post-Baccalaureate*, N.Y. TIMES, Apr. 13, 2012, <http://www.nytimes.com/2012/04/15/education/edlife/a-second-opinion-the-post-baccalaureate.html?smid=pl-share>.

programs for law school aspirants who work full-time. An additional benefit of these programs is that they could use facilities that go vacant during the summer months, provide additional teaching opportunities for law school faculty who might otherwise be laid off if the decline in law school applicants continues, and bring much-needed revenue to law schools.

2. *Adopt an Interview Process*

Law school applicant interviews could provide law schools with an effective gauge of the soft skills necessary for success as a practicing attorney, such as negotiation skills, listening ability, problem solving, and practical judgment.¹⁰³ Some law schools, including Northwestern and Vanderbilt, have already incorporated an interview into their admissions process.¹⁰⁴ There are a variety of methods law schools could adopt in implementing their own interview process.

Law schools could use alumni volunteers, trained by admissions staff, to interview applicants. Alumni interviewers could use a standardized rubric to assess applicant ability, interviews could be conducted in teams, and rubric scores could be averaged among interviewers. Using alumni to interview prospective students provides the additional benefit of connecting alumni to potential students, giving alumni a greater stake in the success of matriculating students.

Law schools could also use faculty teams to interview students, much like the medical school interview model. Faculty interviews could be structured as mock arguments, negotiations, or counseling sessions. Faculty interviews could also be conducted with teams of applicants, so faculty interviewers could get a better sense of how students work with others.

Faculty interviews would not only give the law school an assessment of soft skills, but act as a recruiting tool. Faculty will know applicants and can use the interview to build a connection with the most promising applicants. Applicants will be able to make a more informed choice when deciding on a law school, potentially limiting the power of law school rankings.

103. Holmquist et al., *supra* note 13, at 577–578 n.44.

104. *On Campus Interview*, NW L., <http://www.law.northwestern.edu/admissions/apply-ing/oncampusinterview.html> (last visited Nov. 1, 2014); *Admissions Interview FAQ's*, VAND. L., <https://law.vanderbilt.edu/virtual-vuls/interviewfaqs.php> (last visited Nov. 1, 2014).

3. *Use a More Thorough Test of Ability and Skills*

The LSAT is an incomplete test of academic ability, and it does not measure many of the critical skills required to be a successful attorney.¹⁰⁵ While it would require many years, and millions of dollars, to overhaul the LSAT in the manner of the MCAT 2015 redesign, there are other options available to law schools that would improve the current testing regime. Adding a test, such as the Schulz–Zedeck, or modifying the current test protocol to include more lawyering skills, to better predict which applicants will succeed in law school and in the practice of law could lead to a more diverse, qualified class. Potential applicants that are dissuaded from applying to law school, because of the perceived racial bias of the LSAT,¹⁰⁶ may choose to apply to law school if they know that they can take a more comprehensive test that includes lawyering skills.

B. Problems with a New Admissions Standard

Despite the benefits of borrowing from the medical school admissions model, critics will be quick to point out the substantial differences between post-graduate medical education and law school. One difference between law school and medical school admissions is the disparity in medical school seats; more than twice as many students apply to medical school as there are spaces for prospective doctors, despite the fact that the United States faces a shortage of approximately 90,000 doctors.¹⁰⁷ The discrepancy between medical school seats and the doctor shortage in the United States is a function of how post-graduate medical education is funded.¹⁰⁸ Although colleges and universities in the United States have taken significant steps towards increasing the number of medical schools in this country, political obstacles have prevented a corresponding increase in medical residencies (often referred to as post-graduate medical education).¹⁰⁹ The United States government, through

105. Holmquist et al., *supra* note 13, at 571–572.

106. Paula Lustbader, *Painting Beyond the Numbers: The Art of Providing Inclusive Law School Admission to Ensure Full Representation in the Profession*, 40 CAP. U. L. REV. 71, 71–72 (2012).

107. *Medical School Applicants, Enrollment Reach All-Time Highs*, ASS'N OF AM. MED. COLLEGES (Oct. 24, 2013), <https://www.aamc.org/newsroom/news-releases/358410/20131024.html> (“In 2013, [t]he total number of applicants to medical school grew by 6.1 percent to 48,014.”).

108. *Id.*

109. John K. Inglehart, *The Residency Mismatch*, 369 NEW ENG. J. MED. 297 (June 19, 2013), <http://www.nejm.org/doi/full/10.1056/NEJMp1306445?viewType=Print&vieClass=Print>.

Medicare, funds residencies, which are required for doctors to practice medicine.¹¹⁰ Until Congress increases funding for medical residencies, it is likely the doctor shortage will remain, and many more students will seek admission to medical school than there are seats for medical students.

The situation at law schools across the country face the opposite problem. Law schools, just now emerging from the “new normal” that resulted in fewer jobs for law school graduates, face the opposite problem as medical schools: there are too few positions available for too many law school graduates. While medical schools have the luxury of setting very high standards for prospective students, law schools, feeling the pinch of few tuition-paying students at a time of reduced budgets, must make tough choices about class size and student credentials amidst reductions in staff, and at some schools, faculty.¹¹¹

There will be some complaints about any change to law school admissions practices. The current practices are well-established, well-understood, and in many ways, simple. Changes to the admissions process will upset participants who rely on law school to be a default plan for undecided undergraduates and underachieving graduates who want an easy path to a respectable graduate program. These complaints should not deter law schools from using this unique moment in time to address deficiencies in the admissions process that prevent law schools from admitting applicants that are adequately prepared for the academic and personal rigors of law school and a legal career.

V. CONCLUSION: HOW WE MOVE TO A NEW ADMISSIONS MODEL

Law schools need to engage with the ABA Section on Legal Education and Admission to the Bar to begin the process of transforming admission to law school.¹¹² To extricate themselves from imme-

110. *Id.*

111. See Ethan Bronner, *Law Schools' Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. TIMES, Jan. 31, 2013, <http://www.nytimes.com/2013/01/31/education/law-schools-applications-fall-as-costs-rise-and-jobs-are-cut.html?smid=pl-share>; Ashby Jones & Jennifer Smith, *Amid Falling Enrollment, Law Schools Are Cutting Faculty*, WALL ST. J. L. BLOG (July 15, 2013), <http://online.wsj.com/articles/SB10001424127887323664204578607810292433272>.

112. *Frequently Asked Questions*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR, http://www.americanbar.org/groups/legal_education/resources/frequently_asked_questions.html (last visited Sept. 17, 2014) (“Since 1952, the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association has been recognized by

diately—gratifying yet ultimately self—destructive admissions patterns,¹¹³ law schools need to work together, in conjunction with accrediting bodies, to craft an admissions model that serves the needs of the law schools and ensures a better—prepared student body. While law schools may be reticent to require additional requirements during a time of declining enrollment, it is incorrect to assume these requirements will result in a long—term decline in applicants. By reforming law school admissions, law schools will find reforming curriculum, and responding to the current criticisms surrounding legal education, to be less fraught and more straightforward. As better—prepared and better—qualified applicants matriculate, law schools will be able to impart higher—order skills earlier in the curriculum, allowing law schools to focus on practical skills earlier in law school. A revised admissions model, with a strong emphasis on undergraduate skill—building, can transform the conversation about law school reform and help legal training resume its position as world—class.

the United States Department of Education as the national agency for the accreditation of programs leading to the J.D. degree in the United States.”).

113. Rachel F. Moran, *Of Rankings and Regulation: Are the U.S. News & World Report Rankings Really A Subversive Force in Legal Education?*, 81 IND. L. J. 383, 383–384 (2006).

