

A History of the Law School Admission Council and the LSAT

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William P. LaPiana
Rita and Joseph Solomon Professor
New York Law School

Editor's note:

This pamphlet reprints a speech by Professor William P. LaPiana on the history of the LSAC and the LSAT. This speech was delivered at the LSAC Annual Meeting on May 28, 1998. LSAC staff added to this edition the running time line at the bottom of these pages. It was not part of Professor LaPiana's address.

This year the LSAT is 50 years old. It is, like many of us here today, a child of the baby boom. And like every boomer, it faces some difficult questions: how will I care for my parents in their senescence? Do my children love and respect me—and will they ever grow up? And, what will happen as I age—and die?

I don't want to push this conceit too far, but this simple topology sets the stage quite succinctly for my comments today, which concern, first, the circumstances of the LSAT's birth and its relationship to its parents, the law schools; its relationship to its children, the American legal profession in the late twentieth century; and the prospects for its future.

On May 17, 1945, Frank H. Bowles, admissions director at Columbia Law School, wrote to the then president of the College Entrance Examination Board, John Stalnaker. Bowles suggested that the two men discuss the creation of "a law capacity test" to use in admissions decisions. The current test used by Columbia, in Bowles's judgment, was unsatisfactory. He set out seven criteria for the new instrument: (1) high predictive value defined as a correlation coefficient of .70 or higher, (2) "discrete measure of capacity for law study insofar as that capacity can be isolated," (3) high reliability, (4) no more than one and one-half hours in length, (5) sensible and observable relation to the study of law, (6) "results easy to interpret," and (7) low cost. The reply came from the new head of the CEEB, Henry Chauncey. The project was of interest, but Chauncey cautioned Bowles that some of these aims might have to be sacrificed to achieve others.

The idea of an admissions test did not spring Minerva-like from the brow of Frank Bowles. Although it is not much discussed, the use of standardized tests as a part of the law school admissions process antedates the LSAT by decades. Two tests were well known and used. In the mid-1920s, George D. Stoddard, a psychologist at the University of Iowa, and Merton L. Ferson, dean at North Carolina and then at Cincinnati, collaborated on a test published by West. Starting in 1930, Yale Law School used a test developed by the university's Department of Personnel Study. Both these tests were consciously and explicitly designed to supplement other criteria and especially to provide some control on the wide variation in the meaning of college records. As one of the principal participants in the Yale effort put it, the purpose was "[t]o provide some check upon the validity of undergraduate records and to furnish a common denominator of educative promise." Fifteen years earlier, Dean Ferson made the same point, and also

emphasized the possibility of using such a test as a tool for counseling prospective students.

All those who discussed these tests in print, however, acknowledged that they were not and neither could nor should be the sole criteria by which admissions decisions were made. As Henry Witham of the University of Tennessee put it in reporting his school's experience with the Stoddard-Ferson test: "The tests discover inherent mental ability (as applied to law), but do not show the will to work nor the capacity for work." According to Witham, 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. The predictive value of the test, he added, was enhanced when combined with a judgment about the applicant's desire and ability to work. He explained those criteria:

Desire to work is self-explanatory. Under ability to work are included health and prior education, work outside of law school such as newspaper work, college annual, college sports, etc., social activities, and any number of outside distractions which might claim the student's time and thought. A student has ability to work in direct proportion to perfect health and prior education and in inverse proportion to his interest in outside distractions.

At Yale, according to the dean, the school's own aptitude test formed part of the second stage of a two-step admissions process. Applicants who survived screening based on a written application "which required the applicant to disclose most of his life history, good or bad," college grades, and two letters of recommendation were invited to take the test and to have an interview with a member of the admissions committee. While exact processes varied, it seems that schools which did use aptitude tests adamantly maintained that the resulting scores were but a part of the admissions decision. To an important degree, decisions were made on a subjective judgment of capacity and willingness to work.

But these discussions also revealed a strong underlying belief in the existence of "aptitude" and the ability to measure it. The Stoddard-Ferson and Yale tests resembled each other. Both made use of various tests of verbal skills as represented by questions dealing with synonyms and antonyms, verbal analogies, reading comprehension and recall, and some sort of test designed to be specifically "legal." The Stoddard-Ferson effort even included a test of reading comprehension based on an excerpt from Langdell's Summary of Contracts (which Dean Ferson, at least at one time, thought might be too difficult). At the University of Wisconsin, a study of various predictive measures found that the Yale test had no advantage over a standard intelligence test, which, according to one of the Wisconsin researchers, it

resembled. The point, of course, is that the “legal” tests were based on the sort of intelligence tests developed in preceding decades and widely used for the first time to test Army recruits during the First World War.

The use of those tests in creating the World War I armed forces was itself a milestone in American life. As the most acute student of those developments has written, the aptitude tests used by the Army marked “a significant break with civilian intelligence measuring instruments.” Besides the modifications necessary for mass administration and grading, more unusual “was the orientation of the test toward the production of qualified recruits completely objectively determined.” The creation of the Army tests, John Carson has written, “completed a process—already begun, to be sure, within civilian psychology—of remaking mental testing into a new sort of endeavor, one in which professional judgment was subordinated to objective determination and statistical manipulation.”

Understanding what these developments meant for the creation of the American legal profession is a complex undertaking, but for now I want to concentrate on what the law schools wanted. Bowles’s letter seems to have had no direct consequences until the summer of 1947 when representatives from Columbia met with representatives of the testing organization. Present at that meeting along with Bowles was Professor Willis Reese of Columbia who would play the leading professorial role in the development of the LSAT. William Turnbull’s memorandum of the meeting was dated July 30, 1947. In his view the primary purpose of the meeting was to familiarize Reese with the CEEB. Bowles, whom Turnbull described as “apparently the person who has pushed to have the Board take over the problem” of improving Columbia’s procedures, wished to invite Harvard and Yale to join the project to design a test the results of which would correlate with first year grades, “on the assumption that first-year performance is highly correlated with later success in law school and in legal practice.” Correlation with success in taking the bar examination was rejected because candidates often take the bar exam several times and “everybody passes them sooner or later.” Finally there was preliminary discussion of the contents of the test, and paragraph reading, analogies, syllogistic reasoning, “inconsistencies” and “practical judgment” were all mentioned. Finally, Bowles suggested that the project be financed by contributions of three or four thousand dollars from each of the three schools.

All the important themes in the story of the creation of the LSAT are evident in this report of the first substantive meeting between the testing professionals and the legal educators. First, and perhaps most important, the validity of the LSAT was linked to its correlation with grades in the first year of law study. A similar correlation was used to measure the usefulness of the pre-war tests, and the dismissal of the criterion of success on the bar examination was even more

telling. As the modern American law school solidified its position in the profession and extended and to some degree realized its claim to being the best possible preparation for the practice of law, its relationship to the bar examination became more and more problematic. Except for those few schools which retained the “diploma privilege,” allowing their graduates to automatically become members of the bar, law schools and the bar examination authorities were forced into an often uncomfortable relationship. The student with a law degree, the product of a legal education, had to pass yet another hurdle, one over which the school had no control. Langdell himself had tried to separate graduation from admission, emphasizing the differences between an examination in a course, set by a teacher who had taught a specific approach to a subject, and a bar examination the content of which is determined by other criteria. At the very beginning, then, the LSAT was linked to success in law school, not success at the bar. Of course, the use of first-year grades as the measure of validity was a practical decision. Access to those grades was completely within the schools’ control, and the use of first-year grades would allow the first validity studies to be done quickly.

The content of the test was also set at that first meeting. The items described in Turnbull’s memorandum were familiar: paragraph reading, analogies, syllogistic reasoning, “inconsistencies” and “practical judgment.” It was not surprising, of course, that the test would look like other aptitude tests, especially if it was to be administered for the first time in a matter of months. As Chauncey wrote to an assistant dean at New York University later that fall, “The first test which will be tried out will contain materials from our files that seem a priori to be appropriate. Later we will prepare, with the help of representatives from the law schools, materials that are tailor-made for this purpose.” In fact, the composition of the test was the least of the problems to be faced and solved in the short time before the first administration. Most important was spreading the word of the new project and finding law schools willing to participate. The more schools participating, the greater the numbers for testing validity and the more widely the costs would be spread.

On August 15, 1947 representatives of Columbia, Yale, and Harvard law schools met with Chauncey and other representatives of the College Board to discuss the new test.

Chauncey outlined the Board’s plan, and “The only real objection that was raised with respect to Mr. Chauncey’s plan,” Reese wrote, concerned the cost of development of the test. Chauncey had suggested that each school contribute \$4,000 a year for three years with a like amount contributed by the College Board. This was a large amount of money—close if not equal to the salary of a faculty member. “With the thought of reducing the cost,” someone made the suggestion that Chauncey contact other law schools to see if they might be

interested in taking part in the development of the test and sharing the cost. The decision was made to write to all the members of the College Board which had law schools as well as to the University of Michigan and invite them to join with Harvard, Yale, and Columbia in planning and financing the test. Reese's narrative, contained in a letter to his dean, is carefully couched in the passive voice, making it impossible to know who first suggested seeking more participants. It was a most important decision, however, because it helped ensure that the creation of the test would also create a new organization of law schools.

The next few months were spent seeking support for the project. In August a form letter went to the deans of the law schools whose universities were members of the College Board, along with the dean of the University of Michigan's law school. The letter invited the school to serve on the Policy Committee for the test, contribute to the cost of the test, and give one-quarter of a faculty member's time to work on test development. An accompanying memorandum dated August 18 outlined what had been decided at the August 15 meeting, including the creation of the Policy Committee, testing of validity by comparison with law school grades, and financing arrangements.

The replies were favorable, though no dean was willing to donate a portion of a faculty member's time to the project. Even if a particular school did not use a test (though many did) or, like New York University's school, was "as yet unconvinced about the usefulness of an aptitude test as a method of selecting law students," like NYU they had "an open mind" and were quite willing to participate in what most described as an experiment. Monetary support would be forthcoming, too, although several schools first had to seek approval of the central university administration.

On October 20, 1947 Chauncey had what was probably the most crucial meeting in the quest to create support for a law school admissions test. He traveled to Cambridge for an audience with Erwin Griswold, dean of the Harvard Law School. Griswold told Chauncey that Harvard certainly could use such a test to make decisions on "those borderline on college record and those from unknown colleges." Harvard, as Louis Toepfer described many years later, had "a very complex system for the evaluation of college grades, and . . . had built up a lot of tables predicting what a certain average at a particular college meant." The dean told Chauncey that those tables were based on the classes of 1928-1934, were "hopelessly out of date," and no new data could be expected until about 1954. Years later, Toepfer described the problem as "the return of the veterans and the flood of candidates from many places and many colleges" for which no data existed; "there wasn't any reasonable way to work the old system anymore." The test, therefore, would be of real benefit to Harvard, and Griswold promised cooperation.

Once the project had been anointed in Cambridge, matters moved quickly. Before meeting with Griswold, Chauncey had sent a letter to the deans of the law schools at Rutgers, Northwestern, Syracuse, Stanford, Cornell, the University of Southern California, New York University, the University of Pennsylvania, Yale, and Harvard inviting them to a meeting in Princeton to discuss the proposed test. If the LSAT has a birthday, it is the date of that meeting, November 10, 1947.

We are fortunate to have a very detailed record of what went on at that meeting. For the moment, the most interesting discussion involved the addition to the test of questions designed to test “general culture” or what would come to be known as “general background.” Most of the discussion at the November 1947 meeting on this question involved a screen that would catch those whose preparatory education had been excessively technical and deficient in the study of literature and history. It was rejected. The view of George Braden of Yale prevailed. For him, a candidate is “eligible from a cultural point of view if you have a college degree and a good college record plus a legal aptitude test.”

And that’s what the LSAT did for its parents: it gave them a tool to screen applicants at a time when the applicant pool and the credentials brought to the process by those in the pool were changing and difficult to judge by existing criteria. Over the next 50 years the LSAT and LSAC would continue to serve their original function. But this ambitious child did much more. Any parent would be proud of offspring as materially successful as the LSAT. The original investment made by the schools was paid back within a year and the continuing income stream the test provided, especially once the original financial arrangements between ETS and the LSAT advisory council (the ancestor of the LSAC) were revised, made possible a wide range of services. Extensive research in making the admission process better has been a hallmark of the last 50 years, and certainly will and must continue.

We’ll turn to the future in a moment, but first I want to make some observations about the second part of my original conceit, the relationship between the LSAT and its children—who are, of course, us—and which at the moment is not altogether happy. The test and some part of the profession are mired in a dysfunctional relationship, and in some quarters, at least, parricide is openly advocated. The charge is that the LSAT has nothing to do with merit but rather with testing and rewarding subordination to a cultural norm imposed by the few on the many to the detriment of everyone who is not of the dominant group, which is usually assumed to be white, non-Hispanic males. Some have gone so far as to charge that the LSAT was created to keep undesirables out of law schools. These are not charges which can simply be dismissed out of hand, but I hope to outline for you a history which tells a much different story.

44,900 LSATs
administered

LSAC membership: 105 law schools

Law School Admission Test Council
incorporated under New York education law

1965

1966

1968

First, there is no doubt that there is a terrific and inescapable tension between the use of standardized tests and individualized decision making, and that tension has been part of American life since the transformation in the use of testing that occurred during the First World War. And there is also no doubt that individualized decision making is only as fair and equitable as the person making that decision. Remember Witham of Tennessee and his judgments about willingness and capacity to work. One can only imagine what factors, beyond those he openly discussed, went into that determination. On the other hand, if one believes in the relative validity of the test results, then their widespread use in admissions decisions can be seen as a net gain for fairness. To the extent that the role of individual prejudice is reduced, possibilities are assumed to be opened to more and more people. In this story, even, eventually, to women.

In the pre-war period, however, aptitude testing of applicants for law school was seen as a device for weeding out those who would not be able to successfully complete the course of study. The goal was not identifying the best and the brightest to whom the bountiful opportunities of a legal career would be opened, but rather to be able to tell the least talented that attendance at law school would be a waste of time and money. Testing was not so much a means of selecting future lawyers but of discouraging the manifestly incapable, of increasing the “efficiency” of legal education.

Given the often stated uses of testing, it seems that the gate to the legal profession was guarded not by admissions testing but by more subtle social pressures and attitudes that told young men (and certainly all but a very few young women) that certain goals were simply beyond their reach. Any attempt to understand the existence of invidious discrimination in law school admissions before the creation of the LSAT must begin with the fact that American law schools were not as homogenous in the first half of the twentieth century as they are at its end, and that a college degree was not a prerequisite to a legal education and admission to the bar until after the Second World War. Although some members of the profession, both practitioners and academics, did everything they could to eliminate part-time legal education (usually in night schools) and to make a college degree a necessary credential for every lawyer, they did not succeed. Throughout the 1920s and 1930s, the professionalizing and standard raising ideology of some lawyers was met and to a great degree countered by the idea that becoming a lawyer was a peculiarly American way to advance in the world and become successful. Ritual invocations of the privations endured by Abraham Lincoln in his quest for education outside of formal institutions actually seemed to express a powerful belief that simply would not be denied. At the same time, the failure of exclusionists meant only that a parallel track was preserved for the undesirable—they could still be kept from some legal jobs.

107,500 LSATs
administered

LSDAS launched

Law School Admission Test Council
becomes Law School Admission Council

1970

1971

1973

LSAC membership: 117 law schools

Equally important to understanding the pre-LSAT world of admission to law school is an attempt to recapture the contours of discrimination and social stratification in the pre-War period. Specifically, the extent and virulence of discrimination against Catholics and Jews, whether or not they or their parents were actually immigrants, is often forgotten. Prohibition, of course, has long been recognized as an attack on the culture of European immigrants and their descendants who were not of Anglo-Saxon stock, but it was only the most dramatic and therefore most remembered manifestation of the phenomenon. The collapse of much of the power of these exclusionary sentiments, at least in the major urban areas of the United States, in the wake of the New Deal and the War, is only now beginning to receive scholarly attention. In short, admissions testing before the War was not needed to exclude cultural minorities. Discrimination against them was acceptable and, quite frankly, practiced.

With the end of the Second World War, American society found itself on the threshold of a new world. Returning veterans were promised educational benefits which would mean that young men who had never imagined gaining a college education now had the financial ability to do so. They may also have found the imagining somewhat easier. As the War continued and the need for trained enlisted men and officers increased, many young working class white men received training not only in technical specialities but also had the opportunity to become officers. Having had the experience of being leaders, they may have found it easier to believe that higher education was not beyond their abilities. For whatever reasons, white male veterans returned from the war with new possibilities for making their place in American society.

Remember the original opposition to the inclusion of a test of general culture. George Braden's statement that a college degree was enough cultural background had revolutionary implications. And he may not have been alone. Years later Ben Schrader of ETS remembered the view of what he called the "law school group": "As long as you went through college, you would be on an equal footing with anybody else." Since the GI Bill certainly made college more accessible to white male veterans, the decision to limit the test to aptitude and to avoid testing specific knowledge might actually have diminished cultural bias, at least towards some white males who might otherwise be stigmatized as working class ethnics.

In addition, the founders of the test were adamant that it could not and must not be the only criterion for admission. The entire rationale for the test was the need to supplement the information supplied by the undergraduate record. The original understanding, John Winterbottom of ETS wrote in 1955, was that "scores on the test were to be used *along with* prelaw grades, recommendations, and other information as an aid in admissions." In addition, while some schools may have been in the position to be highly selective in admissions, Schrader remembered that in the "early days" the mean score of those admitted to law

Law School Admission Services, Inc. created as a Delaware nonstock corporation, assumes responsibility for most Council operations

133,300 LSATs administered

1975

First Canadian members join the Council

1976

LSAC membership: 174 law schools

1979

school was not much higher than the mean score of all applicants. Years later, Emerson Spies put it simply: “There was not a great growth in those initial years. That’s because there wasn’t a great need for the test in those early years, let’s face it.” A single vignette, however, says it all. In March, 1950 a law school representative wrote A. Pemberton Johnson, Winterbottom’s predecessor as project manager for the LSAT, explaining, at his admission committee’s request, why they admitted a candidate whose LSAT was 50 points lower than that of the next lowest admitted candidate. The candidate was a college and medical graduate and “had just returned after a long period of war service in the Army Medical Corps” and, therefore, was “out of touch with the ordinary collegiate academic materials and procedures.” He did a respectable job in his first-year studies. Johnson replied:

We firmly believe that the general finding of the validity of the LSAT combined with prelaw college grades are no substitute in certain individual cases like this for the exercise of sound judgment based on experience.

From the beginning the LSAT was meant to be a tool, and from the beginning the magic of the “objective” numerical score exercised its power over the legal academic mind.

Those who thought about the matter, however, always knew that the number alone could not make an entering class. Yet the number may have had profound effects. I’ve given you my hypothesis that after the War the LSAT may have made it more possible for white male ethnics to attend law school. Even more important may be what happened a generation later when the children of those veterans came of age. As the demographics changed and more and more of those included in the great demographic wave decided to go to law school, the LSAT became much more than a screen for sifting out those who had little chance of success. It became a sorting mechanism helping to control admission not to the legal profession but to its most remunerative levels. The Yale Law School has been described as America’s equivalent of the great French institutions that train that nation’s most powerful civil servants. One need not accept the literal accuracy of the comparison to accept the gist—graduation from one of the highly selective law schools was a ticket to economic success and maybe even to political power. As people whose grandparents had been the despised corruptors of old stock white Protestant America grew up in relatively homogenized suburbs, and attended well financed public schools (and in some instances private schools which their newly successful and ambitious parents could afford), they received the kind of training both at home and at school that prepared at least some of them to do well on the sort of test the LSAT is. In the end, the story may not be a totally sad

Law School Assured Access Program created to provide “loans of last resort” to law students; total amount loaned in its first year: \$60 million

108,000 LSATs administered

1980

1981

1983

LSAC membership: 187 law schools

one after all. The LSAT and standardized tests in general may indeed have helped in greatly broadening the possibilities for success for people whose grandparents could not even dream of the lives their grandchildren lead, bringing a kind of diversity to every facet of the American legal profession unimaginable before the Second World War.

Great social change does not happen painlessly, however. In the 1970s the “truth in testing movement” gave expression to an important theme of American cultural and social history, the populist suspicion of experts, intellectuals, and unaccountable power. It also represents a resurgence of the desire for individualized determination and judgment. Not surprising, perhaps, since the test by then had become much more of a sorting mechanism. Paradoxically, however, that theme gave way to another which exalted the test above all other criteria. The assault on affirmative action has led to a perversity which would have driven the founders of the LSAT to utter distraction. Somehow the test score has become the only criterion for admission—at least, where it is used it must be used mercilessly and without subtlety. Just as horrifically, law schools are now rated on criteria which give an utterly disproportionate importance to the test scores of the entering class. The reputation of a school becomes its LSAT median—a frightening result. Even more distressing is legislation in one state which tied levels of financial aid for publicly supported law schools to the LSAT scores of students.

I believe that a careful and detailed study of the history of the LSAT and LSAC will reveal a story the outlines of which I have given you today. The standardized test has played an important role in opening the legal profession at all levels to men and women whose ancestors had been the object of merciless prejudice and overt discrimination. This does not mean that the test is a foolproof gauge of something called merit. It is merely what it was designed to be—a tool to aid in the admissions decision. If it is used as the sole tool it will end up excluding from many law schools entire groups of Americans many of whom not only could do the work but who will do the work and devote themselves to becoming competent and conscientious members of the profession. The LSAC has always recognized this. In the early 1960s the organization began to concern itself with “cultural bias” while fighting segregation in test centers. As pass/fail grading came into vogue in colleges and universities, the LSAC made itself quite unpopular by issuing a statement reminding students that the less revealing their college record the more weight would be put on the LSAT score in making admission decisions, a result not to be desired. As *amicus curiae* the LSAC has devoted time, money, and hard thought and work to defending the concept and practice of affirmative action. These sorts of efforts may be reaching the end of their

91,800 LSATs administered

Loan program volume: \$120 million

1985

1986

1987

LSAC membership:
189 law schools

usefulness. The singling out of the test score as the sole valid criterion for admissions has become a force seemingly sweeping all before it.

What then of the future of the LSAT? Can the test die and be reborn in a form that will still be of help in making admission decisions but will subvert its misuse? At this meeting, sessions are being held to investigate what skills are important to success in law study as part of the attempt to design a new LSAT, administered by computer and which to some degree will be customized to each candidate. And perhaps that is an important part of the answer. If we can identify a broad range of qualities and aptitudes that contribute to success in law school perhaps we can have many LSATs, each of which tests some different combination of qualities and abilities. Not only will each applicant be able to show him- or herself to best advantage, but with a multiplicity of scores, the rating of schools based on LSAT scores will have far less meaning. We can return the test to what it was created to be—one factor in making an informed decision on admission to law school; it will truly be an admissions test. Willard Pedrick first made the point more than 50 years ago. At that November 1947 meeting he suggested that the term aptitude test be avoided. If a candidate did poorly on an “aptitude” test, he might feel that he was untalented. The truth was that his talents simply lay elsewhere. Pedrick’s view prevailed, at least as to nomenclature. It should continue to inspire us.

This quest for a new and better test is of the highest importance because the American legal profession is at the very heart of American life. Occasionally I get to perform at our sessions for admitted students as part of the effort to convert them—a term I love. I tell them an anecdote about my father and a story—stripped of their parochial references that talk goes something like this:

When I was a child growing up in the suburbs of Buffalo, I attended the local public elementary school where every morning we began the school day with the Regents’ Prayer, a rather innocuous few lines invoking the Deity’s blessings on ourselves and our school. Innocuous as it was—and one wonders whether something innocuous can be a prayer—the Supreme Court of the United States held that its enforced recitation violated the anti-establishment clause of the First Amendment. The reaction to that decision was swift and has been consistent, generally along the lines that to prevent children from praying means they will not grow up to be conscientious, public-spirited citizens. That assertion has always exasperated my father. His prescription for raising good citizens is to have school children recite the Bills of Rights—one amendment a day for ten days, and when they are done, start all over again. His hope is that by the time those children become young adults they will be so imbued with a passionate love of the guarantees of the Bill of Rights that they will never stand for their slightest infringement.

152,750 LSATs
administered

Loan program
volume:
\$405 million

Law Access loan program spun off into
stand-alone nonprofit corporation, Law
Access, Inc. (now The Access Group)

1990

1991

LSAC membership:
192 law schools

1993

1994

LSAC and LSAS merge with the name
Law School Admission Council, Inc.

Now that I am grown and a lawyer and a law professor I realize that my father was really right. I would amend his prescription only to include in the recitation the guarantees of due process and equal protection found in the Fourteenth Amendment. In short, I have come to understand that what concerned my father was the rule of law. This, by the way, from a man who when he returned from the Second World War with sufficient credit under the GI Bill to pursue not only college but graduate education was told, just before the birth of the LSAT, that it was foolish for an Italian kid (a kid who had been a captain in the Army) from the east side of Buffalo to aspire to be a lawyer.

It has been particularly important for Americans to understand the rule of law—the idea that our society runs not on arbitrary will, not even on the will of a temporary majority, but on law—because our nation is different from other nations. We really are not one people. We have not been living in the same place for untold millennia. We come from all over and our backgrounds are wildly diverse. The only thing we have in common is that we live under the constitution and the laws of this country. After all, when we have to reaffirm our “Americanness,” when we are sworn into public office or take the oath as new members of the Bar or get a passport or most solemnly if we become citizens by naturalization, we don’t swear allegiance to some sovereign. The Founders made sure there would never be any kings here. Nor do we declare our loyalty to some abstract idea of the nation or the people. Rather, we swear to support, protect, and defend the Constitution and the laws of the United States of America. What makes us Americans is our adherence to the system that governs our nation. If that’s true, then being a lawyer is one of the most important jobs in American society because it is the lawyer’s job to make sure the law works and serves people. And if that is true, then the American legal profession is much too important to be left in the hands of a self-perpetuating elite. It has to be open to all Americans with the talent and ability to do legal work, no matter how their last names are spelled or where they or their ancestors were born or the color of their skin. Only then can the American legal profession do its job, a job that the story I promised tries to illustrate by drawing on something from the distant past with which many of us are familiar, I think.

When the God of Abraham, Isaac, and Jacob saw His people go astray, He knew that He needed a prophet to call them back, and He asked, “Who will go for us? Whom shall I send?” In the field tending his sheep, Isaiah heard, and contrary to all common sense and to all the good advice he would have been given had he asked for any, and, certainly, contrary to advice of counsel, he said, “Here am I. Send me.”

Yesterday, today, and tomorrow, with all her varied voices, in the languages of all the nations under heaven, America cries out for justice and for peace, for a more perfect union, for due process and equal protection. It is the vocation of the American legal profession to answer, “Here we are.”

114,800 LSATs administered

LSAC membership:
198 law schools

1995

1996

2000

LSAC membership: 196 law schools