

THE YALE LEGAL APTITUDE TEST

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THE practical efficacy of any test of "legal aptitude" as an instrument in the process of selective admission to law school has been debated for over a decade. Consideration of the test's merits as a prognostic device has been hindered by invocation of the "Abraham Lincoln" argument—that in a democratic society, admission to the Bar should not necessarily require graduation from a law school—and by the popular belief that the law student's first year work is the best test of his promise for legal training.¹ The purpose of this Article is not to answer these arguments but to consider the place of a legal aptitude test in a law school whose facilities and academic policies require an admission policy which will cull 120 students² with the best prospects for success in law school from a group of more than 400 applicants.

The term "legal aptitude" is employed merely as a convenient tag for the awkward phrase "capacity for successful pursuit of studies in a law school." "Aptitude," as thus conceived, is a relative and limited term, involving no general implications as to inherited characteristics, native intelligence or other fundamental traits. It simply suggests potentiality for future performance. The Yale test which has been devised in an effort to measure this quality is *not* intended to be the sole criterion of a student's capacity, but is used merely to supplement other prognostic evidence (such as college grades) in estimating success in law school. No such index yet devised has proved sufficiently valid or satisfactory to warrant its *independent* use as the sole determinant for admission. It is, of course, not claimed that the test's results are more accurate than a trial-and-error procedure based upon less selective entrance criteria but involving the failure of 30 to 40 per cent of each first year class,³ but

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1. As typical of this attitude, *cf.* Dean Wigmore's remark: "The conclusion is further offered that the first-year record in law studies may prove to be the long-sought most dependable test for advice as to capacity for law studies . . . In short, the way to find out whether a boy has the makings of a competent lawyer is to see what he can do in a first year of law studies." Wigmore, *Juristic Psychometry* (1929) 24 ILL. L. REV. 454. See, in rebuttal, Crawford, *Legal Aptitude Tests* (1930) 24 ILL. L. REV. 801.

2. The Yale Law School at present attempts to reach this figure for its entering class by accepting 130 students in June. The actual size of the class depends upon the number of withdrawals prior to matriculation. From 1933 to 1937 a higher figure was set. The actual matriculation figures are noted in table, p. 1242 *infra*.

3. At some universities whose law schools prefer to carry out the selective process in their own first-year classrooms, the corresponding *medical* schools rigorously attempt to select their student body in advance. The relatively high per-capita cost of equipment, laboratory and clinical facilities for medical training is doubtless a factor in this situation—as is also the rather specialized pre-medical curriculum in preparation for study of that profession. A first-rate medical school simply cannot afford to spend a year "weeding out" a large proportion of inferior matriculants.

it is believed that such a test can reduce the amount of failure, frustration and loss of time and effort (by students and teachers alike) which that process of trial demands.⁴

Some ten years ago the Yale Law School, after putting into effect a curriculum of smaller classes and advanced seminars, found it necessary to impose a definite restriction upon the number of entering students. Several obstacles confronted any attempt to develop a procedure of selective admission. One was the variant marking systems and academic standards of the many colleges whose seniors applied for admission to Yale Law School. Another was the frequent failure of college grades accurately to reflect scholastic promise. Low grades may mean that a student possessing great ability has failed to utilize his talents, perhaps because of extra-curricular responsibilities. High marks are often won by a plugger whose record surpasses the mental equipment with which he must meet the stiffer competition found in law school.

To provide some check upon the validity of undergraduate records and to furnish a common denominator of educative promise, the Law School (after several years of unsatisfactory experimentation with other instruments) requested the Department of Personnel Study at Yale to develop a legal aptitude test which would be adapted to the Law School's particular curriculum. The test has been a joint project from the beginning: the Law School faculty specifying which mental processes or functions should be measured, and the Personnel Department devising instruments for that purpose. Faculty members and advanced students have also progressively criticized the test materials and contributed new questions and ideas. Experimentation with the test and complete item analyses each year have led to a series of annual revisions. The test in its present form comprehends verbal comprehension questions, logical inference and analogy problems, and legalistic material. The time required for the test is ninety minutes.

The section on verbal comprehension contains two forms of word relation questions designed to test the extent of the individual's vocabulary and his precision in the use of relatively unfamiliar terms. As law is a highly verbal subject calling for linguistic precision and clarity, material of this type has been found useful in measuring capacity for legal studies. Examples of the verbal comprehension items, with their correct answers, are:

4. Law school admission policies have an importance which extends beyond the law school to the practice of law itself. As investigation shows that 90% of candidates for the bar eventually pass their bar examinations, it follows that the most effective and powerful selective process for ultimate admission to the bar operates during, or just prior to, the first year of law school. See Wickser, *Bar Examinations* (1930) 7 AM. L. SCHOOL REV. 7-17.

- A. Indicate which three of the following six words are most closely related:
 1, silver; 2, platinum; 3, amethyst; 4, coinage; 5, emerald;
 6, sapphire. (Correct answers — 3, 5, and 6).
- B. Indicate the adverb *opposite in meaning* to the verb *feign*:
 1, weakly; 2, genuinely; 3, paltry; 4, hopefully; 5, dotingly.
 (Correct answer — 2).

The logical inference and analogy section attempts to test objectively the student's ability to exercise judgment in drawing conclusions from given premises, and to reason inductively in determining basic relationships. An essential part of the logical inference material is the acceptance of the stated premise as true and the deduction therefrom of the certainty or probability of a stated conclusion. Examples of the logical inference and analogy items are:

- A. Indicate whether the given conclusion is necessarily true, necessarily false, probably true, probably false, or undetermined.
 Premise: Professor Johnson has given a great many lectures and they have all been interesting.
 Conclusion: Today's lecture by Professor Johnson will be interesting. (Correct answer — Probably, not necessarily, true).
- B. Indicate which two words have most nearly the same relation as the two key words:
Blanket: Bed. 1, innocence; 2, snow; 3, earth; 4, guilt; 5, reward; 6, penalty. (Correct answer — 2 and 3).

Three forms of questions are included in the section on legal material:

A. Ability to recall significant facts in a legal situation is tested by a memory device. The student is allowed five minutes in which to fix a given case in his mind. He is later asked to recall the significant facts without being permitted to refer again to the case.

B. The student's readiness in comprehending legalistic phraseology is tested by a paragraph-reading section. A paragraph is presented in which five words have been marked. The student is required to determine whether any one or none of these words spoils the meaning of the paragraph as it stands.

Example: A legacy given for the ¹*support*, maintenance, and education of a near ²*relative* of the testator has been preferred over other ³*legacies* of the same ⁴*class*, in the event of ⁵*adequacy* of assets. (Correct answer — 5).

C. Legal Relevance — A case of legal nature is presented for study. Certain legal principles are then stated. The student is directed to accept the truth of these principles and to indicate whether or not each would be relevant to the argument of either the plaintiff or the defendant on appeal.

Example: *Case*: A negro was arrested and charged with the theft of a lady's ring from the counter of a jewelry store. At the trial, one of the identifying witnesses testified that he could not be mistaken in his identification of the negro as he was the warden of a jail in which the negro had served a six month's term. After conviction, the defendant appealed on the ground that the evidence should not have been admitted. The appellate court held the evidence inadmissible and reversed the conviction.

Principles of Law:

Correct Answers

- I. A jail warden may not testify in a criminal case. Relevant.
- II. In a criminal trial before a jury, objection may properly be made to the admission of evidence of the defendant's prior criminal record. Relevant.
- III. Theft may be punished by confinement in jail. Irrelevant.

It should be emphasized that knowledge of law is not required by any part of the test. Although legal problems and terminology are involved, all the professional information needed to answer the questions is provided in the directions or other parts of the test. The test is intended to measure the student's facility in dealing with unfamiliar situations by drawing upon his general vocabulary, judgment, and analytical and reasoning ability. It is planned to reveal whether or not the student possesses a capable though legally naive mind. The test is a measure of capacity to learn, rather than of previous familiarity with the subject.

How well such an instrument serves its desired purposes is usually determined by calculating its statistical *reliability* or internal consistency, and its *validity* or agreement with an external criterion of performance (*e.g.*, course grades). The usual method of estimating reliability⁵ is known as the "split-half" method. This consists of comparing the score (correct answers) made by each individual on all odd-numbered as against all even-numbered questions. Although some students answer many more questions than others do, this alternative grouping of all individual responses furnishes an index of the instrument's consistency. As thus determined, the self-correlation or reliability of the Yale Legal Aptitude Test has not been below .95 for the past several years. From

5. Reliability for the current form (1939) as estimated by Spearman-Brown formula is .97. For a good general discussion of the reliability and validity of test scores see GARRETT, *STATISTICS IN PSYCHOLOGY AND EDUCATION* (1937).

this point of view the instrument may therefore be regarded as highly satisfactory.

At first glance, the same cannot be said of its validity,⁶ since the present coefficient of correlation between test scores and first-year law grades is only .55. This is lower than the coefficient of .64 reported by the writer for a much earlier form of the test, which was certainly inferior to the present one. Why the apparent loss in predictive efficiency?

The answer lies in the greater selectivity of students now admitted to the Law School with its consequent restriction on the range of performance. Not only have *both* averages (of test scores and grades) risen, but their spread has decreased. The magnitude of a correlation coefficient is a function not only of "true" correspondence between two such measures, but also of their respective standard deviations, or variability above and below the means. Therefore, it follows necessarily that the more any factor (whether college grades or test scores) is actually utilized in selecting students, so as to curtail their distribution by progressively cutting off the lower end, the less highly will that factor correlate with the criterion it purports to predict. Moreover, although reliability is a crucially important property of the test itself, validity, having external reference, may be affected as much (or more) by factors independent of a test as by its own individual characteristics.

It is possible to estimate by statistical means the effect of different degrees in range upon the relationship between measures. A theoretical "correction" or adjustment, for example, indicates what the correlation between two variables would have been if their spread had not been

6. The coefficient of correlation expressed by the symbol r is a statistical index of tendency for two measures to vary, directly or inversely, with each other. When, as in this case, the relationship is (to a greater or less degree) direct, r is positive. When the relationship is inverse (as for example, between age of entrance to college and academic standing, the younger students tending to attain superior marks) r is negative. In either case its relative significance for guidance, selection and predictive purposes cannot be simply and absolutely stated, because this depends upon such factors as degree of homogeneity (or relative spread within the group in question), reliability of the measurements themselves and purposes for which the index is employed. Moreover, r expresses a trigonometrical function and not a simple ratio, so that its value gains increasingly with its magnitude. Thus an r of about .70 has much more than twice the significance of one about .35. So far as a general exposition of its relative values can be made, the following statement by Garrett expresses concisely the accepted significance of correlation coefficients within the field of mental measurement:

- r from $\pm .00$ to $\pm .20$ denotes indifferent or negligible relationship;
- r from $\pm .20$ to $\pm .40$ denotes low correlation: present but slight;
- r from $\pm .40$ to $\pm .50$ denotes a reasonable, but not high, correlation;
- r from $\pm .50$ to $\pm .70$ denotes substantial or marked relationship;
- r from $\pm .70$ to ± 1.00 denotes high relation, not often found at present,
because of complicating factors and uncertain
measures.

reduced.⁷ Applying this formula to the present situation, we find that the coefficient between test scores and law grades, if their respective standard deviations (as shown in the table which follows) had remained the same as when the test was first introduced, would now be .76. The test today therefore has potentially greater predictive power than it did in the earlier forms, even though its present correlation with grades has been reduced through restriction of the range of grades.

ENROLLMENT, GRADE AVERAGES AND MORTALITY DATA IN YALE SCHOOL OF LAW
Showing Rise in Average Scores and Decrease in Spread Since
Introduction of Legal Aptitude Test

Academic Year	Law Class	Total in Class	First-Year Law Grades		Withdrew		Failed		Total Withdrawing or Failure	
			Mean	Standard Deviation	No.	%	No.	%	No.	%
1930-31	1933	113	70.7	4.8	7	6	9	8	16	14
1931-32	1934	106	71.7	4.2	10	11	4	4	14	15
1932-33	1935	114	71.9	4.1	4	4	4	4	8	8
1933-34	1936	131	72.9	3.8	7	5	1	1	8	6
1934-35	1937	134	73.0	4.3	7	5	2	1	9	6
1935-36	1938	137	73.5	3.7	8	6	3	2	11	8
1936-37	1939	135	73.1	4.0	4	3	3	3	7	6
1937-38	1940	122	73.9	3.4	4	3	1	1	5	4
1938-39	1941	128	74.3	3.7	8	6	0	0	8	6

Since these averages are based upon grades at end of the academic year, they do not include earlier withdrawals or failures. If data on the latter were available, the differences in means and standard deviations alike over the period would exceed those here shown.

The gain in academic performance is notable, being practically equal to the present standard deviation. As the latter embraces 34 per cent (on either side of the mean) in a normal distribution, this indicates that nearly five-sixths of present Yale Law School students exceed the average grade attained in 1930-1931. It might be argued that marking has become more lenient, but the Dean and Faculty of the Law School feel sure that this is not the case. Furthermore, the undergraduate college averages and mean scores of all candidates on the Aptitude Test have risen in even greater proportions. There is, therefore, every reason to regard the observed difference in law grades as real and highly significant, reflecting progressively more careful entrance selection from not only a larger, but a distinctly superior, group of applicants. Although there has been a decline in the correlation of test scores with grades for those admitted, it must not be forgotten that the test's real purposes are to assist in the process of selection and to reduce failures. There have been very few failures in the past several years — a more tangible

7. See Williamson, *The Decreasing Efficiency of Scholastic Predictions* (1937) 38 J. EDUC. PSYCHOL. 1-16.

and important desideratum than mere magnitude of the correlation coefficient. The extent to which the test itself has contributed to this improved selection and consequent shrinkage in scholastic mortality can not be determined. The Law School authorities state that more and more reliance is being placed upon test scores, particularly in borderline cases, but no quantitative expression of "how much more" is possible. Various factors—undergraduate college record, legal aptitude scores, personal interviews and recommendations—all play their part in selection.

The period covered by this study has witnessed restriction in enrollment, despite a large increase in applicants for admission. The ratio of final candidates to matriculants is now over 3 to 1. The proportion of total applicants is actually much greater than this because many preliminary inquiries are eliminated on the basis of college records below "honors" grade, and because applications made after April 15 are considered only under exceptional circumstances. These figures are not comparable throughout the past decade because, in its earlier years, "late" candidates (those permitted to file their credentials after the closing date) were frequently accepted. It may be approximately estimated that formal applications as of April 15 have more than doubled, and total applications more than tripled throughout this period.

It might truthfully be said that, with or without an aptitude test, the Yale School of Law could hardly have failed to improve its scholastic selection under such circumstances. However, the variety of grading systems and academic standards which prevail among American colleges makes the problem of evaluating candidates' relative promise—whether for graduate, medical, law or other professional schools—extremely difficult. Some common denominator is needed as a check upon the validity of the undergraduate records. The Law School authorities feel that here the Aptitude Test has proven distinctly helpful.

Before further considering the test's relative validity, a recent attempt to improve the independent prognostic value of college records will be described. The practical utility of college averages in forecasting success at graduate and professional school levels depends upon some system of equating the scattered systems upon which undergraduate records are based and expressing them as nearly as possible on a comparable basis. The problem is essentially one of evaluating the past law school performances of graduates of many different colleges, and thereby establishing a method for adjusting a given undergraduate average to its most probable equivalent on the law school grading scale.

For this purpose, the records of 749 students from seven classes in the Yale Law School (1934 to 1940) were analyzed with respect to first-year law grades, Legal Aptitude Test scores, and undergraduate junior-year

averages.⁸ The process of equating standards among the 103 colleges from which these students had graduated required two steps. The first involved converting the junior-year averages to a uniform index. One institution may set its passing grade at 70 on its marking scale; another will report a grade of 50 or 60 as passing. Some colleges use a letter system for marking, while still others use a single-digit (group) plan with the figure one (1) representing either the highest or the lowest grade. But most colleges use alphabetical grades or the numerical system with grades ranging (theoretically) from 50-100, and with an average at 75. On such a scale, 60 is usually designated as passing. It was this scale to which all undergraduate junior-year averages were first converted in accordance with the institutions' own interpretations of their respective grade intervals.

The second step involved the appropriate amount of adjustment to be made in junior-year averages from various colleges, in order that they might properly be transmuted to the Law School's much more restricted marking system. The general procedure may be summarized as follows: the converted junior-year averages for all students from a college having a sufficient number of cases were plotted on a correlation table against grades received in first-year law work; cumulative frequencies were computed on both axes and then converted into ranks; a line connecting equivalent ranks on both axes was drawn through the correlation table and, by inspection, smoothed to extend over the entire range of values. The most probable law grade equivalent for any given junior-year college average on the table was then determinable. This method is naturally only one of approximation, because the number of cases from any single college is limited, and the correlation between collegiate and law grades is not high. However, it is possible to raise the coefficient substantially by this method.

Adjustment tables were prepared for Yale College graduates⁹ and separately for entrants from 34 other colleges among the 103 under consideration. These 34 institutions were designated as "Group I Colleges," indicating that a fairly reliable "correction" could be applied to their grades. For the remaining 68 institutions, designated as "Group II Colleges," which had sent only one or two students to Law School during that period, a necessarily cruder type of adjustment was employed. This consisted merely of lumping together the undergraduate and law school

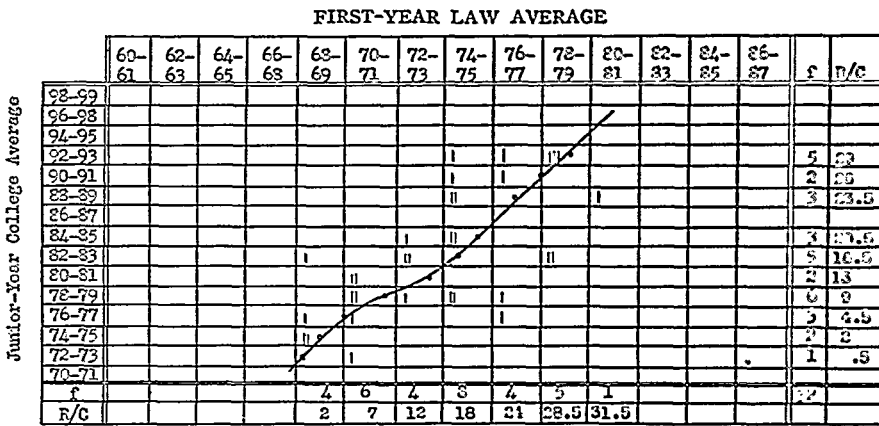
8. The junior-year average was selected for this study because it is the latest one available when candidates submit their applications for admission to the Law School. Also it probably represents achievement at a level of motivation and work-adjustment more comparable to that found in the study of law than is the case with the two preceding years of undergraduate preparation.

9. 339 of the 749 students (45%) in the seven classes studied were Yale College graduates.

records of all students from these colleges and computing a separate adjustment on this group as a whole. Forecasts of law grades based on this type of adjustment cannot, of course, be as dependable as those which are based upon more complete records. Only 77 of the 749 cases fell in the least accurate category, however, so that the relatively more reliable type of correction could be made for the great majority of individuals entering the Law School.

Because of the restricted range of grades in the Law School (more than three-fourths of all grades are packed within the narrow limits of 70 to 79 on the marking scale) and because the study of law is a more advanced and more highly competitive scholastic activity than is found in the undergraduate college, adjustments are usually in a downward direction. These may, upon rare occasions, run to as much as 15 to 20 points. The extent of adjustment necessary varies not only among the different colleges, but along the scale of averages for each separate institution as well. For example, a junior-year average of 90 from a single college might be adjusted down to a 75, while a 75 average from the same college need only be corrected to a 68. This is apparent from the following sample chart representing graduates of an eastern college.

CHART ILLUSTRATING METHOD OF ADJUSTING COLLEGE GRADES FOR PREDICTION PURPOSES



Scores on the Legal Aptitude Test were adjusted by an analogous procedure because, although the test is an objective measure, it was deemed best to control any differences in familiarity or "sophistication" with instruments of this general short-answer type which might exist among graduates of different colleges.

After adjustments had been made for the 749 cases in the experimental group, the following correlations were obtained:

Legal Aptitude Test Score (Adjusted) as against First-Year Law Grades	$r = .51$
Legal Aptitude Test Score (Adjusted) as against Junior-Year Undergraduate Average	$r = .40$
Junior-Year Undergraduate Average (Adjusted) as against First-Year Law Grades	$r = .55$

The Legal Aptitude Test and the junior-year average together gave a multiple correlation of .64 with law grades—a distinct increase in yield over that obtained with either of those variables alone. When the test score and junior-year average for each individual had been properly weighted and combined into a prediction, these individual “teamed” forecasts were also found to correlate exactly .64 with law grades, showing perfect agreement with the theoretically predetermined multiple correlation. What this correlation of .64 between predicted and actual law grades means in terms of the accuracy of the forecast may be seen in the following table, which shows the deviation of actual first-year law averages from the grades predicted, at different levels.

DEVIATION OF ACTUAL LAW AVERAGES FROM PREDICTED AVERAGES

Law School Average	Extent of Deviation (in points)						
	0	±1	±2	±3	±4	±5	±6
78	21%	45%	62%	79%	93%	93%	100%
75-77	12	38	57	71	83	93	96
72-74	12	39	61	76	88	94	98
69-71	16	49	64	79	86	91	95
68 and below	13	42	63	83	88	92	96
Average for all grades	13	42	61	76	86	93	97

Sixty-one per cent of all the forecasts agreed within plus or minus two points with the actual grades later received. For over three-quarters of the group, forecasts and actual averages agreed within plus or minus three points. Accuracy was greatest at the extremes: 79 per cent for the highest and 83 per cent for the lowest prediction groups. The latter ratio is particularly important, inasmuch as the primary objective of this entire procedure is to minimize the proportion of “unsatisfactory” performance. The method was further tested by applying it to a group of new entrants, selected by these very standards. Predictions were made for all members of the 1941 Law Class, who entered in the fall of 1938 and had not been included in the experimental try-out of this forecasting method. Correlations showed that the effectiveness of the separate and combined indices varied considerably for matriculants from each of the college categories.

CORRELATIONS BETWEEN CERTAIN PRE-MATRICULATION INDICES AND FIRST-YEAR GRADES
FOR YALE LAW CLASS OF 1941

Pre-Matriculation Indices

	<i>Legal Aptitude Test Score (Adjusted)</i>	<i>Junior-year College Average (Adjusted)</i>	<i>Predicted Grade Based on Test Score and Junior Year Average</i>
Graduates of Yale (30 cases)62	.60	.73
Graduates of Group I Colleges—other than Yale (67 cases)53	.42	.57
Graduates of Group II Colleges (21 cases).	.61	.16	.48
Entire class (118 cases)55	.34	.55

Only one form of regression equation was utilized in making forecasts for the large experimental group, irrespective of the different methods employed in making adjustments of junior-year averages and test scores. The data presented in the above table, however, point to the need for two separate forecasting formulae— for Yale and other Group I college applicants, a formula involving, though with different values, both the Legal Aptitude Test score and the college record; and for Group II college applicants, a formula based on the Legal Aptitude Test score alone. This third step is now in process. It is evident that the two pre-law indices are more effective in combination than either is alone for the Yale and Group I colleges; but that the relative undependability of undergraduate records among the scattered Group II institutions actually tends to decrease, rather than raise, predictive value of the Legal Aptitude Test itself. The data on Group II are based upon too few cases to be reliable, but it is interesting that the Aptitude Test alone showed a higher correlation with Law School grades in this smallest group than did the combined prediction for Group I excluding Yale graduates. Considering the highly restricted range of Law School grades, correlation of predictions for Yale graduates (.73) with that criterion is higher than can be expected consistently to recur.

The coefficient of .55 for the entire class is distinctly lower than the value (.64) obtained for the 7-year group employed in making individual college adjustments.¹⁰ The cause of this drop when the method is applied

10. It is hoped that further experimentation along these lines will improve future predictions— though if resultant selection continues more and more to raise the level and shrink the range of ability among admitted students, correlation between forecasts and performance may be reduced. One is reminded of the Red Queen's explanation to Alice, that here one had to run as fast as possible to stay in the same place—and twice as fast to get anywhere!

to new applicants (its true purpose) is easily seen from the table — the undergraduate records from Group II colleges are so variable that their inclusion actually weakens the prediction for the whole class and lowers that coefficient. But even the latter value (.55) is higher than either of those recently reported by Harrell for the University of Illinois (.46)¹¹ and Dean Smith for the Columbia Law School (.38).¹² These were respectively obtained from the Ferson-Stoddard and the Thorndike tests — the latter incidentally being a much longer and more expensive instrument to administer than either of the others. If the Aptitude Test score alone had been used in predicting first-year law grades for Group II, the resulting correlation for the entire class would have been .62 — but slightly under the theoretical correlation projected by the 7-year empirical study. This procedure will henceforth be followed. Additional data will each year permit transfer of some Group II colleges into Group I and inclusion of more institutions in Group II.¹³

Stability of these law-study forecasts is determined by comparing the predictions with subsequent second and third-year law grades. This was done for two classes in the Law School (1940 and 1939), using predicted grades which had been computed in the preliminary study. For the class of 1940 (105 cases) the correlation between *predicted* first-year grades and *actual* second-year average is .58. For the 1939 class (125 cases) the predicted first-year grades correlated .60 with the third-year law average and .59 with a cumulative average covering all three years of law school work. These figures, which compare favorably with those obtained for first-year law performance alone, indicate that the forecast is as satisfactory an appraisal for long-term, as for beginning, capacity for legal studies.

Any prognostic instrument which, like the Legal Aptitude Test, has been validated and successively revised with reference to a particular curriculum and population is likely to find its usefulness limited to situations closely analogous to those which have governed its own development.¹⁴ A law school wishing to employ aptitude measures in selection

11. Harrell, *Predicting Success of Law School Students* (1939) 9 AM. L. SCHOOL REV. 290-292.

12. SMITH, REPORT OF THE DEAN OF THE SCHOOL OF LAW, COLUMBIA UNIV. (1937).

13. It should be made clear that classification in Group II implies nothing derogatory to the academic standards of colleges in that category, but is based primarily upon the number of cases available for grade-adjustment purposes.

14. Many requests for copies of the test have been received by the Law School and Department of Personnel Study. Unfortunately, the test cannot be circulated for inspection. It is the property of the School of Law, which has invested considerable effort and money in its development. While it is still in process, and further revisions of the material will be necessary in the light of successive analyses, a general pattern has become sufficiently established so that its contents must be guarded. If present restrictions on its use were removed, whatever value this test has for the Yale Law School would at once be jeopardized.

of students is, at present, likely to obtain best results by experimenting in turn with various items until a test empirically suited to its particular needs is developed. Several attempts of this sort have recently been undertaken. Out of these should come new ideas and improved means for measuring promise for legal studies without the wasteful expenditure of a year or more in the process. Cooperative effort along these lines should be encouraged so far as testing data and materials can be exchanged confidentially, and without risk of their invalidation. In this way one or more tests of wider application and greater usefulness than any thus far produced may be developed. It seems that the best interests of law schools, students and the bar itself would be promoted by joint efforts to that end.