the community at large , rather than the limited fare that has hitherto frequently been served up.

Anthony O'Donnell and Richard Johnstone should be congratulated on having written a lucid book which so ably addresses a serious shortcoming in the law school curriculum, which has thereby become more and more out of step with the social and cultural makeup of modern Australian society. They have succeeded in their stated objective: *to examine some of the stories law tells about culture and so give teachers some of the tools for new ways of seeing law's culture.* (p.130)

Editor

## ENROLMENT POLICIES

**The threat to diversity in legal education: in empirical analysis of the consequences of abandoning race as a factor in law school admission decisions**

L F Wightman

72 *NYU L Rev* 1, 1997, pp 1–53

This study[1] focuses on empirical data related to the role of race as a factor in the law school admission process. This study examines, first, statistical evidence that law school admission practices provide preference to applicants of colour and, secondly, the potential effect on the ethnic makeup of legal education today if those practices are abandoned.

The debate over the role of affirmative action in the law school admission process is closely linked to the difference in opinions about the role of the two most commonly used quantitative predictors of future academic performance — undergraduate grade-point averages (UGPAs) and scores on the LSAT, a standardised multiple-choice test of acquired reading and reasoning skills. On the one hand, there is support for achieving diversity in student enrolment through consideration of the race of applicants as one of the numerous factors evaluated; on the other, there is support for limiting consideration strictly to competitive indicia of an applicant's individual academic achievement by relying heavily on quantifiable factors such as LSAT score and UGPA.

In order for this study to test the several assertions about affirmative action practices and outcomes, a model was built of an admission process that relies exclusively on LSAT scores and/or UGPAs. The next step was to determine whether applicants with the same LSAT score and UGPA who were members of a different ethnic group had the same probability of admission as did the white applicants upon whom the model was built. The final step was to determine whether each individual applicant would have been admitted to the schools to which they applied if only LSAT score and/or UGPA were used to make the admission decision.

The 1990–91 law school application and admission data suggest widespread use of affirmative action admission practices in legal education. When LSAT and UGPA are modeled as the only factors used to make decisions, not only do they predict actual decisions far more accurately for white applicants than for applicants of colour, but the number of applicants of colour predicted to be admitted under the model is statistically significantly lower than the number actually admitted.

The next step in the analyses was to determine the effect of abandoning the consideration of race on the number of individual applicants who might be admitted to law school. The analyses reported show that, if admission decision-makers had used a process modeled by the LSAT/UGPA models, the consequence would have been a substantial reduction in the overall number of applicants of colour who were offered admission to ABA-approved law schools. The impact would be devastating among the 3,435 black applicants who were accepted to at least one law school because only 687 would have been accepted if the LSAT/UGPA model had been used as the sole means of making admission decisions.

The data do not support an assumption that every white student with higher quantitative predictors who was denied admission would necessarily have been admitted but for affirmative action. Lower-scoring applicants of colour are not the only ones who are given special admission consideration. The number of white applicants who were not admitted but would have been if decisions were based entirely on numerical indicators is not so large as the number of white students who were admitted but would not have been based on the LSAT/UGPA alone. Although this model fits the data very well, there is still a substantial amount of unexplained variance in its use. Information obtained from sources, such as misconduct files, letters of recommendation and personal statements, is also identified by most law schools as important for consideration in admission decisions.

The tension between commitment to the principles of racial and ethnic diversity and of competitive evaluation based on quantifiable indicators of individual achievement frequently results in questions about the appropriateness of the use of numerical indicators. One does not need to argue that the test is invalid or a biased predictor against the members of certain groups in order to substantiate the negative consequences of misuses or overuse of the test in the admission process. A test that does a very good job of measuring a narrow, albeit important, range of acquired academic skills cannot serve as a sole de-

[1] Two reports by the author on the full gamut of the research project upon which this article is based were reviewed in 5 *Leg Ed Digest* 1 (July, 1996) pp 15-17.

terminant in the allocation of limited educational opportunity.

The graduation rates among those students who would not have been provided an opportunity to enter law school under the LSAT/UGPA model is impressive, strongly supporting the claim by legal education administrators that law schools offer admission to only those students of colour who are qualified to meet the demands of law school academic work.

Some commentators suggest that there are a variety of factors that should be used in the admission process that might identify diversity contributions or evidence of lack of educational opportunity. Such factors could result in a student body that would be diverse along a variety of dimensions, including race. Based on the data from the samples used in this study, three of the often-identified factors that might foster diversity — economic status, selectivity of undergraduate school and undergraduate major — were evaluated. None of these factors produced a highly qualified, ethnically diverse student body when considered in the admission process without simultaneous consideration of race.

The data presented in this study provide bleak prospects for continued ethnic diversity in legal education if admission decisions depend on a model defined exclusively by LSAT score and UGPA or, by extension, an admission practice that yields results that parallel those predicted by an LSAT/UGPA model. The issue rises from an inappropriate use of those measures that results, not only in a loss of validity, but systematic and predictable discriminatory selection in our nation's law schools.

## LEGAL EDUCATION GENERALLY

3 *The Law Teacher* 3, 1997

*Editor's Note*: This issue is by and large given over to a group of four articles which reflect an international perspective on legal education. It canvasses the problems and challenges that arise in law teaching in several very diverse jurisdictions: the South Pacific island states, South Africa and post-Communist Bulgaria and Russia. Each of the four articles, necessarily somewhat descriptive but nonetheless supported by argument and analysis, examines the impact that major change in the political and economic environment have had on law teaching.

## LIBRARIES & INFORMATION

**Fishing on the Net: solicitor training on the Internet**
J Timke
5 *Aust Law Librarian* 2, 1997, pp 113–116

In the recent past, online services and systems meant training for librarians and other library staff because each system seemed to have its own particular search operators and techniques. Charging was, more often than not, based on the amount of time spent 'online'. This meant only well trained users would conduct these searchers so as to keep the cost within budge restraints. Law librarians also needed to know which online systems contained which database of information and how to access that information as quickly, cheaply and accurately as possible.

While this was not an unsatisfactory method of researching, the CD-ROM helped revolutionise legal research. In a relatively short period of time, the amount of information that became available in this format was staggering. But the real bonus for the legal profession was and is the 'user friendly' approach that most publishers took in producing this material. On the whole, these databases have been aimed at the practitioners themselves, as opposed to librarians.

Librarians are now looked to as professionals with experience who can act as trainers as well as users. As trainers they helped train those practitioners who needed to learn how to use this information in this format, and as users they had the knowledge to access the information accurately if practitioners did not have the time. CD-ROM publishers provided user manuals and 'help sheets', as well as support and training for librarians. In many instances it was more practical to have trainers from the production companies that produce the compact disks to provide the initial instruction for practitioners. Compact disc technology was a challenge to practitioners, but also to librarians who were expected to be trainers as well as users.

While compact discs still play an important role in legal research, for the time being it seems that all attention has turned to the Internet and the World Wide Web. Many of the applications of the Internet fall into one of two categories, communications or research. Both are of equal importance but it takes more knowledge and background in researching fully to do research on the Internet and achieve satisfactory results.

With pressure from all directions to access the Internet for researching purposes, practitioners are stepping into a possible minefield of the unknown. Although many law firms have been rushing to provide desk top access to the Internet and the World Wide Web, this access, without adequate training, will be useless.

One of the most important elements in relation to the Internet can be explained even before logging on. Reliability is a major concern that should be discussed. Simply because it is on the Internet does not mean that it is up to date or accurate, which many practitioners automatically assume. Although in theory information is available almost instantly on the Internet, this is not so. In