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Walter A. Steele

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CORRELATED STATISTICS NEEDED FOR ADMISSION STUDIES

By WALTER A. STEELE

*of the Denver Bar, Chairman of Membership Committee,
Denver Bar Association*

It is difficult to secure statistics of the legal profession. It is doubly difficult to make statistical comparisons of the legal profession with other professions, and it is difficult to make assumptions which are equally valid in all professions.

For example the medical profession would seem to admit practically all those who take the examination. Yet when one considers the different nature and purpose of the examination for doctors and for lawyers, we find no comparative basis. On the other hand the architects have never, since 1947 at least, passed more than 50% of the applicants taking the examination; and the percentage of admissions for the last four years run from 16.6% to 50%. The accountants, who incidentally take an examination prepared and graded by a national accounting board, likewise admit a small percentage of the applicants. From the standpoint of the principles and purposes of the examination, the ones given to prospective architects and accountants more closely approximate the one given to the legal profession.

But, again, the wide divergence of educational requirements, the problems of registered accountants and certified public accountants, and a host of other problems show that it would be unwise to make comparisons between admission studies for the legal profession and these professions.

Therefore, we must in the light of present knowledge, reject any comparisons between the admission statistics of the professions. In doing so, however, we do not mean to imply that some of the procedures of the other professions, notably the national examination, should be ignored. It might be very much worthwhile to study these systems and their application, if any, to procedures for the admission of lawyers.

Some definitive study should likewise be made on a national scale of the admissions to the bar as related to population and lawyer-population figures. No definitive study has yet been made of this problem to our knowledge; but if there is overcrowding in one state and a lack of lawyers in another, there might be some correlation between this factor and the numbers admitted. Of course, the economic situation in any region should likewise be considered to determine if it should or should not have any connection with bar admissions.

For example, with its ratio of lawyers to population showing an ever decreasing curve, that is more lawyers per capita,

with the income of lawyers based on purchasing power of the dollar likewise showing a decreasing curve, Colorado, nevertheless, admits more lawyers year by year than the national average. In 1947 the national average of successful applicants taking the bar examination was 58%, yet Colorado admitted, 68%; in 1948 the figures were respectively 60% and 85%; in 1949 they were 61% and 73% and in 1950 they were 60% and 62%. In the prior years the divergencies have been even greater. Whether the 1950 examination shows a trend to approximate national averages, which incidentally seldom exceeded 60%, or whether it is merely a coincidence is, of course, too early to tell.

The problem, however, is much more than one of statistics. As it is pointed out in the 1949 *Occupational Outlook Handbook* of the Bureau of Labor Statistics: "The legal profession is already somewhat overcrowded at the lower levels and is likely to become more so during the next few years." The several studies that have been made and published of this general observation insofar as it is true in Colorado emphasize that this state is definitely overpopulated with lawyers, particularly as the attorneys may be concentrated in the larger cities. Whether Colorado can absorb 424 applicants who have passed the bar plus 42 lawyers admitted without examination, all in the past three years is difficult to say. But present indications are that the state cannot.

NEED FOR LAWYERS IS IMPROPER BASIS

The suggestion has been made in the past that admissions should bear some relation to need. While the economics of the suggestion may be justified, it cannot be accepted as a procedure. In the first place it involves some sort of autocratic power to determine need, or to formulate and justify ratios. In the second place, it is apt to place wealth instead of ability as a measuring stick for admissions. Much better would it be that some acceptable procedures be worked out to eliminate the unfit students of law early in their studies, thus saving the expense wasted by the present system. The net result would be an extremely high percentage of applicants admitted to the bar, and a less number of law students.

In an attempt to determine if there was any validity to the criticism that law schools in Colorado were undertraining their pupils, or that the examiners were improperly evaluating applicants, we attempted to correlate the standings of the applicants with respect to their law college work and their grades on the bar examination. The results were indecisive. There were individual inconsistencies. Some students receiving high grades in school did poorly on the examination, and in several cases average students received high bar examination marks. The median, however, seem to run somewhat close to the expected performance.

Whether these deviations from the expected norm have any

significance, it is impossible to say without personal interviews with the students involved to determine if additional mental or physical factors were involved at the time of taking the examination, as for example, financial worries, home problems and the like. In any event, the figures obtained suggest that a more comprehensive study be made of the correlation between bar examination and law school grades. This might well be done as part of any investigation into the field of legal education in Colorado.

The desired end result is that only competently trained men of high character should be admitted to the bar. Whether we are training those men is a question with which this committee does not now concern itself. But it does seem apparent that in many respects we know too little about the problem of legal education as it relates to admissions, or of admissions as it relates to legal education, or of either admissions and education as they relate to both the profession and the public.

STATUTES

Ira L. Quiat, chairman of the Legislative Committee of the Denver Bar Association and member of the Legislative Committee of the Colorado Bar Association, is compiling a list of conflicts existing between different sections of the Colorado Statutes with a view of directing committee action towards the correction of these conflicts. It is requested that members of the Bar indicate to Mr. Quiat or to the Bar Association office any such conflicts known to them.

ADDENDA

The names of Joseph A. Craven and Theodore Epstein should be added to the roster of the Ethics and Grievance Committee of the Denver Bar Association for 1951-52 as printed in the August 1951 issue of *Dicta*.

IN MEMORIAM

Dicta notes with deep regret the passing last month of Justice Benjamin C. Hilliard. Judge Hilliard was an honorary life member of the Colorado Bar Association, a member of the profession for over 59 years and of the bench of our Supreme Court for the past 21 years. With his passing, our profession loses one of its most outstanding personalities, one of its most colorful speakers, and one of its most able jurists.