Judging A Lawyer

Hiring an effective lawyer has far more to do with personality, past behavior, and situational judgment than an LSAT (Law School Admission Test) score or undergraduate GPA according to a study by Dr. Sheldon Zedeck of UC Berkeley and Dr. Marjorie Schultz of Berkeley Law.

Before reviewing the study, an explanation of the LSAT is in order. The LSAT is an analytical and logical reasoning test that fundamentally measures cognitive ability, or intelligence. Law schools usually combine the LSAT with another indicator of cognitive ability, undergraduate GPA, to produce an index score used in admissions. Substantial research supports the fact that cognitive ability is a good predictor of job performance, and that support holds for the index score and first year law school performance, but not professional performance. Even as the best predictor of first year law school performance, the index score's predictive ability is only moderate, and there is much room for improvement. For example, if a law school uses take home tests instead of timed tests like the LSAT, the index score diminishes in its predictive ability. This leads to the possibility that the LSAT measures a specific test-taking ability more than general academic ability. A more serious problem is the index score's adverse impact, or unintentional discrimination, on minorities. Zedeck and Schulz cited past research that determined that using only the "LSAT and UGPA would result in systematic exclusion of minorities from law school programs." This is where a new set of tests can help.

Zedeck and Schultz first surveyed over 2,000 UC Berkeley alumni to develop a total of 26 lawyer effectiveness factors (see list below), and then used another sample of over 1,100 alumni to predict those factors using LSAT scores, undergraduate GPA, and another set of selection tests. The selection tests assessed candidate's work and personal history, personality, behavioral tendencies, optimism, and situational judgment, and had been used in employee selection. One might presume that a high or low index score would lead to an effective or ineffective lawyer but that was not the case. Of the all the predictors, the set of selections tests predicted far more effectiveness factors and at a much higher level than the index score or the LSAT and undergraduate GPA considered separately. The most striking difference, however, was in the lack of adverse impact by the new set of tests. When using only the set of non-cognitive tests, there was no difference between groups. This does not mean the LSAT has no purpose and should be abandoned, as it was still the best predictor of first year undergraduate GPA. Instead, the Zedeck and Schultz argue that the LSAT should be supplemented with other selection tests that better capture all the dimensions of being an effective lawyer and diminish risk of adverse impact. To borrow from the logical language of the legal field, a certain level of cognitive ability is necessary to be a lawyer but is not sufficient.

Factors Identified as Important to Lawyer Effectiveness

1. Analysis and Reasoning
2. Creativity/Innovation
3. Problem Solving
4. Practical Judgment
5. Researching the Law
6. Fact Finding
7. Questioning and Interviewing
8. Influencing and Advocating
9. Writing
10. Speaking
11. Listening
12. Strategic Planning
13. Organizing and Managing One's Own Work
14. Organizing and Managing Others (Staff/Colleagues)
15. Negotiation Skills
16. Able to See the World Through the Eyes of Others
17. Networking and Business Development
18. Providing Advice & Counsel & Building Relationships with Clients
19. Developing Relationships within the Legal Profession
20. Evaluation, Development, and Mentoring
21. Passion and Engagement
22. Diligence
23. Integrity/Honesty
24. Stress Management
25. Community Involvement
26. Service
     Self-Development

(Schulz and Zedeck, 2011)

Read the full study: https://www.usc.edu/programs/cerpp/docs/
Predictinglawyereffectiveness.pdf\