SASKATCHEWAN LAW REVIEW

Examining the Exam: Use of the LSAT in Canadian Law School Admissions Procedures

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I. INTRODUCTION

The Law School Admission Test ("LSAT") is a rite of passage into the legal profession. It is a cornerstone of the law school admissions process that has been experienced by almost every lawyer working in Canada and the United States. Its status is engrained in the collective legal psyche to the point that its efficacy and relevance are only questioned in certain circles. This article considers such questions and cautions against extensive reliance on the LSAT.

Part II examines the history of the LSAT. This history is informative since the modern exam still reflects the purpose and form of the original 1945 test. Part III highlights the benefits the LSAT offers law school admissions committees and provides information about why schools look to the LSAT for information regarding applicants. Part IV then explores the extent to which Canadian law school admissions committees use the LSAT in making admission decisions. Part V critiques law schools' over-reliance on the LSAT in their admissions processes. Informed by a discussion about the relationship between the LSAT and the composition of the Canadian bar, and the exam's various limitations, this section argues that the exam measures arguably irrelevant characteristics and is inherently biased. This negatively affects prospective and current law students, the legal profession, and society generally. Part VI offers recommendations on how Canadian law schools may move to address such issues.

II. HISTORY OF THE LSAT

The origin of the LSAT dates back to May of 1945. The Admission Director at Columbia Law School sought the creation of "a law school

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capacity test" to use in admissions decisions.[1] Although there had been a history of using IQ-style standardized tests as a component of law school admissions, this test was to be different.[2] Harvard and Yale joined the project, a newly developed goal of which was to create a test with results that would highly correlate with first-year grades.[3] The purpose of focusing on first-year grades was threefold. First, being able to predict first-year success prior to admission would make the law school education system more efficient by ensuring that people admitted to law school succeeded in their first year of study.[4] Second, it would render the test's predictive capabilities easy to study because those administering the LSAT would have easy access to first-year law grades.[5] Third, it assumed "that first-year performance is highly correlated with later success in law school and in legal practice."[6] As William LaPiana stated in his keynote address at the 1998 Law School Admissions Council ("LSAC") Annual Meeting, "[a]t the very beginning, then, the LSAT was linked to success in law school, not success at the bar."[7]

Before the LSAT was first administered in 1948, many law schools contributed input into the test's content. In 1947, representatives from thirteen American law schools—including Syracuse, Stanford, Cornell, Yale, Harvard, and the University of Pennsylvania—met to discuss the proposed test. At one point, it was suggested that the exam include a question designed to test "general culture" to screen out students whose "preparatory education had been excessively technical and deficient in the study of literature and history."[8] This suggestion was rejected. As the representative from Yale suggested, a candidate was "eligible from a cultural point of view if [he or she had] a college degree and a good college record plus a legal aptitude test."[9] As discussed above, legal aptitude was measured primarily in terms of potential for success in first-year law school. It was with this in mind that the content was decided. Narrow skills that matched first-year law pedagogy were selected for testing: "paragraph reading, analogies,

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1 William P LaPiana, "A History of the Law School Admission Council and the LSAT" (Keynote Address delivered at the LSAC Annual Meeting, 28 May 1998) at 1, online: LSAC <www.lsac.org/docs/default-source/publications-%28lsac-resources%29/history-lsac-lsat.pdf>, archived: <https://perma.cc/U7A9-MLC8>.

2 *Ibid* at 3.

3 *Ibid*.

4 *Ibid* at 7.

5 *Ibid* at 4.

6 *Ibid* at 3.

7 *Ibid* at 4.

8 *Ibid* at 6.

9 *Ibid*.

syllogistic reasoning, 'inconsistencies' and 'practical judgment'" were all considered important testing criteria.[10] Of note, the founders of the exam were nonetheless "adamant that it could not and must not be the only criterion for admission,"[11] a message that LSAC, the owner and administrator of the exam, continues to express today.[12]

Today's LSAT reflects this original test, both in purpose and form. According to LSAC, the exam "is designed to measure skills that are considered essential *for success in law school*: the reading and comprehension of complex texts with accuracy and insight; the organization and management of information and the ability to draw reasonable inferences from it; the ability to think critically; and the analysis and evaluation of the reasoning and arguments of others."[13] The three marked multiple-choice question types on the

10 *Ibid* at 3.

11 *Ibid* at 8.

12 LSAC, "Cautionary Policies Concerning LSAT Scores and Related Services" (July 2014) at Part I, online: <www.lsac.org/docs/default-source/publications-%28lsac-resources%29/cautionarypolicies.pdf>, archived: <https://perma.cc/83TH-RDUU>.

13 LSAC, "About the LSAT" [emphasis added], online: <www.lsac.org/jd/lsat/about-the-lsat>, archived: <https://perma.cc/YFN9-JCU3>. The current LSAT exam consists of five thirty-five-minute sections of multiple-choice questions, four of which are scored, and a single thirty-five-minute writing sample, which is not scored. The multiple-choice sections include one Reading Comprehension section, one Analytical Reasoning section, and two Logical Reasoning sections (*ibid*). The Reading Comprehension section, which seeks to "measure the ability to read, with understanding and insight," sees exam writers reading four passages or sets of passages and answering five to eight questions based on each reading (LSAC, "Reading Comprehension", online: <www.lsac.org/jd/lsat/prep/reading-comprehension>, archived: <https://perma.cc/DGH4-ZUL8>). The Analytical Reasoning section, which seeks to "assess the ability to consider a group of facts and rules, and, given those facts and rules, determine what could or must be true," sees exam writers reading brief passages that describe a group of relationships and then answering a range of questions to demonstrate that they have deduced information from the passage. For example, a passage may describe six children seated at a park bench and list several rules about who can sit where. The exam writer would then be required to answer questions about the logical implications of the information, such as who can sit between children X and Y, or who cannot sit next to X if W sits next to Y (LSAC, "Analytical Reasoning", online: <www.lsac.org/jd/lsat/prep/analytical-reasoning>, archived: <https://perma.cc/4Z23-CRAT>). The Logical Reasoning sections, which seek to "evaluate the ability to analyze, critically evaluate, and complete arguments as they occur in ordinary language," see exam writers reading a short passage and answering one or two questions about it to demonstrate "a wide range of skills involved in thinking critically," such as reasoning by analogy or identifying flaws in arguments. For example, a passage may assert that democracy does not promote political freedom because there are historic examples of both unfree democracies and free societies that have been governed by different political systems. The exam writer is then tasked with identifying the flaw in the argument from a list of potential flaws, such as whether it "overlooks the possibility that democracy promotes political freedom without being necessary or sufficient by itself to produce it," "fails to consider that a substantial increase in the level of political freedom

current exam—reading comprehension, analytical reasoning, and logical reasoning—test the skills judged to be important by the exam's founders: reading, making analogies, demonstrating syllogistic reasoning, spotting inconsistencies, and exercising practical judgment.

III. BENEFITS OF USING THE LSAT

LSAC declares that the LSAT is "an integral part of the law school admission process in the United States, Canada, and a growing number of other countries."[14] This statement is more than mere corporate puffery. In 2014-2015, over 101,000 LSATs were administered.[15] Although this number is considerably lower than the 171,500 administered in 2009-2010,[16] the LSAT continues to be the dominant force in the law school admissions process across Canada and the United Sates.[17] The appeal of using the LSAT is understandable. The predictive relationship between the exam and first-year grades is well documented, and use of the exam is objective and efficient. To explain the LSAT's appeal to admissions committees, this section will discuss its useful qualities in some detail.

As discussed in Part II, the LSAT was historically designed to predict first-year grades and its continuing capacity to do so is well documented.[18] Research shows LSAT scores combined with undergraduate grade-point averages ("GPAs") are better predictors of first-year grades than either LSAT scores or GPAs alone.[19]

For instance, a 2013 study of 152 law schools commissioned by LSAC examined the correlation.[20] The study expressed the correlation

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might cause a society to become more democratic," or "confuses the conditions necessary for political freedom with the conditions sufficient to bring it about" (LSAC, "Logical Reasoning", online: <www.lsac.org/jd/lsat/prep/logical-reasoning>, archived: <https://perma.cc/X7QN-73EL>).

14 LSAC, "About the LSAT", *ibid*.

15 LSAC, "LSAC Volume Study", online: <www.lsac.org/lsacresources/data/lsac-volume-summary>, archived: <https://perma.cc/2XG7-R4B2>.

16 *Ibid*.

17 Marjorie Shultz & Sheldon Zedeck, "Admission to Law School: New Measures" (2012) 47:1 Educational Psychologist 51 at 52.

18 *Ibid* at 51.

19 LSAC, "LSAT Scores as Predictors of Law School Performance", online: <www.lsac.org/jd/lsat/your-score/law-school-performance>, archived: <https://perma.cc/5ACM-X4QN>. Contra Dawna Tong & W Wesley Pue, "The Best and the Brightest?: Canadian Law School Admissions" (1999) 37:4 Osgoode Hall LJ 843 ("Canadian evidence pointing towards a meaningful correlation between LSAT or index scores and law school performance is much weaker than one might have expected" at 865).

20 Lisa Anthony, Susan Dalessandro & Lynda Reese, "Law School Admission Council LSAT Technical Report 13-03: Predictive Validity of the LSAT: A National Summary of the 2011 and 2012 LSAT Correlation Studies" (November 2013), online: LSAC <www.lsac.org/docs/default-source/research-%28lsac-resources%29/tr-13-03.pdf>, archived: <https://perma.cc/3V6J-E3NT>.

as a coefficient for which 1.00 would indicate a 100% correlation. LSAT scores had a median coefficient of 0.36, higher than GPA figures, which had a median coefficient of 0.28. Taken together, LSAT scores and GPAs had a combined median coefficient of 0.47. In other words, 47% of the variance of first-year law school grades can be explained by looking at student LSAT and GPA scores. This is impressive when one considers the multitude of other factors—such as motivation, work and family responsibilities, and physical and mental health—that influence students' success in law school. This led the researchers to conclude that, although not perfect, the combination of the LSAT and GPA is a strong predictor of first-year law grades.[21]

In light of the LSAT's documented predictive capabilities, it is understandable why law schools rely heavily on LSAT scores in making their admissions decisions. The ability to predict first-year grades with some degree of certainty allows schools to expect their first-year class to succeed. This means that professors can expect each consecutive year of students to be comparably skilled and can plan their courses accordingly. This also means that coveted seats in the first-year class may be less likely to be given to students who will fail or drop out for academic reasons. As such, the exam helps law schools and students alike avoid wasting time and money.

In addition to offering law schools a prediction of first-year grades, the LSAT offers them a relatively objective measure by which to compare students. According to LaPiana, the objectivity the LSAT brought into the law school admission process in the 1940s was beneficial.[22] He argues that the pre-LSAT world of law school admissions was plagued with discrimination and social stratification. Discrimination against minorities such as Jews and Catholics in admissions processes "was acceptable and, quite frankly, practiced."[23] The LSAT and the objective measure it offered was therefore a movement toward fairness and equality in some respects.

The objectivity of the LSAT still benefits admissions procedures. The fact that all LSAT scores originate from and are assessed by the same organization makes the comparison of LSAT scores more objective than a comparison of GPA scores, since GPA scores come from different schools (and departments within schools) that have different standards and ways of marking. Also, assessing applicants according to a standard and precise mathematical score is appealing, as it facilitates a relatively impersonal and unchallengeable comparison.

The efficiency of comparison the LSAT affords law school admissions staff is another of the exam's benefits. In 2014, Canadian law schools had to process an average of 1,655 applications per

21 *Ibid* at 19.
22 *Supra* note 1 at 8.
23 *Ibid*.

school.[24] Thompson Rivers University had to process the fewest applications at only 735.[25] The University of Ottawa had to process the most. Between the Faculty's French and English programs, it had to process 3,400 applications.[26] The resources required to properly and thoroughly process these applications are significant. The fact that the LSAT allows admissions councils to simply compare numeric indicators of competence reduces the faculty time needed to make admission decisions.[27] As LSAC promises, using the LSAT makes "the admission process simpler and more efficient."[28]

The efficiency the LSAT offers is also demonstrated by the resources that law schools that have moved away from using the LSAT invest in their admissions processes. Discussing the University of Windsor's adoption of a holistic admissions process in 1977, Blonde et al stated that the new "process greatly increased the time commitment required of individual committee members."[29] It required an "extraordinary effort by the entire law school faculty, the student evaluators, and the administrative staff" that extensive use of the LSAT did not.[30] Reliance on the LSAT would therefore be particularly beneficial to law schools when financial and other resources are limited.

IV. USE OF THE LSAT BY CANADIAN LAW SCHOOLS

A 2015 survey of the publicly available information about Canada's[31] common law schools' admissions processes, which is limited,[32]

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24 Oxford Seminars, "Canadian Law School Profiles", <www.oxfordseminars.ca/LSAT/lsat_profiles.php>, archived: <https://perma.cc/4G5L-VYKD>. See also Brent Cotter, "Report on Canadian Common Law Admissions Information and Statistics: 2012, 2013 and Historical Perspective 1985-2013" (April 2014) at 2 (Cotter indicates that 26,218 applications were processed by all Canadian law schools other than those at Lakehead and Thompson Rivers in 2014, averaging 1,748 per law school), online: Canadian Council of Law Deans <www.ccld-cdfdc.ca/images/reports/CLASSIREPORT2014.pdf>, archived: <https://perma.cc/HL78-W7GY>.

25 Oxford Seminars, *ibid*.

26 *Ibid*.

27 Shultz & Zedeck, *supra* note 17 at 52.

28 LSAC, "Members", online: <www.lsac.org/members>, archived: <https://perma.cc/F3WP-PD8U>.

29 Dolores Blonde et al, "The Impact of Law School Admission Criteria: Evaluating the Broad-Based Admission Policy at the University of Windsor Faculty of Law" (1998) 61:2 Sask L Rev 529 at 535.

30 *Ibid*.

31 Dalhousie University, Lakehead University, McGill University, Queen's University, Thompson Rivers University, the University of Alberta, the University of British Columbia, the University of Calgary, the University of Manitoba, the University of New Brunswick, the University of Ottawa, the University of Saskatchewan, the University of Toronto, the University of Victoria, the University of Western Ontario, the University of Windsor, and York University were considered in detail.

32 For a discussion of the lack of academic attention Canadian law school admissions processes have received, see generally Tong & Pue, *supra* note 19 at 852-53; Larry

suggests that most schools heavily consider the LSAT while making admissions decisions. This should be unsurprising given the benefits associated with the LSAT that are outlined above, particularly in light of those related to efficiency of application processing. An overview of law schools' usage of the LSAT and their application processes generally provides context to this discussion.

The vast majority of students attending law school in Canada are admitted under a "regular" admission category, also called "general," "index," or "ordinary" admission categories.[33] Although the procedures for these admission categories vary, they generally consider an LSAT score,[34] GPA scores from a minimum of two to three years of undergraduate studies, and supporting documentation such as personal statements or reference letters.

Considering only a few schools make the details of their admissions processes public, it is difficult to precisely determine the extent to which law schools in Canada rely on the LSAT to make their

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Chartrand et al, "Law Students, Law Schools, and Their Graduates" (2001) 20 Windsor YB Access Just 211 at 212. The dearth of information noted by these authors has apparently not yet been remedied.

33 According to Cotter, 86.7% of students admitted to law school in 2013 were admitted as "regular" applicants. Not only is the percentage of students admitted as "regular" applicants high, it has been steadily increasing since 1996 (*supra* note 24 at 7, 14). Most law schools do not publish the percentage of their first-year class that were admitted under each category. The information publicly available, however, supports the inference that most students are admitted as "regular" applicants. For example, Queen's University stated that 90% of their 2016-2017 first-year class was admitted under their general admission category and 10% was admitted under their access admission category (Queen's University, "September 2016 First Year Class Profile", online: <law.queensu.ca/jd-admissions/admission-information/class-profile>, archived: <https://perma.cc/3VPC-FNVD>). Also, the University of Manitoba stated that 80% of their first-year class was admitted under their regular admission category, meaning that, by implication, 20% of their class was admitted under either their individual consideration or Aboriginal categories (University of Manitoba, "Faculty of Law: Applicant Information Bulletin 2017-2018" at 2, online: <www.umanitoba.ca/student/admissions/media/law_bulletin.pdf>, archived: <https://perma.cc/VUF7-6YSB>).

34 As of 2015, only the French common law program at the University of Ottawa (University of Ottawa, "How to Apply", online: <commonlaw.uottawa.ca/en/students/admissions/how-to-apply>, archived: <https://perma.cc/C5X2-XP5F>) and the bilingual program at McGill University do not require applicants to submit LSAT scores. Although McGill University does not require applicants to take the LSAT, they do require disclosure of scores if the exam was taken. According to their website, they do not require LSAT scores because "[t]he Faculty of Law is a bilingual learning environment. We believe it would be disadvantageous to the significant proportion of applicants and admitted students who indicate French as a first language to require, as a matter of eligibility, a test that is offered only in English" (McGill University, "Frequently Asked Questions" at LSAT, online: <www.mcgill.ca/law-admissions/undergraduates/admissions/faq>, archived: <https://perma.cc/62XZ-K7FC>).

admissions decisions. That said, the available information suggests that students admitted under a "regular" admission category are generally ranked primarily according to the results of an index that mathematically factors in their GPA and LSAT scores.[35] The LSAT score used in the calculation is either an average of all LSATs taken by the applicant, or the highest achieved. The GPA value used in the calculation usually does not include applicants' lowest grades if they have taken more than the minimum number of undergraduate courses. Furthermore, with the exception of the University of Toronto[36] and Queens University,[37] no universities state that they give consideration to the nature of the program pursued or the undergraduate institution attended when valuing GPAs. The University of Victoria provides a typical example of a law school's use of an applicant's LSAT and GPA numbers, weighting the GPA at 50 per cent and the LSAT score at 50 per cent in their admission evaluation.[38] They use the applicants' highest LSAT score and cumulative GPA value.[39]

Most Canadian universities also offer some form of special admission category in addition to the regular category. These categories are generally offered based on recognition that the standard criteria for admissions, specifically their narrow focus on LSAT and GPA scores, prejudice "the prospects of applicants whose academic record, for reasons beyond their control, does not reflect their true potential

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35 For example, on Dalhousie University's admission webpage, it states that "[in] assessing applications, emphasis is placed primarily on an applicant's academic record and LSAT score" (Dalhousie University, "Admission & Requirements" at Admissions Policy [emphasis removed], online: <www.dal.ca/faculty/law/programs/jd-admissions/admission-requirements.html>, archived: <https://perma.cc/KWE8-QC8C>). The University of British Columbia states that "regular applicants may request that special circumstances be considered in determining their academic average," suggesting that the usual process is very formulaic (University of British Columbia, "Admission: Regular Applicants", online: <www.calendar.ubc.ca/vancouver/index.cfm?tree=12,207,358,326>, archived: <https://perma.cc/KF6L-WRNC>). The University of New Brunswick states that "[m]ost offers of admission in the Regular category are based solely on the applicant's Admissions Index" (University of New Brunswick Law, "Admission Requirements 2016-2017" at 5, online: <www.unb.ca/fredericton/law/_resources/pdfs/admissionsguide.pdf>, archived: <https://perma.cc/SZ2K-7M7R>). The University of Victoria states that personal statements "*may*…be taken into account during the application assessment process" (University of Victoria, "First Year Admissions" [emphasis added], online: <www.uvic.ca/law/admissions/firstyearadmissions/index.php>, archived: <https://perma.cc/P39M-QG37>).

36 University of Toronto, "Admissions Policies", online: <www.law.utoronto.ca/admissions/jd-admissions/admissions-policies>, archived: <https://perma.cc/7MPM-H4DP>.

37 Queen's University, "First Year", online: <law.queensu.ca/jd-admissions/admission-information/first-year>, archived: <https://perma.cc/6LC4-Q948>.

38 University of Victoria, *supra* note 35.

39 Oxford Seminars, *supra* note 24.

to successfully pursue the study of law."[40] Generally speaking, these special categories require the submission of additional documentation relevant to the disadvantage claimed, such as reference letters, a resume, or medical documentation, to aid in a more holistic applicant assessment.

Special admission categories can be broadly divided into "Aboriginal" and "Access." "Access" admission categories have various names including "special status," "discretionary," and "mature." The purpose of these categories is to admit applicants who have experienced special circumstances such as those resulting from a disability or special needs, financial disadvantage, or significant family dependencies. Such categories are also structured to allow older students or students without strong GPA or LSAT scores a means to inform the admissions committee of their non-academic skills and experience. In addition to "Access" categories, many schools also offer "Aboriginal" admission categories designed to facilitate access to legal education and the profession for Aboriginal people. Special admission categories generally aim to enrich the law school environment by increasing the diversity of experience and perspective of acceptees, ultimately benefiting the profession and the community.[41]

Some schools operate outside the mainstream by seeking to holistically review all applicants. Lakehead University,[42] McGill University,[43] the University of Toronto,[44] York University,[45] the

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40 University of Saskatchewan College of Law, "Special Applicants", online: <law.usask.ca/programs/law-degree/special-applicants.php>, archived: <https://perma.cc/6UW3-MTJJ>. Problems associated with extensive reliance on LSAT scores are discussed in Part V, below.

41 University of Manitoba, *supra* note 33.

42 Lakehead University states that its admissions committee "uses a holistic approach to reviewing applications, taking into consideration a number of factors" (Lakehead University, "Admissions & Application Information for the Juris Doctor Program", online: <www.lakeheadu.ca/academics/departments/law/admissions>, archived: <https://perma.cc/CKD6-7CF3>).

43 McGill University states that its admissions committee "conducts its assessment through a holistic evaluation of each applicant's file, including the applicant's academic record, linguistic abilities, personal statement, extracurricular, community or professional activities, and letters of reference" (McGill University, "Admissions Policy", online: <www.mcgill.ca/law-admissions/undergraduates/admissions/policy>, archived: <https://perma.cc/4H5H-YEPY>).

44 The University of Toronto states that their "review process is holistic, which means that we look at all of these factors together. Students tell us they are surprised at how much emphasis we place on the personal essays. We rely on the essays for information that cannot be conveyed by numbers. Multiple readers assess each file to get a full sense of the unique strengths each applicant will bring to the first year class" (University of Toronto, "JD Admissions", online: <www.law.utoronto.ca/admissions/jd-admissions>, archived: <https://perma.cc/92SM-CQ24>).

45 York University's "Holistic Admission Policy" "stresses excellence and equity." It seeks to identify "a diverse and exceptional group of students with a commitment

University of Windsor,[46] and the University of Western Ontario[47] all claim to use holistic admissions processes. It is important to note that schools do not make the details of their admissions processes public, so it is difficult to determine the precise degree to which these processes are truly holistic. A school may claim to admit students on a holistic basis but continue to heavily weight LSAT and GPA scores.[48] That said, evidence confirms that the processes of the University of Windsor and McGill University only negligibly rely on LSAT numbers. McGill University does not require its applicants to take the LSAT,[49] and assesses such candidates based only on the personal statements, transcripts, letters of reference, and resumes it requires.[50] The University of Windsor completely overhauled its admissions process in 1977 to use broad-based criteria in addition to the GPA and LSAT to assess applicants.[51] Windsor's holistic process aims "to select, from among the many applicants, those students who will succeed in the study of law and have the potential to contribute creatively and meaningfully to the law school and to the community."[52] Although the GPA and LSAT were not discarded, they are only considered in

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to excellence, demonstrated through academic and other contributions to society" (Osgoode Hall Law School, "Osgoode's Holistic Admission Policy", online: <www.osgoode.yorku.ca/prospective-students/jd-program/jd-admissions/review-process/holistic-admission-policy>, archived: <https://perma.cc/XRY2-PVBH>).

46 The University of Windsor states that "At Windsor Law, we review all applications for admission through a holistic lens. Candidates have the opportunity to provide the Admissions Committee with a range of information that supports their application for entry" (University of Windsor, "Our Admission Criteria", online: <www.uwindsor.ca/law/343/our-admissions-criteria>, archived: <https://perma.cc/YGV7-RUYP>).

47 The University of Western Ontario states that its admissions committee "considers factors other than grades and LSAT for all admissions categories, including success in community and public service, business, athletics, or the arts" (University of Western Ontario, "Applicant Categories", online: <law.uwo.ca/future_students/jd_admissions/first_year_applications/applicant_categories.html>, archived: <https://perma.cc/HKM8-WBUE>).

48 For instance, the University of Toronto claims to practice a holistic admission process but the fact that the University of Toronto's average first-year law student's incoming LSAT score is 167 and GPA is 3.9 (Oxford Seminars, *supra* note 24) strongly suggests that GPA and LSAT scores are extensively considered. Furthermore, the University of Toronto also states that "in view of the large number of candidates whose applications disclose excellent academic records, strong LSAT scores and worthy non-academic accomplishments, candidates without these characteristics are less competitive for admission" (University of Toronto, "JD Admissions", *supra* note 44).

49 McGill University, *supra* note 34.

50 *Ibid*.

51 Blonde et al, *supra* note 29 at 534.

52 *Ibid*.

conjunction with other criteria. This has resulted in the admission of many applicants who would not have been admitted under the previous process.[53]

The publicly available information on the admissions processes for each of Canada's common law schools strongly suggests that the LSAT is heavily weighted in the decision-making process. It is important to note that the information on which this portion of this article relies is intended to inform potential candidates of admissions requirements and to induce them to apply, not to provide hard data for a comparative study. While further research into the area is required, the notion that, despite some schools offering alternative admission categories or holistic admissions processes, Canadian law schools' admissions decisions are heavily informed by LSAT scores is supported by academic literature.[54]

V. ISSUES ARISING FROM EXTENSIVE LSAT USE

Although the LSAT offers some benefits to the admissions committees that rely on it, criticism of extensive use of the exam abounds. Most criticism relates to the fact that success on the LSAT effectively determines the composition of the bar since only those with recognized law degrees can practice law in Canada. Admissions committees are the gatekeepers to law school, and are therefore a gatekeeper to legal practice. The LSAT scores on which most admissions committees rely are the key to law school, and are therefore a key to legal practice.

A. THE IMPORTANCE OF LAW SCHOOL ADMISSIONS PROCEDURES

In 1985, former Chief Justice of Canada Brian Dickson said that "the gatekeepers to legal education [are] those involved in the admissions process. Those who fulfill this role are, in a real sense, the gatekeepers of the legal profession."[55] These sentiments were echoed by Dawna Tong and Wesley Pue in 1999, when they observed that "[f]or the better part of fifty years, the composition of the legal profession in common law Canada has largely been determined by the decisions of admissions committees at university law faculties."[56]

Only those with recognized law degrees can practice law in Canada and therefore the composition of the Canadian bar is

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53 *Ibid* at 540.

54 See *ibid* at 532; Maria Nunez, "The Law School Admission Council, the Law School Admission Test, and Barriers for Individuals with Disabilities; Oh My! Leaving the Legal Profession Before Admission?" [2015] Can Leg Education Annual Rev 73 at 100; Tong & Pue, *supra* note 19 at 852.

55 "Legal Education" (1986) 64:2 Can Bar Rev 374 at 377.

56 *Supra* note 19 at 845.

determined first, and probably primarily,[57] by the decisions of law school admissions committees. Law school admissions committees are tasked with distributing the scarce resource that is access to legal education. The methodologies that inform these decisions have immense importance for prospective and current law students, for the legal profession, and for society generally.[58]

Canadian society has an important interest in the composition of the legal profession. Most basically, the legal profession monopolizes the delivery of Canadian legal services and therefore must be appropriately skilled and principled. It has also been widely recognized that the Canadian bar will best serve Canada if it reflects the diversity of Canadian society, in terms of race, gender, socioeconomic background, and a variety of other factors.[59] Diversifying the bar is particularly necessary when one considers the important role lawyers play in determining "how judge-made law develops."[60] Diversity in the profession contributes to diversity in courtrooms, bringing unique perspectives and values to this setting.

The legal profession's importance to Canadian society goes beyond its delivery of legal services. Law and the legal profession "dominate a large part of political, business and institutional life in western democratic societies"[61] and thus have a large impact on public discourse and public policy.[62] Promoting diversity is therefore about more than encouraging fairness or political correctness: it is about changing the "ideas, views and concerns available to the legal system"[63] and Canadian society generally.

As stated by Dickson C.J.C., the responsibility for creating a principled and diverse bar largely lies with law school admissions committees: "Ultimately, the ethos of the profession is determined by the selection process at the law schools. In order to ensure that our legal system continues to fulfil its important role in Canadian society, it is necessary that the best candidates be chosen."[64] It is with this in mind that we must analyze the methodologies that inform

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57 It is worth noting that those who make decisions about hiring articling students are quickly becoming further gatekeepers of the legal profession. A place in a law school no longer guarantees eventual status as a lawyer. See e.g. Thomas Claridge, "Articling positions scarce: Law Society of Upper Canada" *The Lawyers Weekly* 31:6 (10 June 2011) 1.

58 Tong & Pue, *supra* note 19 at 845.

59 See generally Chartrand et al, *supra* note 32.

60 Tong & Pue, *supra* note 19 at 846.

61 Chartrand et al, *supra* note 32 at 211-12.

62 Tong & Pue, *supra* note 19 at 846.

63 Chartrand et al, *supra* note 32 at 213.

64 *Supra* note 55 at 377. See also Faisal Bhabha, "Towards a Pedagogy of Diversity in Legal Education" (2014) 52:1 Osgoode Hall LJ 59 at 70-71.

admissions committee decisions. Their biases and limitations trickle down to the composition of the Canadian legal profession, which ultimately affects Canadian society as a whole. Therefore, questions about whether the LSAT is inherently discriminatory and about the relevance of the skills it purports to measure are essential.

B. DISCRIMINATION

A prominent criticism is that the LSAT is inherently biased or discriminatory. Such criticism should be taken seriously if law schools wish to promote diversity in the profession. While all entrance exams seek to rank applicants and allow schools to discriminate on the basis of test results, the measure of a good entrance exam is that it discriminates on the basis of appropriate considerations such as merit. Many studies suggest that the LSAT discriminates at least partially on the basis of race, socioeconomic background, and disability, and therefore discriminates inappropriately.[65]

This concern has been raised in academic literature for decades. In 1975, Robert Linn wrote that "it is argued that [the LSAT] is a reflection of the culture of the white majority and is inappropriate for members of other cultural groups."[66] And, in 1984, Shirley Abrahamson noted that "[t]here is growing concern, however, that the LSAT and law school admission practices may operate to close the doors of law schools to certain groups."[67]

Data collected on LSAT scores continues to show a wide discrepancy in results between races, a reality that continues to be "a major concern" for academics.[68] For instance, in the 2008-2009 exam-writing year, the mean LSAT score was 142 for self-declared "African Americans," 147 for self-declared "Hispanics," and 153 for self-declared "Caucasians."[69]

In defence of the LSAT, some suggest that the discrepancy in scores is attributable to a difference in socioeconomic and cultural conditions experienced by people of different races, not to the discriminatory effect of the LSAT itself. However, in 2001, William

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65 Shultz & Zedeck, *supra* note 17 at 53.

66 Robert L Linn, "Test Bias and the Prediction of Grades in Law School" (1975) 27:3 J Leg Educ 293 at 295.

67 Shirley S Abrahamson, "The LSAT for the 21st Century" (1984) 34:3 J Leg Educ 407 at 408.

68 Shultz & Zedeck, *supra* note 17 at 55.

69 Susan P Dalessandro, Lisa C Anthony & Lynda M Reese, "Law School Admission Council LSAT Technical Report 14-02: LSAT Performance with Regional, Gender, and Racial/Ethnic Breakdowns: 2007-2008 through 2013-2014 Testing Years" (October 2014) at 26 [Dalessandro, Anthony & Reese, "Racial/Ethnic Breakdowns"], online: LSAC <www.lsac.org/docs/default-source/research-%28lsac-resources%29/tr-14-02.pdf>, archived: <https://perma.cc/LG4E-S9Q8>.

Kidder compared the scores of various law school applicants from various colleges.[70] Kidder found that among law school applicants with essentially the same performance in the same colleges, "students of colour" encountered a substantial performance difference on the LSAT compared to their "white" classmates. The same comparison controlled for choice of undergraduate major yielded the same results.[71] This study is important because it demonstrates that applicants with equivalent grades received widely discrepant LSAT scores depending on their race and ethnicity.[72] This suggests that the discrepancy in LSAT scores is not merely a reflection of existing racial and ethnic differences in educational achievement, but rather evidence that the exam discriminates beyond disadvantages in prior opportunities faced by applicants of varying races and ethnicities.[73]

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70 William C Kidder, "Does the LSAT Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving 'Elite' College Students" (2001) 89:4 Cal L Rev 1055 at 1058.

71 *Ibid*.

72 *Ibid* at 1079.

73 It is important to note that the majority of studies into the LSAT's alleged discrimination have been conducted in the United States. The degree to which such findings are relevant to the Canadian context should be a topic of further academic research. One may presume that many of the various socioeconomic and cultural factors that lead to the LSAT discriminating against American minorities such as African Americans and Americans of Latino origin similarly affect Canadian minorities such as Aboriginal Canadians and immigrants. That said, the limited statistics that are available on the Canadian minority experience with the LSAT raise questions about the validity of such comparisons. For instance, the LSAC reported that in the 2008-2009 exam writing year, the mean LSAT score for self-declared "Aboriginal Canadians" was 150 (Dalessandro, Anthony & Reese, "Racial/Ethnic Breakdowns", *supra* note 69 at 26). This is much closer to the mean score for self-declared "Caucasians" (153) than it was for self-declared "African Americans" (142). Such data may be taken as suggesting that the LSAT does not discriminate against Canadian minorities as much as it does against American minorities. There are, however, other explanations for this somewhat unexpected set of data. For instance, Canadian LSAT takers generally performed better than takers in the United States. The percentage of test takers receiving scores between 150 and 168 was higher in Canada than in the United States (Dalessandro, Anthony & Reese, "Racial/Ethnic Breakdowns", *ibid* at 12). In light of this, perhaps a comparison between self-declared "Canadian Caucasians," if the category existed, and self-declared "Aboriginal Canadians" would have resulted in a similar discrepancy. Also, only seventy-six people identified as Aboriginal Canadian while 13,253 identified as African American (Dalessandro, Anthony & Reese, "Racial/Ethnic Breakdowns", *ibid* at 22). This could mean that the only Aboriginal students who took the LSAT were Aboriginal students likely to succeed. Indeed, the percentage of Aboriginal Canadians that took the LSAT was much smaller than the percentage of African Americans that took the LSAT. Hypotheses aside, with a sample size so small it is difficult to confidently draw any sort of conclusion, and further research into the degree to which the LSAT discriminates against Canadian minorities should be conducted.

This racial and socioeconomic discrimination is potentially exacerbated by the increasing cost of LSAT preparation. "Very few people achieve their full potential on the LSAT without some preparation," the LSAC states on its website,[74] and preparation is increasingly associated with expenditure. Preparation books, courses, and private tutoring are widely made available, at a high cost, by a number of private companies.[75] According to the LSAC, most students who take the LSAT use multiple forms of test preparation, and costly commercial preparation programs and official LSAC test-preparation materials are "heavily used."[76]

The LSAT also arguably discriminates against students with disabilities. Maria Nunez argues that LSAC's excessive and rigid documentation requirements, as well as the narrow definition of disability it uses, which is inconsistent with the definition of disability used by much of Canada's human rights legislation, effectively amount to discrimination.[77]

Nunez asserts that deep flaws in LSAC's disability accommodation process have meant that many legitimate disabilities are not accommodated by the organization. Between 2007 and 2012, the LSAC denied approximately 50% of accommodation requests.[78] While some of these refusals were likely appropriate, some of them may not have been and thus amounted to discrimination. This alleged discrimination has also led to litigation. For instance, in 2014, a settlement agreement was reached between LSAC and 6,000 individuals who had applied for LSAT disability accommodations over a period of five years.[79] The dispute began with the plaintiff group alleging that LSAC "engaged in widespread and systemic discrimination in violation of the Americans with Disabilities Act" and ended with a payment of $7.73 million in penalties and damages and a promise from LSAC to

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74 LSAC, "Preparing for the LSAT", online: <www.lsac.org/jd/lsat/preparing-for-the-lsat>, archived: <https://perma.cc/4V4U-WC4S>.

75 See e.g. Ivy Global LSAT Canada, "Courses", online: <http://www.ivyglobal.ca/lsat/lsat_courses.asp>, archived: <https://perma.cc/BDL2-QXG2>.

76 Josiah Evans, Andrea Thornton Sweeney & Lynda M Reese, "Law School Admission Council LSAT Technical Report 11-03: Summary of Self-Reported Methods of Test Preparation by LSAT Takes for Testing Years 2008-2009 through 2010-2011" (October 2011) at 10, online: LSAC <www.lsac.org/docs/default-source/research-%28lsac-resources%29/tr-11-03.pdf>, archived: <https://perma.cc/3YZT-BHCH>.

77 *Supra* note 54 at 78-91.

78 Laura A Lauth, Andrea Thornton Sweeney & Lynda M Reese, "Law School Admission Council LSAT Technical Report 12-01: Accommodated Test-Takers Trends and Performance for the June 2007 through February 2012 LSAT Administrations" (October 2012) at 5, online: LSAC <www.lsac.org/docs/default-source/research-%28lsac-resources%29/tr-12-01.pdf>, archived: <https://perma.cc/K8KE-932R>.

79 Nunez, *supra* note 54 at 74.

reform accommodation practices. For example, LSAC committed to stop annotating LSAT scores with declarations that the exams were written with extra time allocated for reason of disability.[80] Nunez further submits that the exam's format, including its three-and-a-half-hour duration, is differentially impactful on people who find sitting and focusing for an extended period of time painful or exceptionally difficult.[81] The result is that students with disabilities are discriminated against by the exam, and it therefore "is unclear if the LSAT is an accurate predictor for students with disabilities…of success, not just in law school, but in the legal profession."[82]

Criticism of extensive use of the LSAT goes beyond concerns that it inappropriately discriminates on the basis of race, socioeconomics, and disability. Many academics contend its long-standing focus on predicting first-year grades effectively prevents applicants with diverse experience and skills that are valuable to the lawyering profession from receiving a legal education.

C. A USELESS PREDICTION

Historically and contemporarily, the LSAT has striven to predict success in law school rather than success in the legal profession. Many academics believe this to be very problematic. While the degree to which law schools should focus their pedagogy on training students to practice as lawyers is the topic of some academic debate,[83] many

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80 United States Department of Justice Office of Public Affairs, Media Release, 14-536, "Law School Admission Council Agrees to Systemic Reforms and $7.73 Million Payment to Settle Justice Department's Nationwide Disability Discrimination Lawsuit" (20 May 2014), online: <www.justice.gov/opa/pr/law-school-admission-council-agrees-systemic-reforms-and-773-million-payment-settle-justice>, archived: <https://perma.cc/BUD5-AGKW>.

81 *Supra* note 54 at 95.

82 *Ibid* at 97.

83 As Douglas Ferguson noted in 2014, "[s]ome would suggest that the purpose of law school is to produce persons with law degrees who will have...analytical and critical thinking skills…Others would say that the purpose of law school is to produce lawyers who have the practical skills to be successful members of the profession" (Douglas D Ferguson, "The Great Disconnect: Reconnecting the Academy to the Profession" (2014) 51:4 Alta L Rev 819 at 820). He concluded that although law schools need to maintain their academic independence, their "curricula need to be aligned with the realities of the practice of law. Curricula also need to recognize the reality that articling often does not provide the necessary skills that students need…[T]he legal academy cannot ignore the fact that unlike other faculties such as science or arts, it is graduating students who are about to enter a profession" (at 826). In contrast, Ian Holloway stated that "teaching purely vocational skills should not be the function of a university-based law school" ("The Evolved Context of Legal Education" (2013) 76:1 Sask L Rev 133 at 137). In a 2013 paper, Harry Arthurs seems to agree with Holloway: "Even a modestly brave anti-fundamentalist might make the point that law schools do not exist solely to train future practitioners, but that they also have an obligation

believe admissions decisions should be based at least partly on an applicant's potential for developing lawyering skills rather than solely on the basis of their predicted success in first-year law school.

Considerable empirical evidence suggests that the scope of competencies tested by the LSAT minimally correlates with success in the legal field. For instance, when the University of Windsor Faculty of Law broadened its admission criteria to consider applicants' university program, work experience, professional qualifications, community involvement, personal accomplishments, extracurricular interest, and other personal considerations, many students who would have been rejected based on their LSAT score were admitted under the new rules. Up to 43% of the first-year class would not have been admitted based on their LSAT scores.[84] Interestingly, long-term studies indicated that the students whose LSAT scores would have rendered them inadmissible under usual entrance standards demonstrated no significant difference from their classmates "with respect to a traditional measure of career success—total family income."[85] While it is difficult to define and test for successful or effective lawyering, this data is useful in that it shows no correlation between low LSAT scores and difficulties experienced in one's legal career.

Marie Shultz and Sheldon Zedeck, in their 2012 article "Admission to Law School: New Measures,"[86] also consider the apparent disconnect between skills the LSAT measures and skills essential to success in the legal profession. Seeking a "richer set of tools that not only can reliably predict academic performance but also can identify and assess competencies predictive of professional effectiveness," the researchers interviewed hundreds of University of California Berkeley School of Law alumni, faculty, and students, as well as judges and legal clients.[87]

While there is little consensus on which "skills" or "competencies" are required for effective legal practice,[88] Shultz and Zedeck's research in the American context identified twenty-six effectiveness factors which they organized under eight umbrella categories: Intellectual and Cognitive skills; Research and Information Gathering skills; Communications skills; Planning and Organizing skills; Conflict

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to critique the legal system, to contribute to a general understanding of how it works and if possible, to improve it" ("'Valour Rather Than Prudence': Hard Times and Hard Choices for Canada's Legal Academy" (2013) 76:1 Sask L Rev 73 at 92).

84 Blonde et al, *supra* note 29 at 540.

85 *Ibid* at 550.

86 *Supra* note 17.

87 *Ibid* at 54.

88 See e.g. Arthurs, *supra* note 83 at 85-87.

Resolution skills; Client and Business Relations skills; Working With Others skills; and Character.[89] Shultz and Zedeck developed a number of reliable cognitive and non-cognitive tests to predict these competencies. According to their research, LSAT scores only positively correlated with six effectiveness factors: Analysis and Reasoning; Creativity/Innovation; Problem Solving; Researching the Law; Writing; and Integrity.[90] This means that eighteen of Shultz and Zedeck's effectiveness factors, described as "also valid predictors of performance in employment," are ignored by the LSAT and thus by law school admissions processes that rely heavily on the exam.[91] That LSAT scores negatively correlated with two effectiveness factors—Networking and Community Service—further validates the notion that LSAT scores do not reflect skills that lead to success in the legal field.[92]

VI. CONCLUSION AND RECOMMENDATIONS FOR CANADIAN LAW SCHOOLS

Given the immense importance of law school admissions committees' decisions for the legal profession and Canadian society, as well as the exam's documented shortcomings and limitations, extensive reliance on the LSAT in the law school application process is a cause for concern. While issues that stem from extensive use of an arguably flawed exam have been mitigated by the adoption of alternative admission categories, Canadian law schools can do more to ensure that they admit the students who will best serve the legal profession and Canadian society. Below are four recommendations for Canadian law schools with respect to the admission process intended to facilitate further discussion and scholarship on the subject.

A. EXPAND THE USE OF TRULY HOLISTIC APPLICATION PROCESSES

Although time- and resource-intensive, holistic admissions processes should be favoured over those that extensively rely on LSAT scores. For instance, the University of Windsor's adoption of a holistic application process led to its first-year class seeing an increase in students from lower and working class backgrounds, students from rural settings, students with more job experience, students with more

89 *Supra* note 17 at 54.

90 *Ibid* at 56. Further research conducted by Shultz and Zedeck found a similar but not identical disconnect between LSAT scores and effectiveness factors: Kristen Holmquist et al, "Measuring Merit: The Schultz-Zedeck Research on Law School Admissions" (2014) 63:4 J Leg Educ 565 at 580.

91 Shultz & Zedeck, *supra* note 17 at 55.

92 *Ibid* at 56. See also Kidder, *supra* note 70 at 1122.

diverse backgrounds, and students with extensive involvement in extra-curricular activities, with negligible changes in the rates of failure and withdrawal.[93]

Furthermore, while supplementing the regular admission category with various alternative categories of admission helps ameliorate some issues arising from extensive LSAT reliance, the adoption of holistic admission processes for all applicants may be beneficial. Alternative admission categories are not broadly used by the schools that offer them and the percentage of students admitted under such categories is in decline,[94] so issues that arise from LSAT reliance continue to affect the composition of the majority of those schools' first-year classes. Also, only students who fit the categories' specific criteria are eligible for special consideration. For instance, in many cases one must be either of Aboriginal descent, a mature student, or have a disability for which they can submit documentation to fall within an alternative admission category. While admitting such students should be encouraged, it is possible that many students who fall outside such established categories also have the potential to succeed in law school, diversify the student body, and become talented lawyers, but continue to be barred from admission. Finally, some concern arises from the prospect that two different admissions processes can appear to create two classes of students within the same student body. Adopting a single holistic admission process would address these issues.[95]

B. EXPLORE ALTERNATIVE NUMERIC INDICATORS OF COMPETENCIES

In light of the LSAT's documented shortcomings it is surprising that extensive academic exploration of alternatives has not occurred.[96] It is possible that other exams could offer admissions committees the objectivity and efficiency of the LSAT, while better predicting success in the legal profession and without exhibiting the same issues. Canadian law schools could either explore using alternative exams that have already been developed or seek to develop their own.

An exam informed by Shultz and Zedeck's research[97] is one such alternative. Looking for tools that, when combined with the LSAT

93 Blonde et al, *supra* note 29 at 543-47.

94 Queen's University, *supra* note 33; University of Manitoba, *supra* note 33; Cotter, *supra* note 24 at 7, 14.

95 This is not to suggest that the circumstances of Aboriginal applicants should not be taken into account within a holistic admissions process.

96 Holmquist et al, *supra* note 90 (the authors note that during the sixty plus years of LSAT use "no persuasive additions or alternatives ha[ve] emerged" at 566).

97 *Supra* note 17.

score, would allow law schools to do a better job of admitting students with a broad array of strengths relevant to the practice of law, Shultz and Zedeck sought to produce "a set of core, general skills and competencies for lawyering as well as tests capable of predicting competency levels for most, if not all, of them."[98] They ultimately developed a test, capable of being administered in one hour,[99] broadly based on "non-cognitive job-performance-based measures."[100] The test, which includes a mixture of situational judgement, biographical data, and personality questions, both "showed real potential to create admissions tests capable of predicting lawyering performance"[101] and produced scores that "did not appear to be correlated with race."[102] In other words, preliminary research suggests that the test predicts a different sort of merit which more directly relates to success working as a lawyer and which is evenly distributed among races and ethnicities.[103]

While I am not recommending adoption of this particular test, the research does suggest that better alternatives to the LSAT are possible. Canadian law schools should investigate such alternatives, which present an opportunity to address the concerns of the LSAT while retaining some of the benefits it offers.

C. STOP PUBLISHING OR PROVIDING FIRST-YEAR CLASS AVERAGE LSAT STATISTICS

Lakehead University states that "[w]e do not provide statistics on the median or average GPA or LSAT for any of our admissions cycles. We also do not have 'cut-off' points for admission."[104] It is in the minority; average LSAT scores of first-year classes are widely available and many universities publish them themselves.[105] Canadian law schools should consider ending this practice as it likely contributes to a discourse that encourages extensive LSAT use.

Extensive reliance on LSAT scores is partly attributable to a prevailing discourse that characterizes the exam as an objective determiner of absolute merit. Encouraging this discourse encourages uncritical LSAT reliance. This discourse dominates the United States,

98 Holmquist et al, *supra* note 90 at 577.
99 *Ibid* at 582.
100 *Ibid* at 576.
101 *Ibid* at 579.
102 *Ibid* at 577.
103 *Ibid*.
104 Lakehead University, "Admission Questions", online: <www.lakeheadu.ca/academics/departments/law/admissions/law-admission-questions>, archived: <https://perma.cc/YZ69-3YLU>.
105 See e.g. Oxford Seminars, *supra* note 24.

where ranking universities by standardized testing scores "has become an obsession" according to Shultz and Zedeck.[106] Writing about the "ranking fever," they state that "[n]o matter where a school falls in the hierarchy, higher rankings increase prestige, draw students, loosen alumni and donor wallets, give faculty ego points, and raise leverage within the university."[107] Importantly, they note that the "most direct route a school can take to raise its competitive rank is to raise the LSAT scores of its matriculating students."[108] Universities are conflicted: academics are raising concerns about standardized tests and calling for widespread recognition of their limitations, but striving to admit only students who score well and publicizing increasing average test scores is practically beneficial. The result reinforces the fiction that test scores are an objective determinant of merit, and that students with high test scores are more qualified for law school and, by extension, the legal profession. It also encourages extensive use of LSAT scores and, consequently, exacerbates the problems associated with the LSAT.

While Canadian law schools are not formally ranked according to the average LSAT score of their incoming classes,[109] the same discourse is present and informal ranking undoubtedly occurs, particularly in the minds of prospective students.[110] The University of Toronto and the University of British Columbia, the two schools with the highest average LSAT scores, both include such information on their recruitment/admissions webpages.[111] Comparative information is made widely available.[112] Canadian law schools could prevent such informal ranking, and the fictions and issues it propagates, by refusing to publish or provide the average LSAT scores of their first-year class.

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106 *Supra* note 17 at 52.

107 *Ibid*.

108 *Ibid*.

109 For example, Maclean's Magazine's 2009 Ranking of Canadian Law Schools utilized a methodology that focused on the number of graduates hired at "elite firms," the number of graduates who work at firms other than those that primarily hire the school's graduates, the number of graduates who serve as clerks at the Supreme Court of Canada, the number of graduates who become professors at Canadian law schools, and the number of faculty journal citations, but not the average LSAT score of the incoming class ("Ranking Canada's Law Schools", *Maclean's* (18 September 2009), online: <www.macleans.ca/education/uniandcollege/ranking-canadas-law-schools-2-3>, archived: <https://perma.cc/94Q3-6X28>).

110 For example, examine the discussions on forums such as Lawstudents.ca ("Forums", online: <www.lawstudents.ca/forums>, archived: <https://perma.cc/7P6N-PJ4M>).

111 University of British Columbia, "Application Requirements—Frequently Asked Questions", online: <www.allard.ubc.ca/application-requirements-frequently-asked-questions>, archives: <https://perma.cc/5U7D-YR78>; University of Toronto, "Admissions Policies", *supra* note 36.

112 See e.g. Oxford Seminars, *supra* note 24.

D. PUBLICLY DISCLOSE, COMPARE, AND RESEARCH ADMISSIONS PROCEDURE METHODOLOGIES

Further analysis of the effects of admissions procedures requires a deep understanding of their details. Such analysis is also required to improve current admissions practices. Comprehensive studies comparing the details and methodologies of Canadian law school admissions procedures—like the specific formula used to weigh LSAT, GPA, and any other considerations to determine acceptance and rejection—have not been completed. The information currently publicly available is insufficient to form the basis of meaningful comparison and detailed analysis.

For instance, in one of the few detailed studies that exist on the topic, Cotter noted a difficulty in comparing such things as the use of alternative admission categories: "Each law school has its own definition of 'mature' and 'other' categories of applicants to their respective law schools."[113] Without information about the definitions of these categories, the available information is "not perfectly comparable, school by school, or globally."[114] It is even more difficult to compare the methodologies Canadian law schools utilize in making their admissions decisions because few schools make details of their admissions processes public.

Canadian law schools should facilitate further research into Canadian law school admissions, their effects, and avenues for improved practices and processes. This should begin with disclosing their own methodologies and continue with detailed comparative research and an exploration and sharing of best practices.

113 *Supra* note 24 at 7, n 6.
114 *Ibid*.