

Predicting Lawyer Effectiveness: A New Assessment for Use in Law School Admission Decisions



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OVERVIEW

- Purpose of Research/Origin of research
- Prior Research: LSAT/GPA as predictors of law school/lawyering success
- Phase I: Identify Lawyer effectiveness factors and develop evaluation scales
- Phase II: Identify other predictors to explain lawyering effectiveness
 - Determine degree to which LSAT and new predictors explain and predict 1ST Year Law School GPA & lawyering effectiveness

OVERVIEW OF PROJECT

(Cont.)



- PROCESS
 - Identify effectiveness dimensions
 - HYPOTHESIZE predictors
 - Develop/select tests
 - Administer tests
 - Collect performance measures
 - Establish test-performance statistical relationship

REVIEW: PRIOR RESEARCH



- Predictors
 - LSAT
 - UGPA
- Criterion
 - First-Year Law School GPA

REVIEW: PRIOR RESEARCH

(CONT.)



- Results from LSAC: 165 Law Schools
- Weighted Composite w/1st year law school GPA:
 $r = .49$
- LSAT: $r = .40$; UGPA: $r = .25$
- Range for weighted composite: .02 to .69
- Corrected for restriction of range: .5 to .6
- Test fair for African Americans and Hispanics
- Reliance on composite: underrepresentation of minorities

LSAT PREDICTOR



- LSAT purports to measure:
 - Reading and verbal reasoning skills
 - Ability to read and understand complex materials
 - Ability to analyze facts and relationships
 - Ability to logically draw conclusions
- Research on LSAT shows it measures:
 - General reasoning skills
 - Deductive reasoning



PURPOSE OF PHASE I STUDY

- WHAT IS MISSING FROM RESEARCH?
 - Prediction of "EFFECTIVENESS" as a Lawyer
- Identify "EFFECTIVENESS" factors for PRACTICING LAWYERS

STRATEGY: “JOB” ANALYSIS



Individual Interviews

- Focus Groups
- Generate KSAs & Dimensions/Factors
- Generate Behavioral Anchors for Factors

SAMPLE



- **University of California Boalt Hall law school students.**
 - **2-L and 3-L.**
 - **Random sample.**
- **Boalt Hall Faculty.**
- **Boalt Hall Alumni.**
 - **San Francisco, Los Angeles, and Washington, D.C.**
 - **2, 5, 10 and 20 years out.**
 - **Random sample.**
 - **Representative of type of "firm" and "practice."**
- **Judges.**
- **Clients.**
- **Over 2000 participants across various phases.**

TYPES OF FIRMS



- Large Firm
- Small Firm
- Solo/Private Practice
- Government
- Public Advocate

TYPES OF PRACTICE



Advertising & Consumer	Intellectual Property
Antitrust	Immigration
Appellate	Insurance
Bankruptcy	Intellectual
Civil Procedure	Human Rights
Contracts	Privacy
Criminal	Real Estate
Employment	Securities
Environmental	Taxation
Health	Wills & Trusts

RESULTS OF JOB ANALYSIS



- 26 EFFECTIVENESS FACTORS
- OVER 700 BEHAVIORAL EXAMPLES OF LAWYERING PERFORMANCE
 - Different Levels of Effectiveness
 - Excellent to Poor

Effectiveness Factor I: Intellectual & Cognitive



- Analysis and Reasoning
- Creativity/Innovation
- Problem Solving
- Practical Judgment

Effectiveness Factor II: Research & Information Gathering



- Researching the Law
- Fact Finding
- Questioning and Interviewing

Effectiveness Factor III: Communications



- Influencing and Advocating
- Writing
- Speaking
- Listening

Effectiveness Factor IV: Planning and Organizing



- Strategic Planning
- Organizing and Managing One's Own Work
- Organizing and Managing Others (Staff /Colleagues)

Effectiveness Factor V: Conflict Resolution



- Negotiation Skills
- Able to See the World Through the Eyes of Others

Effectiveness Factor VI: Client & Business Relations - Entrepreneurship



- Networking and Business Development
- Providing Advice and Counsel and Building Relationships with Clients

Effectiveness Factor VII: Working with Others



- Developing Relationships within the Legal Profession
- Evaluation, Development, and Mentoring

Effectiveness Factors VIII: Character



- Passion and Engagement
- Diligence
- Integrity/Honesty
- Stress Management
- Community Involvement and Service
- Self-Development

ANALYSIS OF BEHAVIORAL EXAMPLES



- JAQ Questionnaire: Web-based
- Rating for Effectiveness: Behavioral examples demonstrate different levels of effectiveness
 - 1 = Poor
 - 2 = Below Average
 - 3 = Average
 - 4 = Above Average
 - 5 = Excellent

FIGURE A: ANALYSIS & REASONING BARS (#1)

5

This attorney looks at a new problem in its larger context and from "outside" the initial question to ensure all necessary elements are included. Then he/she breaks it into smaller issues, answering each question based on statutory or regulatory law, as well as cases and precedents, either directly or by analogy, making sure he/she has and uses accurate and relevant facts, and reconciling conflicts or ambiguities within and between issues. He/she synthesizes by selecting and discarding lines of analysis while working towards answers/options for the original question. As he/she imagines what the possible answers are, he/she lays out the options, their corresponding risks, and their potential implications (tax, political, business, legal, etc.) for the client's objectives. He/she finishes by identifying the optimal solution and checking whether his/her conclusions make practical sense. (#708; 4.39)

4

This lawyer sees a case, a rule or a problem from various points of view, and makes use of those multiple perspectives in his/her understanding and analysis. (#715, 4.11)

This attorney identifies all the issues that relate to a problem, breaks them down into smaller sections, addresses each smaller section according to existing law (e.g. statutes, regulations or precedents) or by analogy to existing law, determines answers for each section, and then puts the section questions/answers into a sequence that answers the overall question. (#707, 3.69)

3

This attorney identifies the apparent legal problem(s), knows or locates the main legal rules and sources relevant to those problems, and applies the rules to the basic issues raised by the case. (#718, 3.30)

2

When this attorney analyzes a case, he/she skips little questions and responds less than fully to some of the issues. (#717, 2.05)

1

This attorney can explain the main substance of the law (e.g. Title IX) and knows that it applies but he/she is unable to explain clearly whether and why Title IX suits the particular facts of the case. (#727, 1.81)

POTENTIAL NEW PREDICTORS



- Personality
 - Snyder's Self-Monitoring
 - Carver's Optimism Scale
- Emotional Intelligence
- Biographical Inventory
- Situational Judgment
- Moral Responsibility

PERSONALITY



- Big "5"
 - Openness
 - Conscientiousness
 - Extraversion
 - Agreeableness
 - Neuroticism

Motives, Values, and Interests

- AESTHETIC
- AFFILIATION
- ALTRUISTIC
- COMMERCE
- HEDONISM
- POWER
- RECOGNITION
- SCIENCE
- SECURITY
- TRADITION

Personality: POTENTIAL FOR DERAILMENT



- EXCITABLE
- SKEPTICAL
- CAUTIOUS
- RESERVED
- LEISURELY
- BOLD
- MISCHIEVOUS
- COLORFUL
- IMAGINATIVE
- DILIGENT
- DUTIFUL

EMOTIONAL INTELLIGENCE



- ABILITY RELATED TO PROCESSING OF EMOTIONAL INFORMATION
 - REGULATING EMOTIONS
 - MANAGING EMOTIONS
 - HARNESSING EMOTIONS
 - PERCEIVING EMOTIONS

EMOTIONAL INTELLIGENCE MEASURE



- What message does each face or expression convey?



EMOTION RECOGNITION TEST



1. ANGER
2. CONTEMPT
3. DISGUST
4. FEAR
5. HAPPINESS
6. SADNESS
7. SHAME
8. SURPRISE

Emotion Recognition Test - Sample 1



IOOB

30

Emotion Recognition Test - Sample 1



IOOB

31

Emotion Recognition Test - Sample 1



IOOB

Emotion Recognition Test - Sample 1

Answer: Happiness

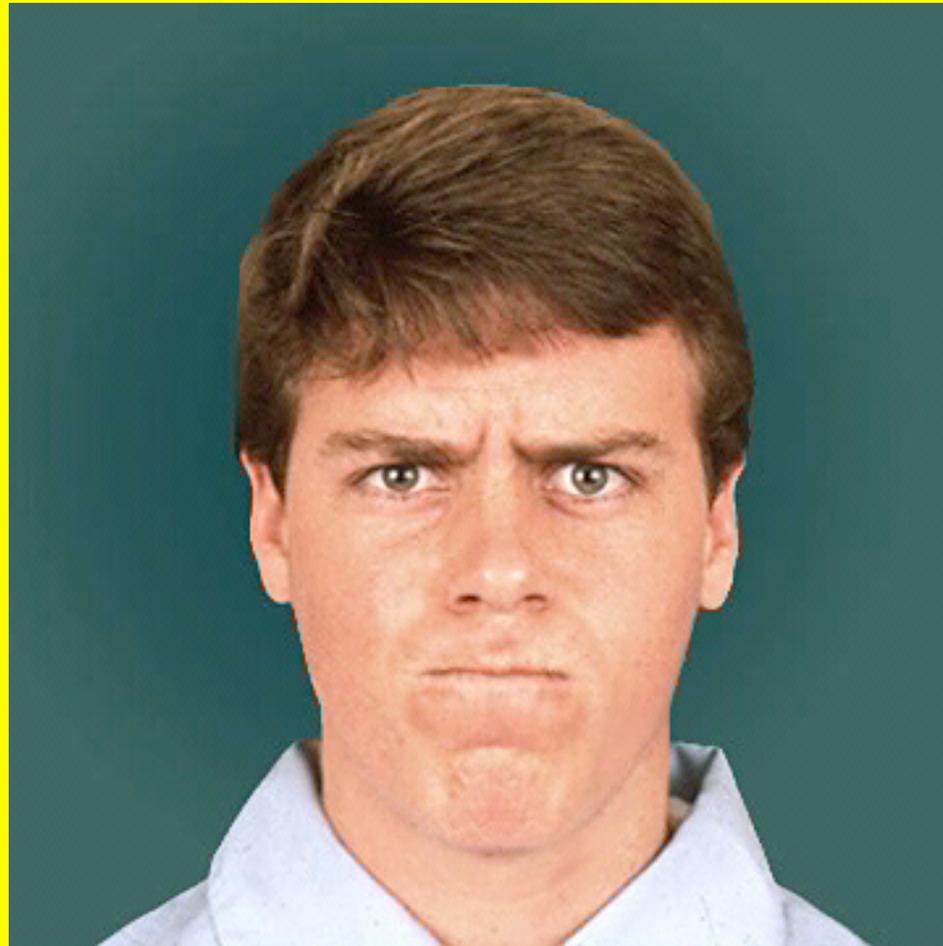
Emotion Recognition Test - Sample 2



IOOB

34

Emotion Recognition Test - Sample 2



IOOB

35

Emotion Recognition Test - Sample 2



IOOB

36

Emotion Recognition Test - Sample 2

Answer: Anger

Emotion Recognition Test - Sample 3



IOOB

38

Emotion Recognition Test - Sample 3



IOOB

Emotion Recognition Test - Sample 3



IOOB

40

Emotion Recognition Test - Sample 3

Answer: Surprise

BIOGRAPHICAL INVENTORY: BIODATA AND INTERESTS



➤ BEST PREDICTOR OF FUTURE BEHAVIOR IS PAST BEHAVIOR

Ex: How often have you attended workshops, training sessions, or developmental courses that are designed to help you become a better student?

- A. Very Often
- B. Often
- C. Sometimes
- D. Seldom
- E. Never

SITUATIONAL JUDGMENT TESTS



- DEALING WITH OTHERS, SELF, AND TASKS
- SITUATIONS PRESENTED TO ELICIT KSAs NEEDED TO PERFORM JOB

SAMPLE SITUATIONAL JUDGMENT ITEM: STEM



- You are working on a political campaign with 5 other volunteers. You usually take charge of the meetings. The end of the campaign is approaching and one member who hasn't shown up frequently also hasn't completed his responsibility. How do you respond?
- Choose best/worst or most/least likely to do.

SAMPLE SITUATIONAL JUDGMENT ITEM: ALTERNATIVES



- A. Contact the group member and request that he attend the remaining meetings and fulfill his responsibilities.
- B. Contact the campaign director and ask that she speak to the group member.
- C. You complete the member's tasks.
- D. Divide up the member's work among the other volunteers.
- E. Meet with the other volunteers and decide on a course of action.

MORAL RESPONSIBILITY



➤ Sample Dilemma (based on Defining Issues Test; <http://education.umn.edu/archive/CSED/sample.html>)

- In Europe a woman was near death from a special kind of cancer. There was one drug that doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost to make. He paid \$200 for the radium and charged \$2,000 for a small dose of the drug. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about \$1,000, which is half of what it cost. He told the druggist that his wife was dying, and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I discovered the drug and I'm going to make money on it." So Heinz got desperate and began to think about breaking into the man's store to steal the drug for his wife.

Should Heinz steal the drug?

MORAL RESPONSIBILITY: ALTERNATIVES



➤ ***Rate the following statements in terms of their importance in making a decision about what to do in the dilemma. (1=Great importance, 2=Much importance, 3=Some Importance, 4=Little importance, 5=No importance)***

1. Whether a community's laws are going to be upheld.
2. Isn't it only natural for a loving husband to care so much for his wife that he'd steal?
3. Whether the druggist's rights to his invention have to be respected.
4. Whether the essence of living is more encompassing than the termination of dying, socially and individually.
5. Whether the druggist is going to be allowed to hide behind a worthless law which only protects the rich anyhow.
6. Whether the law in the case is getting in the way of the most basic claim of any member of society.
7. Would stealing in such a case bring about more total good for the whole society or not.

VALIDATION STUDY



- BOALT AND HASTINGS ALUMNI AND CURRENT STUDENTS TOOK TESTS AND IDENTIFIED APPRAISERS (SELF, SUPERVISOR, AND PEER)
- TEST TAKERS: 1100 ALUMNI
- EVALUATORS
 - WHO: SUPERVISOR, SELF, & PEER
 - HOW: IDENTIFY CRITICAL FACTORS
 - RESEARCH PURPOSES ONLY!
 - APPROX. 4000 EVALUATIONS

RESULTS: r with LAW SCHOOL PERFORMANCE

- LSAT AND FYGPA = .424
- UGPA AND FYGPA = .214
- INDEX AND FYGPA = .419

- NEW TESTS DO NOT DO BETTER THAN LSAT AT PREDICTING LAW SCHOOL PERFORMANCE

RESULTS: LSAT PREDICTION OF LAWYERING PERFORMANCE

- LSAT PREDICTS 8 OF 26 PERFORMANCE DIMENSIONS; HIGHEST $-r = .15$; 2 ARE NEGATIVE r 's
- INDEX PREDICTS 10 OF 26 PERFORMANCE DIMENSIONS; HIGHEST $-r = .17$; 2 ARE NEGATIVE

INDEX AND “ACADEMIC” PERFORMANCE

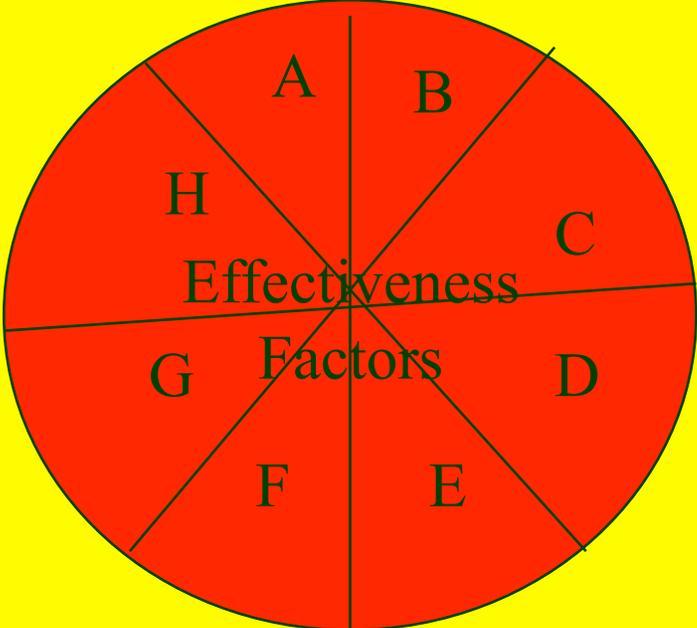
- INDEX AND WRITING: $r = .17$
- INDEX AND RESEARCHING THE LAW: $r = .07$
- INDEX AND ANALYSIS AND REASONING: $r = .11$

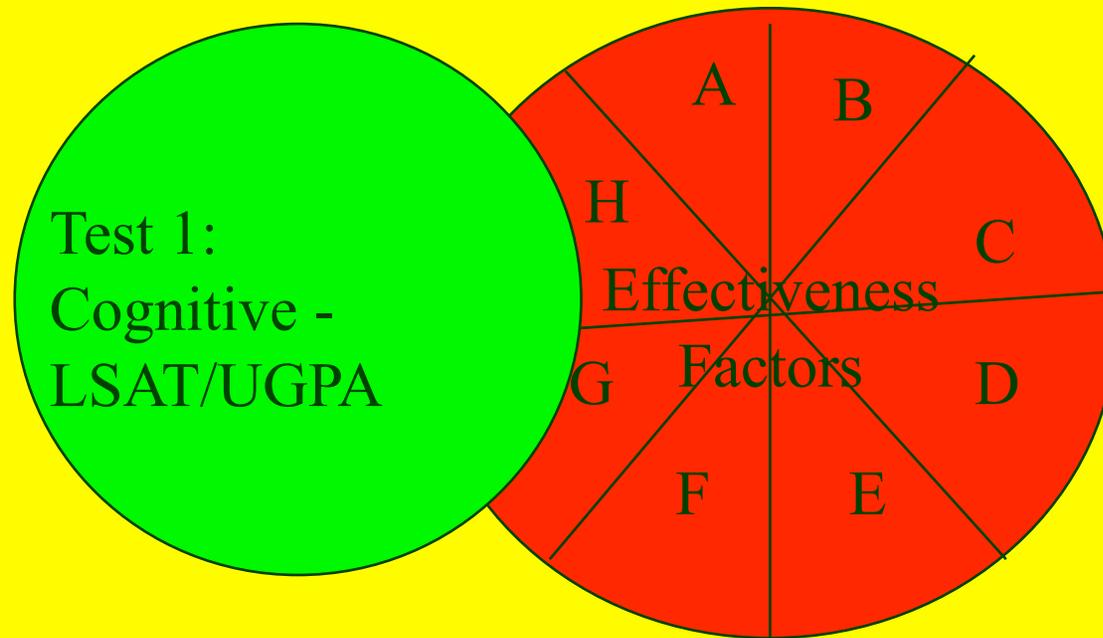
NEW TEST RESULTS: r with EFFECTIVENESS FACTORS

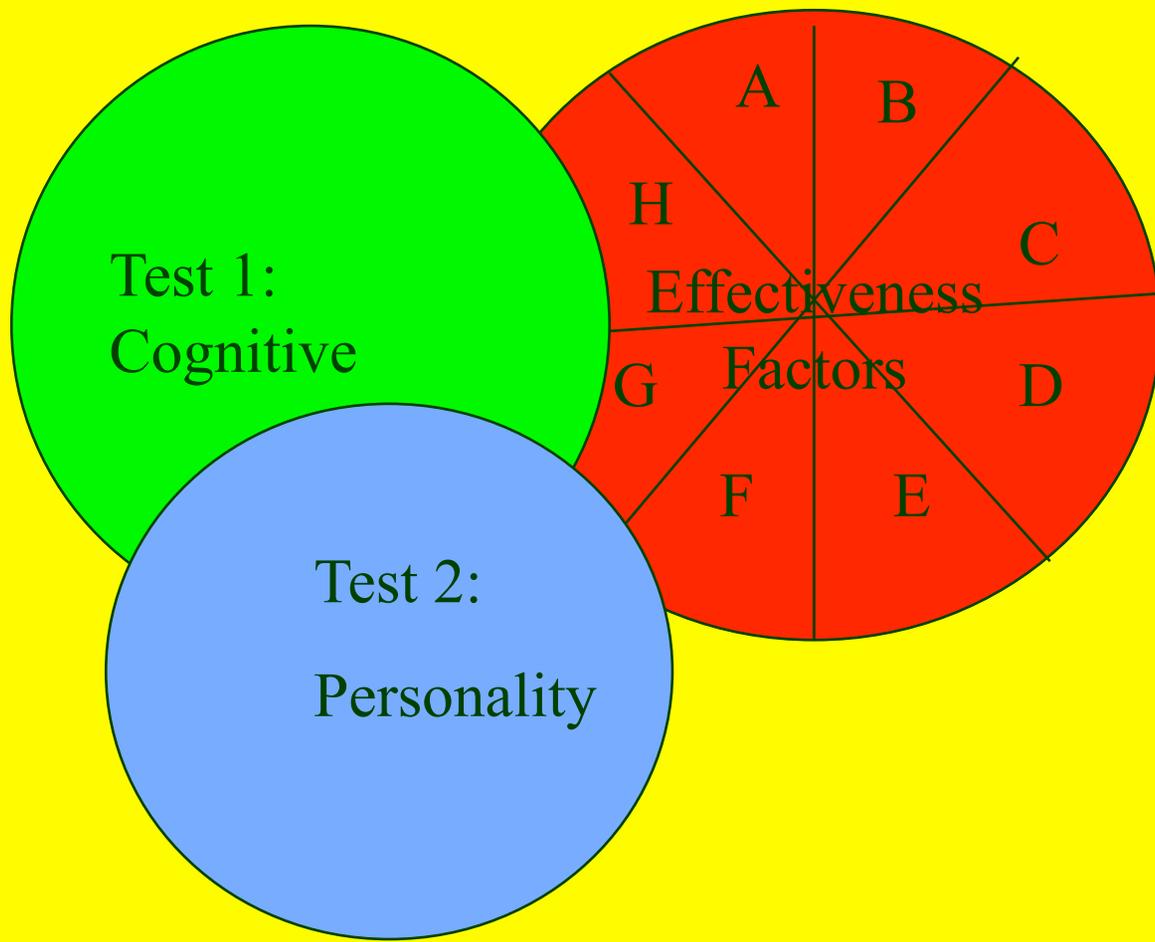


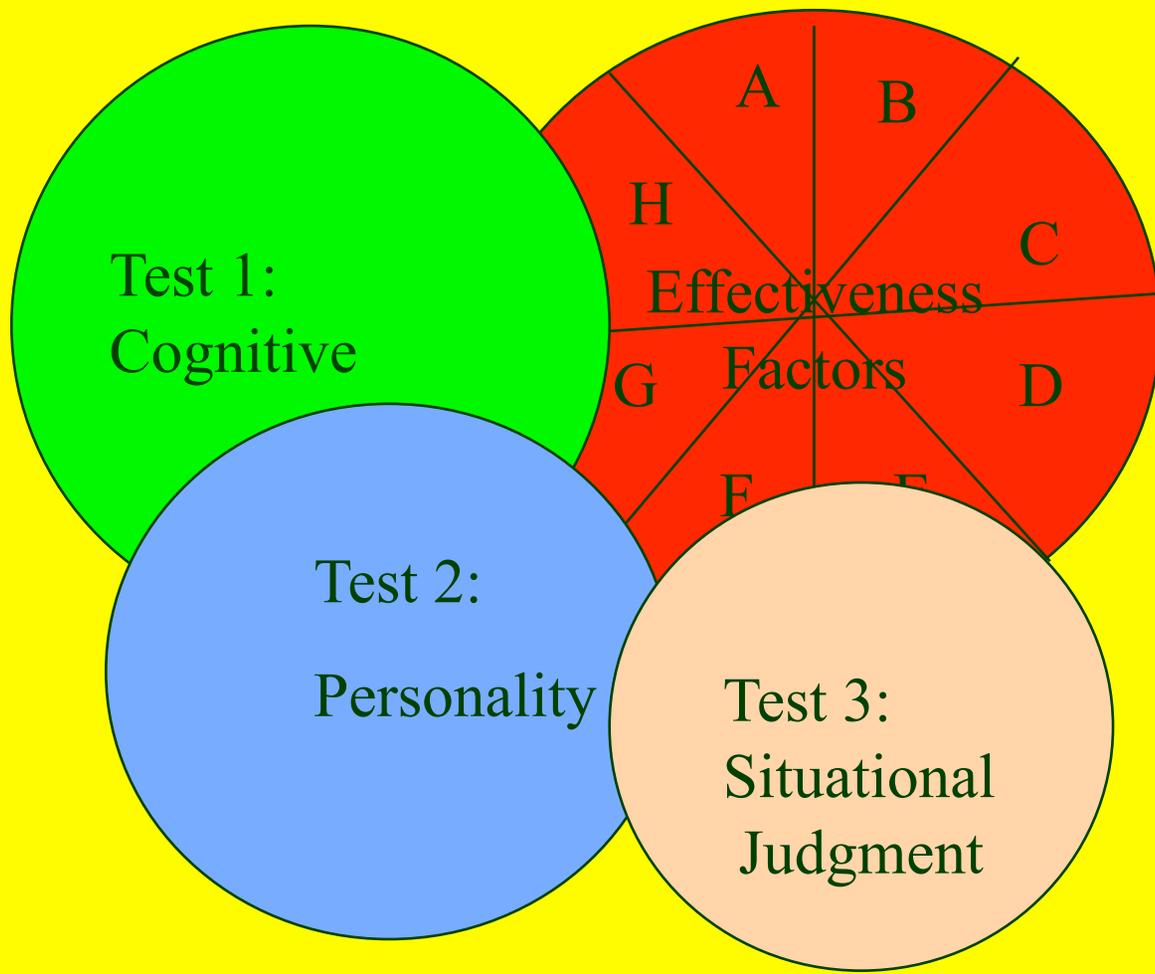
- SJT: $r_{\text{over}} = .245$ (ALL 26 DIMENSIONS)
- BIO: $r_{\text{over}} = .376$ (ALL 26 DIMENSIONS)
- EMOTION RECOGNITION: 😞
- HPI – ADJUSTMENT: r 's .10 to .30; 20 factors
 - AGREEABLENESS: r 's .10 to .30; 20 factors
 - INTERPERSONAL SENSITIVITY: r 's .10 to .20; 14 factors
- HDS – EXCITABLE: $r = -.286$
- MVPS – ALTRUISTIC: $r = .143$

What we want the tests to predict









CONCLUSION



- Results for our sample essentially replicated the validity of the LSAT, UGPA, and Index Score for predicting FYGPA.
- The LSAT, UGPA, and Index Score were not particularly useful for predicting lawyer performance on the large majority of the 26 Effectiveness Factors identified in our research. In contrast, the new tests, in particular the SJT, BIO, and several of the personality constructs predicted almost all of the effectiveness factors.

CONCLUSION (CONT.)

- In general, race and gender subgroup performance did not substantially differ on the new predictors.
- Results showed that the new predictor tests were, for the most part, measuring characteristics that were independent of one another.
- The new predictor tests showed some degree of independence between the traits and abilities that they, as compared to LSAT, UGPA, and Index, measured.

CONCLUSION (CONT.)

- BIO scores showed correlations in the .2's and .3's with 24 of 26 Effectiveness Factors.
- SJT scores showed correlations in the .10's and low .20's with 24 of 26 Effectiveness Factors.

CONCLUSION (CONT.)

- The impressive aspect of these results was not only the large number of Effectiveness Factors predicted by the BIO and SJT tests, but also the fact that the correlations were generally higher, though moderately so, than those between the LSAT and the small subset of the most cognitively oriented Effectiveness Factors (ones that we would expect to overlap with the LSAT (Analysis and Reasoning, Researching the Law, Writing)).