

PREDICTING LAWYER EFFECTIVENESS WITH NON-COGNITIVE MEASURES: USE IN LAW SCHOOL ADMISSION DECISIONS

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OVERVIEW OF PROJECT: PROCESS



- **PHASE I:** Identify Lawyer effectiveness factors and develop evaluation scales
 - Conduct “job analysis” of lawyering
 - Identify effectiveness dimensions

OVERVIEW OF PROJECT: PROCESS (Cont.)



- **PHASE II:** Identify other predictors, non-cognitive, to explain lawyering effectiveness
 - HYPOTHESIZE predictors
 - Develop/select tests
 - Administer tests
 - Collect performance evaluations
 - Establish test-performance statistical relationship

CURRENT ADMISSION PROCESS



- PREDICTORS: UGPA, LSAT, AND INDEX
- 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

REVIEW: PRIOR RESEARCH



- Results from LSAC: 165 Law Schools
- Weighted Composite w/**1st year law school GPA as criterion**: $r = .49$
- 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**

PHASE I: JOB ANALYSIS



- **Individual interviews and focus groups; questionnaire**
- **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 7,000 participants across various phases.**

TYPES OF FIRMS



- Large Firm
- Small Firm
- Solo/Private Practice
- Government
- Public Advocate
- In-House Counsel
- Law-Related Jobs

FIELDS 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: EFFECTIVENESS FACTORS



- 26 EFFECTIVENESS FACTORS
- 26 SCALES FOR EVALUATING PERFORMANCE
- OVER 700 **BEHAVIORAL EXAMPLES** OF LAWYERING PERFORMANCE
 - Different Levels of Effectiveness
 - “Excellent” to “Poor” Examples for Each Factor

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



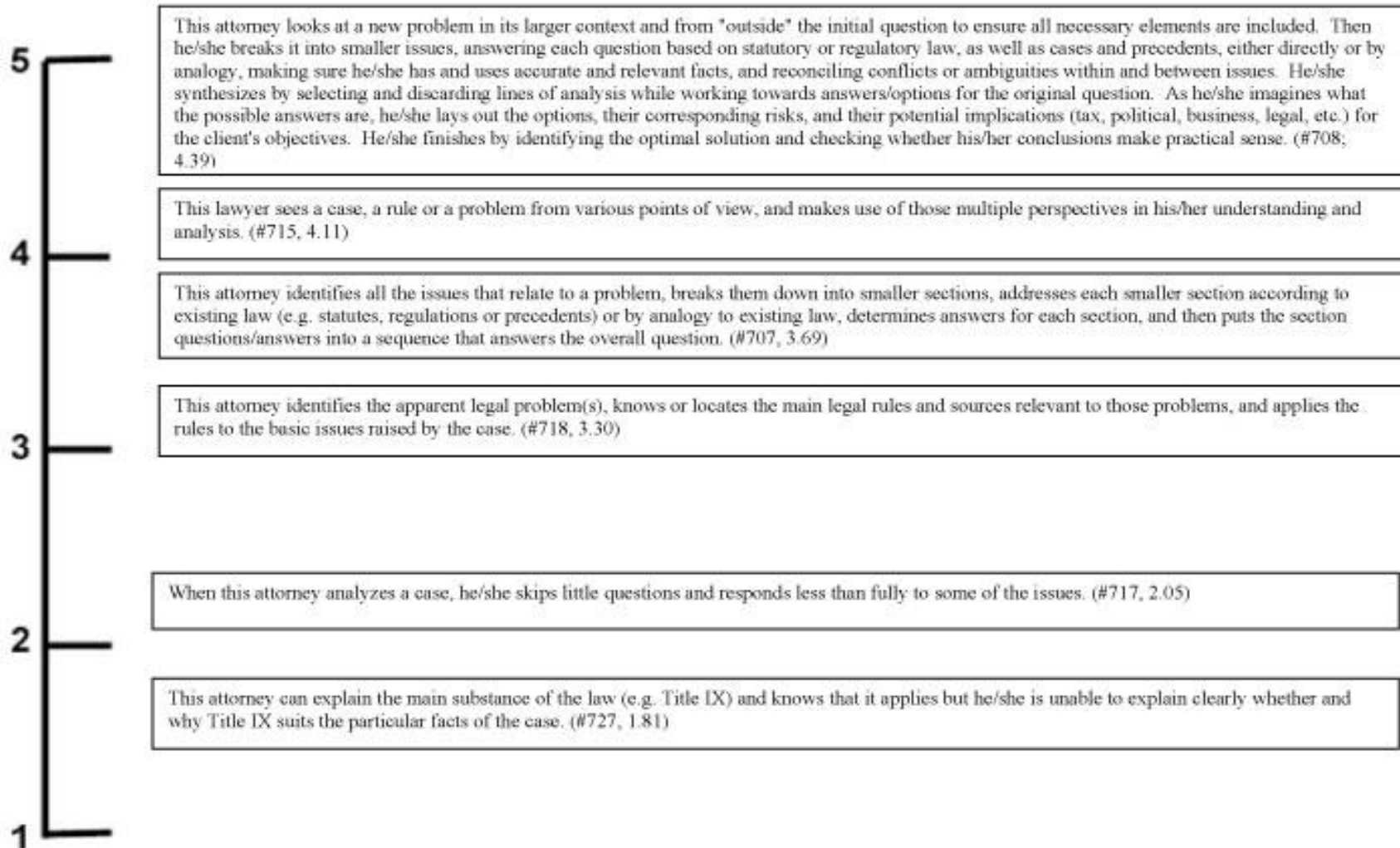
- Passion and Engagement
- Diligence
- Integrity/Honesty
- Stress Management
- Community Involvement and Service
- Self-Development

ANALYSIS & REASONING



- Analyzes complex problems in a systematic way.
- Grasps the facts of the case or transaction.
- Selects which facts in a situation are legally significant.
- Identifies underlying or guiding principles and patterns from information.
- Selects which categories of law are relevant and puts what client says or desires into a legal framework.

FIGURE A: ANALYSIS & REASONING BARS (#1)



PHASE II: DEVELOPMENT/ID OF POTENTIAL NEW PREDICTORS



- Personality
 - Snyder's Self-Monitoring
 - Carver's Optimism Scale
- Emotional Intelligence
- Biographical Inventory
- Accomplishment & Experience Record (Hough)
- Situational Judgment
- Moral Responsibility

PERSONALITY



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

PERSONALITY: HOGAN PERSONALITY INVENTORY



- Adjustment
- Ambition
- Sociability
- Interpersonal Sensitivity
- Prudence
- Intellectance
- Learning Approach

MOTIVES, VALUES, PREFERENCES, INTERESTS INVENTORY – Fit to culture



- 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

EMOTION RECOGNITION TEST



1. ANGER

2. CONTEMPT

3. DISGUST

4. FEAR

5. HAPPINESS

6. SADNESS

7. SHAME

8. SURPRISE

Emotion Recognition Test - Sample 1



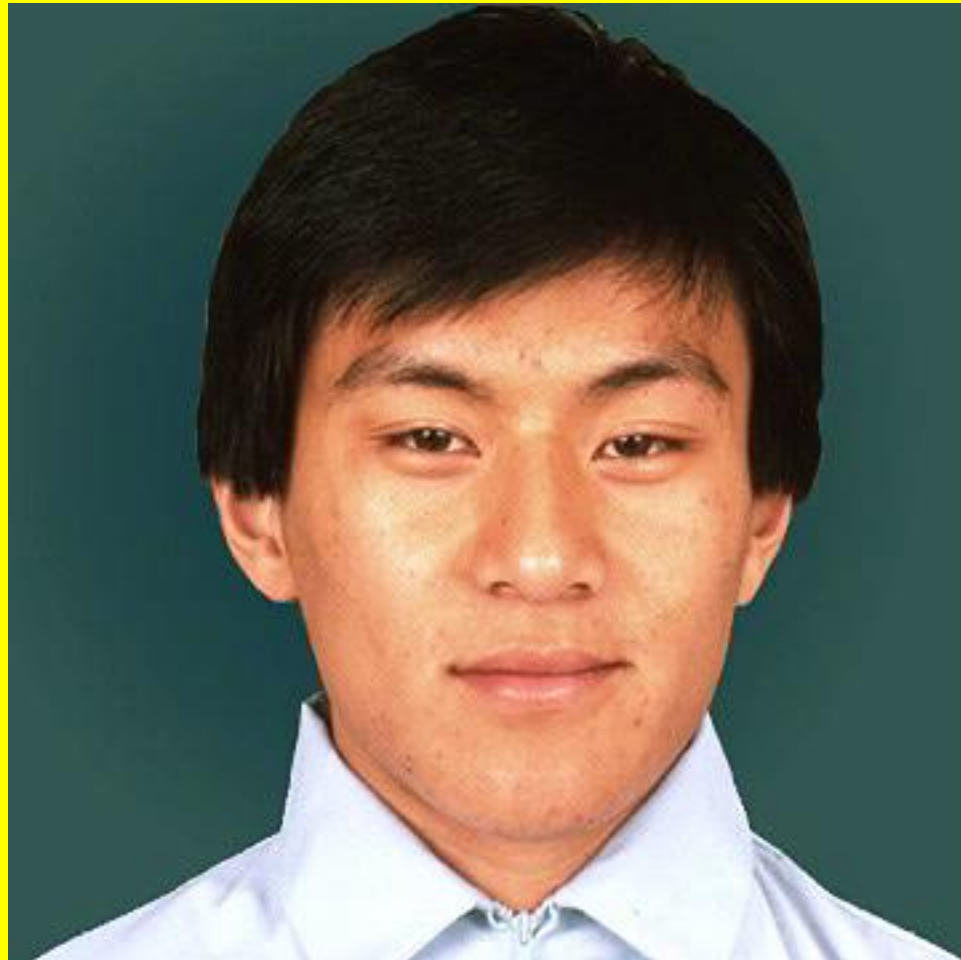
IPSR

Emotion Recognition Test - Sample 1



IPSR

Emotion Recognition Test - Sample 1



IPSR

Emotion Recognition Test - Sample 1

Answer: Happiness

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.

PHASE II: VALIDATION STUDY



- NEW SAMPLE
- CONCURRENT VALIDATION STRATEGY
 - ADMINISTER TESTS
 - COLLECT PERFORMANCE DATA ON TEST TAKERS
- WEB-BASED TEST ADMINISTRATION

VALIDATION STUDY (cont.)



- BOALT AND HASTINGS ALUMNI TOOK TESTS AND IDENTIFIED APPRAISERS (SELF, SUPERVISOR, AND PEER)
- PARTICIPANTS: 1100 RESPONDENTS AND 4000 EVALUATIONS

COLLECTION OF PERFORMANCE EFFECTIVENESS RATINGS (CRITERIA)



- WHO?
 - SUPERVISOR
 - SELF
 - PEER
- HOW?
 - IDENTIFY CRITICAL FACTORS
- RESEARCH PURPOSES ONLY!

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; SOME NEGATIVE CORRELATIONS

RESULTS: LSAT PREDICTION OF LAWYERING PERFORMANCE (AVERAGE OF ALL RATERS)



- LSAT PREDICTS 12 OF 26 PERFORMANCE DIMENSIONS; 8 ARE NEGATIVE r 's
- INDEX PREDICTS 9 OF 26 PERFORMANCE DIMENSIONS; 4 ARE NEGATIVE r 's

NEW TEST RESULTS: r with OVERALL PERFORMANCE CRITERION

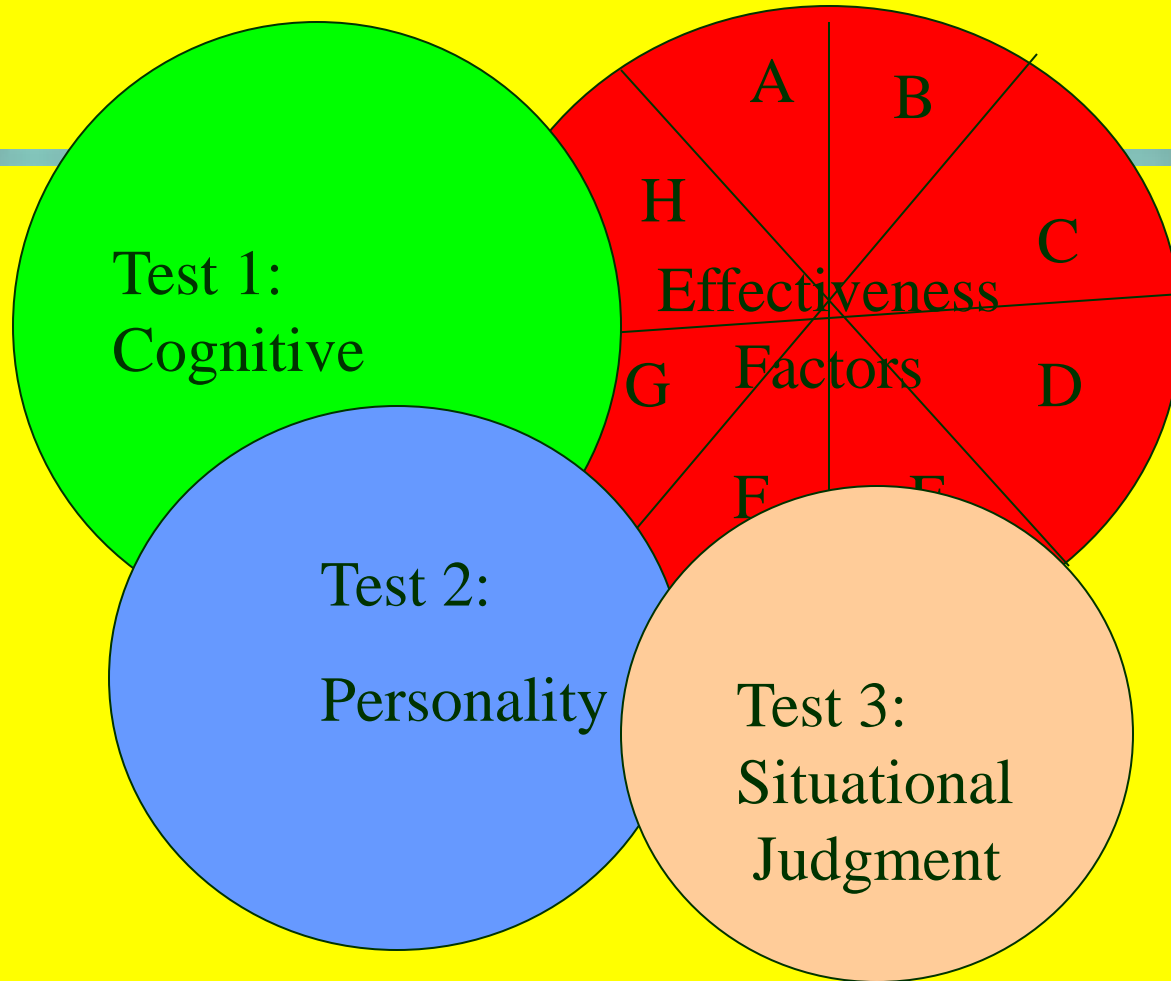


- SJT: $r = .245$ (ALL 26 DIMENSIONS)
- BIO: $r = .376$ (ALL 26 DIMENSIONS)
- EMOTION RECOGNITION: 😞
- HPI – AMBITION: $r = .282$
 - AGREEABLENESS: $.192$
- HDS – EXCITABLE: $r = -.286$
- MVPS – ALTRUISTIC: $r = .143$

IMPLICATIONS FOR TESTS AND PERFORMANCE MEASURES



- ADMISSIONS
 - DIVERSITY
- LAW SCHOOL CURRICULUM
 - EMPHASIS AND REDESIGN
- INTERNSHIP TYPE AND EVALUATION
- EVALUATION IN LAW SCHOOL FOR GRADUATION
- BAR EXAM SUPPLEMENT
- HIRING LAWYERS TO FIRMS: NEW AND LATERALS
- DETERMINING TRAINING FOR LAWYERS
- EVALUATING LAWYERS FOR PARTNERSHIP/ PROMOTIONS/RAISES
- FEEDBACK TO STUDENTS AND LAWYERS



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, such as Analysis and Reasoning, Researching the Law, Writing).

REFERENCE



Shultz, M.M., & Zedeck, S. (2011).
Predicting lawyer effectiveness: Broadening
the basis for law school admission decisions.
Law & Social Inquiry, 36, 620-661.