

3-23-1987

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Recommended Citation

Smith, J. Clay Jr., "Admissions Policy: A Commitment to Excellence" (1987). *Selected Speeches*. Paper 100.
http://dh.howard.edu/jcs_speeches/100

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ADMISSIONS POLICY: A COMMITMENT TO EXCELLENCE

By

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This is the third alumni group that I have addressed in this my first year as dean of the Howard University School of Law. On July 30, 1986, I addressed the alumni at the National Bar Association Convention in Denver, Colorado, and on September 10, 1986, I addressed the Howard Law Alumni Association of the Greater Washington Area in Washington, D.C. Associate Dean Jeanus B. Parks, Jr., has visited the alumni in California in January, 1987, during the American Association of Law Schools Annual Meeting, and alumni in Florida in early February. During the mid-year meeting of the American Bar Association, I met with alumni in New Orleans and stopped through Tuskegee, Alabama, with alumni en route back to Washington.

I appreciate the support and encouragement that the alumni has given me this year; and I hope that the invitation to address the Howard University Law Alumni Association of Greater New York, Inc. today, is a first step in our mutual interests to build an even more dynamic Law School.

I bring you greetings from your alma mater, the students and law faculty.

Admissions Policy

There are several issues facing legal education today and one of them is the admissions policy. The subject has been and is on the agenda at the

*Before the Howard University Law Alumni Association of Greater New York, Inc., (Keith Harvest, '82, President) on March 23, 1987, at the New York Law School, New York, New York.)

Law School. Some segments of the broader legal community have begun to talk about the lowering of academic standards because fewer qualified students are choosing law as a career option. Some fear that law schools are admitting students with low LSAT scores merely to fill seats which could lower the quality of legal services to the public. See Raushenbuck, *The Coming Decade in Law School Admissions*, 56 The Bar Examiner 4, 5 (Feb. 1987).

Some alumni have voiced concern about the direction of Howard Law School on the question of admissions, thinking, perhaps, that the Law School has changed its mission. I assure you that it has not.

Howard University School of Law is a national law school and it recruits nationally for the best and prospective brightest law students. This policy is not new. In 1868, a year before the Law School opened its doors, John Mercer Langston, who, in 1869 became the first dean, went South to recruit the best and brightest students available to enter the doors of Howard Law School. No, there was no LSAT examination then, and yes, then, as today, the number of Black students admitted into American law schools was small. The Law School does take the LSAT scores into account. Good performance on the LSAT score is one measure of predicting the success of a student in the study of law. However, it is not the only predictor. In our quest for excellence at Howard, we evaluate a combination of admission factors in addition to the relevant LSAT score. To the extent possible, the Law School looks behind the application to determine if the applicant has a record of perseverance, character and a demonstrated proclivity for study. Leadership characteristics are also relevant, but study characteristics and academic achievement are prime. If a student worked his/her way through college with a grade point average of over 2.5 and has a 26 LSAT score,

with positive recommendations from teachers, that person will be admitted to the Law School. However, there are students who fall short of LSAT scores in the 26 to the 48 ranges. A recent report issued by the Law School Admissions Services (LSAC/LSAS) indicated that Black applicants to American law schools are not scoring in the high ranges of the LSAT examination. For example, one chart indicated that in 1985-86 out of 500 Black females and males taking the LSAT, 55 percent of the males and 50% of the females scored below 22. There are other charts, but as a whole, testing of Blacks for law school admission does not look good on the surface. The implications of the testing statistics kept on LSAT scores may have an indirect effect on Blacks admitted to American law schools and beyond. There are reports that employers are requesting students to provide LSAT scores as a condition of employment, even for summer jobs.

In addition, the LSAT has created, like bar review courses, a national industry for test preparation courses, some of which cost students more than \$500.00. Minority students -- many of impecunious means -- do not have the funds for these courses which may account for the low scores reported by LSAC. The test-taking industry has, perhaps, more than those in the legal education, hyped, the testworthiness and trustworthiness of the LSAT examination more than it should be.

I wonder what the number is of Blacks and poor White Americans who have been excluded from the study of law in the past twenty years even with affirmative action and special programs? Whatever the criticism of the LSAT examination, it has worked its way into the selection process for the study of

law and even into employment decisions of some law firms. Faced with the LSAT as a predictive tool for the study and practice of law, an all out effort must be made to prepare Blacks for the LSAT early on in their education. Smith, *The Role of Primary and Secondary School Teachers in the Motivation of Black Youth to Become Lawyers*, 52 J. of Negro Ed. 302 (1983).

In connection with LSAT, all American law schools, including Howard, face challenges. For while Whites score higher than Blacks on the LSAT, there is some evidence that their overall performance is slipping also. At Howard, the challenges that we face to educate students is no less a challenge today than it was when we first admitted the slave progeny. We are keenly aware of the statistics published about the performance of Blacks on the LSAT and we are, as we must be, concerned about these scores as we evaluate admissions standards. See, e.g., Ramsey, *Law School Admissions: Science, Art, or Hunch?* 12 Journal of Legal Ed. 503 (1960). However, Howard Law School seeks a mix in its legal education compelled by the historical rootage of the University of which it is an integral part, and the lingering legacy of race difference still rampant in the society. See C. Murray, *Losing Ground: American Social Policy 1950-1980*, at 106-112 (1984). Nonetheless, we are about the business of excellence and invite students of all walks of life to consider Howard Law School. We seek students who have performed well and have outstanding records in their undergraduate study, job performance, scored high on the LSAT examination, and who come highly recommended and other relevant criteria. The specific elements of the admissions policy of the Law School is established by the Faculty of Law and implemented by the Admissions Committee.

Historically, Howard Law School, as have many majority schools, left room for students to prove that, if afforded an opportunity to study law, they would prove as a competitive factor in the overall mix of students admitted to the Law School. The process of admissions at Howard Law School is exactly the "exhaustive personal selection process" that Resident Vice-Dean Charles Hamilton Houston said was unavailable in 1929. Houston, Personal Observations on the Summary of Studies In Legal Education as Applied to the Howard University School of Law, at 21 (May, 1929) (unpublished manuscript.)

In that year Dean Houston wrote, "Present indications point to our being limited to setting minimum entrance requirements and then taking all who qualify." Id. However, in Houston's day students admitted but who did not cut the mustard were weeded out at the end of the first year. Wigmore, Juristic Psychopoyemetrology - or How to Find Out Whether a Boy Has the Makings of a Lawyer, 24 Ill. L. Rev. 454, 463 (1929). In fact, Houston wrote that the faculty was "committed to weeding out" those who, in the faculty's judgment, were unsuited for the continued study of the law. Houston, supra at 21. That was Houston's view. It may not have been shared by all, but the tone of his words established an environment in the Law School for academic rigor which resulted in the accreditation of the Law School in 1930 by the American Bar Association (ABA), and in 1931 by the American Association of Law Schools (AALS).

The future of the Black lawyer in America may be bleak if the admissions policy at national law schools does not leave a window of opportunity

open for the admission of Black students.* / I think that the moral imperative requires that they do; I believe that the quality of American justice is threatened if they do not. See, Sandalow, The Moral Responsibility of Law Schools, 34 J. of Legal Ed. 163 (1984). [While Dean Sandalow does not specifically deal with this exact question, his article is worth reading as a basis for supporting this statement], Erlanger, Toward a Sociology of Law School Admissions, 34 J. of Legal Ed. 374, 381 (1984); Pipkin, The Effect of Social Origin in the Allocation of Law Students, 34 J. of Legal Ed. 385 (1984).

Given this backdrop, the importance of Howard University School of Law is unmeasured and untold. The Law School must admit a mix of students, train them as if they were in boot camp, retire students who in the faculty's judgment are not serious about the study of law or simply do not have the capacity to grasp the fundamentals. However, the admissions policy must be such that we can look the faculty and students, each other, our alumni and the public in the face and say, "what we admit we can and will educate, and what we admit and educate is likely to compete in the marketplace upon being graduated." This is commitment to excellence.

What is the Law School doing to meet the group needs of the mix? On February 10, 1987, President James E. Cheek approved, among other things, a plan in the amount of \$100,000 solely dedicated to academic scholarships

* / It is submitted that new and innovative programs, instruction techniques and communications skill assessments are now imperative to provide additional support for those who need it -- tools towards the successful study of law. However, we can never forget that the window of opportunity is far more exclusionary for the bar applicant than it is for law school admittees.

for twenty students, each of whom will receive a \$5,000 tuition scholarship. I am happy to announce that on March 24, 1987, I notified ten students admitted to the first year class entering in the Fall of 1987 of their designation as scholarship recipients. The purpose of these new funds is to attract the best students to Howard and to reduce their having to work during the first year of law study. The \$100,000 supplements other existing merit scholarship and work study funds, provided by the University and donor funds.

President Cheek also approved another element of my plan in the amount of \$57,000. This plan calls for an Early Enrollment Program for 10 high-risk students who might otherwise be denied admission, but who, in the eyes of the Admissions Committee, are determined to qualify for the extended zone of opportunity at Howard Law School. The Early Enrollment Program is targeted to commence this summer as a pilot program. These students will be required to start their training five weeks before the entering class. Each of these students will receive a \$4,000 stipend and a \$700 living allowance.

Other funds were approved relating to other academic initiatives in the Law School. I intend to provide the alumni with more detail on these matters in the coming months. Today, my objective was to discuss the admissions policy.

I would like to close my remarks with a request and a command. I request your assistance in identifying other outstanding students to attend Howard Law School. We need your eyes in the New York region. This request is also a command.