

2002

Surprising Admissions

Saul Levmore

Follow this and additional works at: http://chicagounbound.uchicago.edu/journal_articles



Part of the [Law Commons](#)

Recommended Citation

Saul Levmore, "Surprising Admissions," 34 University of Toledo Law Review 113 (2002).

This Article is brought to you for free and open access by the Faculty Scholarship at Chicago Unbound. It has been accepted for inclusion in Journal Articles by an authorized administrator of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.

SURPRISING ADMISSIONS

Saul Levmore

I have just finished my first year as a Dean, and it is tempting to follow precisely the guidelines of this special issue by describing some of the new initiatives that are now underway here at the University of Chicago Law School. They are intellectual in style, and they range from new seminars to institution-wide research projects and to new clinics—and of course I find them all interesting and provocative. But I will instead take this opportunity to think about an administrative challenge of a different kind. It is one that responds to a reality that caught me by surprise and that has provoked me to think about a set of issues in our educational institutions and in society at large.

I am surely not alone among new deans in finding that I am often asked for a description of the most pleasant and least pleasant surprises of my first months in this position. Faculty, friends, and students ask this as if I am about to reveal a hidden treasure chest, a large debt, secret deals entered into by my predecessors concerning many acres of land in exotic countries, and so forth. In fact, I have encountered no such great surprises and of course if I had, it is unlikely that I would reveal them to these questioners or to readers of this essay. But there have in fact been many modest and very pleasant surprises, and just a few unpleasant ones. The agreeable ones generally concern the value of teamwork, the intellectual and pedagogical energy of our faculty, and the talent, determination, and intellectual curiosity of our students and alumni. But of course it is the unpleasant surprises that are usually the most interesting, and it is one of these that is, therefore, the subject of this essay.

My subject is the admissions process and the expectations of alumni, applicants, and other friends about the value of personal, political, and financial connections. I have been startled by the large number of direct, special communications I have received regarding candidates for admission for our next class of entering students. I will discuss the very limited impact of these communications below, but for now my focus is on the significant number of communications. It is hard to categorize these, but I think that readers will recognize the issue and the facts. By special communications, I refer to letters or phone calls made on behalf of an applicant, that draw attention to the communicator's own connections or preferences rather than to information about the applicant's skills or other characteristics that would normally be evaluated by an admissions committee. At first I thought the problem, if I may call it that, was a local one, a possibility that I address below. But I have learned that it is not, and it is certainly worth some thought and introspection.

In my limited experience, spanning a single and perhaps unrepresentative admissions season thus far, alumni contacted me about children of friends, significant donors wrote to me about children of their relatives and friends and employees, faculty and officers in other parts of my university did the same, and

* Dean & William B. Graham Professor of Law, University of Chicago Law School.

politicians and judges weighed in as well. Some of these communications were tactless in their assertion of a connection, the delivery of the message, and so forth. But most were artful and quite to the point. The writer acknowledges possessing limited first-hand data, suggests that the applicant would be a good fit for our school, and is often apologetic about the intrusion. Once in a while the writer really has special information; I am not counting those letters as examples of special communications. Thus, a graduate of ours, as a law firm partner, might have supervised a paralegal and then provided a recommendation at this employee's request, with no intention of trading on the relationship or expecting special treatment because of the recommender's connection to the Law School. Indeed, it would be strange for the supervisor to do anything but write a recommendation and mention his or her own connection to the Law School. The writer is entitled to be curious as to whether anyone reads these letters and whether a polite note will be sent to acknowledge the recommendation. To be sure, the paralegal might have asked this particular lawyer to write to us only because of the pre-existing alumni connection; if we knew our graduate had not written in support of this employee's other law school applications, we might consider the letter to us as one of these special communications.

I should be clear that most of these special communications are absolutely appropriate, well written, and sensitive to the general issue of admissions standards. There are, for example, several repeat players whose letters are welcome and admirable. The writer might be a famous politician or judge or business person who is sufficiently associated with our Law School that apparently many people ask the writer to intercede on behalf of applicants. A typical, good letter explains the author's connection to the applicant, says something very positive about the applicant or the applicant's parent—although in some cases it is careful not to do so—and then gives the distinct impression that the writer is fulfilling an obligation by writing the quick note. On occasion, and especially when I next see the writer in person, the writer makes absolutely clear that I should not take these letters too seriously, that they are not meant to put pressure on anyone, and that when and if the writer really felt strongly about a case, I would hear about it in a different fashion. The overall impression is one of a smooth social practice. Some people send recommendation letters to deans much as others shake hands, send thank you notes, place forks on the left, and even hold doors for their elders. These practices continue not because they are efficient strategies, for they can be wasteful, but because it is more work to end a given custom—without sending unintended negative messages—than to maintain it.

And yet among all these special communications, there are a surprising number in which the writer expects the letter or call to matter a good deal, even though the writer has no special knowledge of the applicant. My focus here is really on the applicants and their families and not on the specially connected intermediaries, but it is only fair to say something about the communicators themselves inasmuch as they play an important role in creating expectations among applicants. In the course of just a few months, I heard from several alumni who felt strongly that they should push the interests of law partners' children; an important donor who recommended an employee's child and then was bitter about a negative admission decision; a donor who physically handed me a relative's application; and of course several

alumni who wrote emphatic messages about their own children. A very few of these communications proved to be just the advance probe of a campaign; other letters came fast and furious, and one or two of these passionate recommenders never really let go. I also received a fair number of notes and personal entreaties from politicians, well known lawyers who did not attend our school, and so forth. Similarly, a visiting politician, invited by a student organization to address students (and gather votes) during the lunch hour, cornered me and made a strong pitch for an applicant working on the recommender's campaign. At best, these special communications provide some information about a skill that a given candidate possesses, though there is an implicit message about the candidate's (family's) place in a web of relationships. A system built on family networks plainly rewards some people more than others and is likely to work against diversity efforts.

My initial reaction was to think that these special communications reflected a feature of the City of Chicago, where I am a relative newcomer. It is a city known for the value of connections, I am told. One does not bid on a government or private project, or even apply for many jobs, without first paving the way with a few phone calls from worthy intermediaries. We are all familiar with the advantages and disadvantages of these informal mechanisms. On the one hand, personal recommendations provide useful information, and friends and acquaintances may build up reputations for reliability (or not). On the other hand, friends and acquaintances feel a responsibility to those whom they are recommending, and most of us are biased in favor of people and places we know. I suppose one should value a recommendation of this kind when the recommender feels more of a link to the listener than to the recommended party. At the same time, it has occurred to me that the smoothest recommenders are mostly interested in establishing a relationship with me or my institution. Perhaps next time I will ask them a favor, and then before we know it we will be regular participants in a giant network with attendant benefits.

But as it turns out, local culture is not an important variable. The real surprise for me is what I have learned about other law schools' experiences and practices. I have asked other Deans, and I have surveyed a number of law school admissions professionals in order to estimate the volume and impact of these special communications. The estimates I have gathered suggest that between five and ten percent of applications generate special communications, and then as much as five percent of the actual entering classes of many law schools is influenced by these revealed connections. Thus, one admissions director at a prominent Midwestern public law school estimated that 5% of the students who were seated in the entering class would not have found their places there but for the special connections they enjoyed.¹

I do not claim to have undertaken a scientific or comprehensive survey, but if my small sample is representative, then I think that most faculty members underestimate the non-meritocratic character of admissions. It is common to think of the

1. I mention that it is also Midwestern, in order to try to control for regional practices. And I report that it is a state school because it is possible that public institutions need to pay attention to legislators and others who have influence over budgets. On the other hand, private schools may be somewhat more beholden to private donors.

advantage that legacies have in the college admissions process. But it may be that alumni, not to mention significant supporters as well as political and legal figures, have more influence in professional schools than meets the eye. Not only do their own children enjoy an advantage, but the influence extends to their friends and employees who gain places at the expense of unconnected or less brazen applicants. Once a school thinks that important people will think better of it if it admits candidates whom they sponsor, the gates are open for a considerable number of admissions decisions to be influenced by connections. There is probably an upper end to the value of connections because no school will want the cumulative impact of connections and diversity admissions to lower the median or the twenty-fifth percentile grade point averages and test scores that affect the school's ranking.

I should hasten to say that our own numbers are very different. In the first place, a fair number of our well-connected admitted students need not have bothered with making connections, for they were and would have been admitted on their own merits. (Some of the best applicants at other schools surely waste ammunition as well.) And as for actual impact, I would estimate that we admit between zero and two people per year because of special communications and connections. I report this estimate with caution because it is difficult to know how admissions professionals respond to subtle (and explicit) messages from the Dean and from faculty members. Perhaps well-connected applicants were favored more than I imagine, or perhaps they were disadvantaged and resented, so that connected applicants who should have been admitted were not. But I do not think that my estimate is far off. Ours is an institution that prides itself on intellectual values and even a kind of stubbornness; special communications are likely to be less valuable here than elsewhere.

Despite this marginal impact of special communications, we do of course register some attempts. The scale is fairly small. We receive some 5,000 applications for an entering J.D. class, and perhaps 75 of these applicants generated such supporting notes. And, again, the actual impact of these letters is quite small, often zero. I had thought that even a tiny number of affected decisions would be shocking, but instead I have found envy or disbelief when admissions professionals at other schools learn how very, very unusual it would be for connections to influence our admissions. Our institutional history, and that of a very few other schools, contains stories, some true and some unlikely, about very well-born applicants who were rejected despite their significant alumni connections and support, and then quickly admitted to other elite schools, where they were indeed the harbingers of millions of dollars of support that flowed in the direction of this diverted family allegiance. I am uncertain whether to be proud or horrified.

I suspect that there are many schools like ours, where admission is extremely competitive and where special communications are common and sometimes aggressive, but where the actual impact of all this effort is modest and even close to zero. For every important connection we lose, it is possible that we cement a bond with another supporter, appreciative of our values or resistant character. But there are obviously a fair number of other schools where budgets are tighter and politics more important, and the apparent fact is that an eye-opening percentage of their classes is attributable to personal, financial, and political connections, often once or twice removed.

We are obviously fortunate. The overwhelming majority of our alumni and supporters are proud of us and join with us because we are intellectually intense and honest and because we maintain an educational environment that may well be without peer. These supporters might well think less of us if they thought that we were responsive to personal connections. They like hearing about students who excel in the study of law and whom we identified as promising in the context of disadvantaged (and unconnected) backgrounds. They want to support us for our intellectual and educational excellence and they recognize that this excellence requires even-handedness and transparency as to qualifications. If such a supporter knows an applicant whom he or she finds really deserving, the supporter knows that the best advice to offer has nothing to do with the pursuit of personal connections, though I do not think these are counterproductive. Good advice might be to suggest writing an interesting essay and appending it to the Law School application, perhaps criticizing a recent article by a law faculty member, or commenting on the substance of a law school class that the applicant has recently visited. If the essay is interesting, I warrant it helps (though I know of no applicants who have received or followed this advice); if it is dull, poorly written, or simply unoriginal, I suspect it will decrease the chances of admission even if the more familiar law boards and grade point average are enticing. There are no doubt other schools that (like us) receive a fair number of special communications but would genuinely be more likely to favor the applicant whose personal or family contacts generated an interesting essay rather than just a letter drawing attention to special connections. But there are apparently many more schools where connections and pressure are regular features of the admissions system, and where these connections help applicants who would otherwise not be admitted.

If I am wrong—and if special communications have little impact anywhere—then the puzzle or surprise of admissions is of course why so many applicants perceive that connections matter. Some do not; I have met students who were told that their applications would look worse if they encouraged special communication from persons who did not really know them. But most applicants do not believe the warning; moreover, in some circles it may be impolite *not* to ask a well-connected alumnus to intercede on an applicant's behalf. Meanwhile, most alumni and celebrities think it less work to agree to write a letter than to decline to intercede. Finally, many of these applicants are admitted in the ordinary course, and they will think that their intermediaries played important roles; an intermediary who then denies influence, appears all the more gracious.

It is also possible that applicants and observers expect personal connections to matter in admissions—because they do. If some schools attach substantial value to special communications and others do not, then we should expect the average value of special communications to be positive. And it is easy to imagine that sporadic participants—not to mention law school administrators and faculty—are unable to distinguish schools according to the relative value of personal connections. Overall, applicants will think it somewhere between harmless and important to solicit such intermediation, so that on average solicitation is not uncommon.

It is interesting that connections do not seem to matter anywhere with respect to financial aid awards to admitted students. It is easy to imagine a public university allowing the fact that an applicant is the child of a legislator to generate an offer of

admission, but very hard to imagine, and even impossible to justify, currying yet more favor by nudging a merit scholarship toward the same well-connected applicant. This seems to me a general feature of informal markets in connections. Citizens use connections to get interviews for jobs, information about contracts, favorable positions in queues, and much more—but we regard as corrupt someone who goes so far as to use political, familial, or social connections to gain advantageous prices or salaries or other monetary awards. This social practice works in reverse as well; a school risks opprobrium if it admits someone after a donor makes an explicit offer of financial support in return for this admission decision. But I leave for another day this interesting feature of special communications and markets in connections. There are many currencies that work in these markets, but cash is not one of them.

Somewhat similarly—but I think for the opposite reason—connections are not generally drawn upon to obtain faculty positions at a university. One answer is that appointments involve broader faculty involvement and governance, and that connections are more valuable where there is more individual decision making. Another is that the cost of introducing connections is considered much lower in the admissions context. Observers may regard our faculty appointments process as extremely meritocratic (even with all the quirks and subjectivity that this sort of collective and human decision making incorporates) but the same observers may have less faith in standardized test scores, unadjusted grade point averages, incomparable faculty references, and so forth. They know that many a great lawyer brings qualities to the job that these data do not pretend to predict, and so it is much easier to imagine that special communications *improve* the admissions process. Of course, if they really believed this, we might find pressure on financial aid decisions as well as on admissions.

In sum, special communications have disparate impact, applicants and their families are likely to overestimate their value, and alumni are likely to be encouraged to overestimate as well. All law schools, and perhaps the larger society as well, lose something because of these perceptions. If our applicants and friends and future clients overestimate the value of connections in admissions, then they will think less of our products and intellectual claims. Moreover, when schools reject applicants that alumni have supported, it is likely that many of these supporters will sour on their schools and regard themselves as ill-treated. For this reason, schools that admit students because of political and other influence impose a real cost on schools that resist this influence, because the former group raises the expectations of all supporters and applicants who find it hard to know where influence might actually not matter. At the same time, I suppose there is some offsetting gain to all institutions from the fact of these special admissions, because alumni who think that they will have influence if they are generous supporters might be more generous than they would otherwise be. Overall, law schools strive to be thought of as meritocratic institutions, in need of little regulation and outside control, and yet apparently there is a fairly widespread impression that we are not as we imagine ourselves.

I like happy endings, and I did enjoy more than one this admissions season. In one case, where I thought expectations about the importance of connections were problematic, I took it upon myself to call the alumnus/parent and to suggest that the

applicant himself did not seem particularly interested in attending law school, or even our great Law School, as much as the three (yes, three) alumni recommenders thought, or wished. I then called the applicant who, as luck would have it, was terribly grateful for my intercession and indicated that he had been trying to communicate to his parents the fact that he had no interest in further schooling at this point in his life. I encouraged him to talk with them, of course, and somehow when his father called back later in the day, I knew it would be a pleasant conversation. We reminded each other of what a fine young man he had reared, and how one could love the Law School and love one's son without forcing the two to come together. But this one happy ending should not distract us from trying to understand how our institutions are perceived and why we might benefit from or seek to alter these perceptions.

