

Out Of Date, Out Of Mind: Prepping Pitfalls on the LSAT

by Jesse Fuchs
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I.

The LSAT is generally regarded as the hardest American standardized test -- or at least the hardest one that, unlike the MCAT or Bar exam, doesn't really require you to know anything in particular. It's also regarded, at least by me, as being the most interesting to teach. There's a clarity of purpose to it; it doesn't test math, grammar or vocabulary, except to the extent that you need a grasp of all three to master the denotative, analytical, and isomorphic reasoning skills that are at the core of most good standardized tests and almost entirely comprise this one. More than any other test, tutoring the LSAT makes me feel less like a tutor than a personal trainer, with the main difference being the set of muscles being strengthened.

The LSAT is also a test that, as it stands, I have no major beefs with. I'm sure that, like all tests, it could be better. But I believe that the LSAT does a credible job of testing the baseline, content-unspecific skills I would want a lawyer to have: the ability to sidestep rhetoric and read in a purely denotative manner, to reframe abstract situations in concrete terms, to manipulate and analyze information under pressure, to recognize assumptions and basic logical fallacies, to make analogies between superficially dissimilar situations, and perhaps most importantly, to pay close attention to material that, at that particular moment in time, they wouldn't normally be even the slightest bit interested in.

And the intensely adversarial, intensely game-like nature of standardized testing is, in the case of the LSAT, a perfect fit. People contend that multiple choice tests are artificially restrictive; this is true, of course, but one could say the exact same thing about the judicial process itself. For instance, I can't recall any Supreme Court decision in which 4 of the judges voted for, 4 voted against, and one voted "Well, see, it's more complicated than that..."

By the same token, the tight time limit, one of the most sustainable objections to the SAT and GRE, makes perfect sense here. While in the non-punchclock world of college and grad school one can make up for not working fast by just working harder, lawyers are generally paid by the billable hour, if not the minute. Whenever I hear a student carp about the time limit being all that's keeping them from the near-perfect score that is their due, I try to tactfully suggest that, instead of projecting themselves into the shoes of a \$200 an hour lawyer, they project themselves into the shoes of somebody who would hire a \$200 an hour lawyer. All of a sudden, the time limit seems less like an arbitrarily imposed burden than like a valid form of consumer protection. Personally, as someone less likely to someday become a lawyer himself than to someday require the services of several dozen of them, I propose that the test should not only be more tightly timed, but that, during every administered LSAT, at completely random intervals and at least twice a section, either an air raid siren goes off, an attractive person of randomly determined gender streaks across the room, or the Phillie Phanatic bursts through the door and starts kerthunking one of those T-shirt cannons straight up into the auditorium. I mean, let's face it: when you end up having to pay a lawyer 5 bucks a minute to prevent you from paying palimony to the lover you promised to adopt and had plastic surgery performed on so as to make them resemble a younger version of you¹, a scenario inevitable at some point or other in most of our romantic futures, you're going to want them to be unflappable.

However, given that my only proposed improvement to the test is a) financially impractical, b) not particularly standardizable, and c) insane, I hereby bequeath the LSAT the

¹Note: weblink provided here to the amazing story of Liberace and Scott Thorson.

official numbertwopencil.net Gold Seal of Good Enoughness. Over the last five years, it's been the best-written and most defensible standardized test on the market, and the company that currently develops the test, ACT, should be lauded for their work. Indeed, it's such a well-designed test that it isn't until you scrutinize the preparation materials available that the black cloud of despair really sets in.

II.

The 3rd party LSAT books available at a typical bookstore vary wildly in quality. Some are mediocre, uninspired, and outdated. Others are so blindingly godawful as to constitute fraud, and are almost certainly more likely to hurt any examinee's score than to help it. The rest fall somewhere in the middle. At some point in the future, when I'm really in the mood for some mind-numbing tedium, I'll perform a thorough review of all of these volumes. But for now, a cursory inspection is enough to award the Gold Seal of The Suckiest Suck That's Ever Sucked In The History Of Sucking to *Peterson's LSAT Success 2002*. Having examined said book in the July of 2001, I can only assume that it arrived from the future through a wormhole in the very fabric of the universe. Yet, despite its precognitive jump on the competition, *Peterson's LSAT Success 2002* still contains many tips on how to deal with those tricky "I, II, III" questions -- questions that have not appeared on the LSAT since 1991. This was not even the worst thing I noticed in the 45 minutes I managed to spend with this book at Barnes and Noble before being forced to retreat to the analgesic comforts of the periodical section. Here's a set of rules from a game (more about those in a bit) on the Initial Diagnostic Test in *Peterson's LSAT Success 2002*, a test that, according to the book, "can be used to develop basic performance information to position you relative to the demands of the LSAT," not to mention "provide a sense of your present state of test readiness":

Point P is 20 miles along a straight line from point R. Point Q is 10 miles along a straight line from point R. Point S is 5 miles along a straight line from point Q.

Now, here is a set of rules from a game on the March, 1984 LSAT:

Point P is 20 miles along a straight line from point R. Point Q is 10 miles along a straight line from point R. Point S is 5 miles along a straight line from point Q.

That is not a typo: March, 1984. The fact that I actually recognized this while sitting in a bookstore says something tragic about my leisure-time priorities, yes, and let us never speak of it again. But in my defense, this game is quite memorable: I have never seen anything like it on the LSAT before or since. Which means that the last time a game even vaguely resembling this appeared on the LSAT, people believed that Walter Mondale might be the next President of the United States. Well, fine, yes. But my point still stands.

I could go on, I suppose, but if I were to do an in-depth study of *Peterson's LSAT Success 2002*, that would involve purchasing *Peterson's LSAT Success 2002*, as well as reading *Peterson's LSAT Success 2002*, both of which I on principle refuse to do. But one last thing. On the inside of *Peterson's LSAT Success 2002*'s cover is a full page ad, formatted to look like the cover of *TIME* magazine, asking you to take advantage of a "special offer from *TIME* and *Peterson's*" at *TIME*'s website. Now, I have no particular problem with *TIME*, and I imagine their involvement with these crooks involves nothing more than an unfortunate lack of scrutiny and corresponding excess of trust. But given their desire to uphold their reputation for accuracy and reliability, they really might want to pick their partners a little more carefully in the future.

III.

18 years out of date is—I really, really hope—the utter nadir. But it's not as though *Peterson's LSAT Success 2002* is hurting for stiff competition. Harcourt Brace's *How To Prepare For The LSAT*—copyright 1991, yet most likely lurking on the shelf of your local chain bookstore like a bridge troll—contains plenty of those “I, II, III” questions, along with some sort of oddball The-Answers-Are-The-Argument question type I've never seen before in my life. Nova's *Master The LSAT*—copyright 2001, and, at an overall B- level of writing quality, probably the best book available at the moment—contains examples of games that “appeared on recent LSATs” that are from, at the very latest, 1992.

Even the Big Two are, when you come down to it, a couple of slackers. When I taught for The Princeton Review from 1997 to 1999, they still had “arrangement around a circular table” games in their practice material, which haven't appeared on the test since 1991; all of the sample arguments given as examples of different question types were from that same year. Kaplan shouldn't snicker, though—their LSAT 2000-2001 contains a circular arrangement game, too. Meanwhile, both tests in Kaplan's *2 Real LSATs Explained*—copyright 2000, underneath which it states “the material in this book is up-to-date at the time of publication”—are from 1992. As a tutor, the overall effect here is that of observing a very expensive and time-consuming snipe hunt. At worst, by which I mean *Peterson's LSAT Success 2002*, it's like watching an expensive, time-consuming snipe hunt in an active minefield.

Although this is unfortunate and all, I can't really expect any better from these companies, especially given the near-Albanian publishing climate they exist in. There's nobody of any consequence watching over these books; I can infallibly deduce this from the fact that they still exist. If any of these companies had an interest in the nuts and bolts of what they do, they lost it quite a while ago. Now, they're ultimately in the business of business, which is always a nice business to be in. There's lots of money in it, I hear. And I'm sure it costs lots of money to revise materials every year, whereas it costs virtually nothing to just slap next year's date on the cover and reprint the same old crap. And, given that the defining characteristic of those buying and reading these books is that, through no fault of their own, they don't know a hell of a lot about standardized tests, it's not hard to see how even the most reprehensible prep books manage to stay in print.

But you would think that LSAC, the company that administers, publishes, distributes, and otherwise controls the LSAT, would be more scrupulous. After all, they're the ones in charge of this whole mess; not only that, but they're a non-profit organization, and thus ostensibly in business to serve the public good. They can't do anything about the existence of 3rd party books or courses or tutors, of course. But they can keep their own practice material up-to-date and accessible, so that an impecunious but self-disciplined student who wants to go to a competitive law school could—at least in theory—be on equal footing with someone able to spare a thousand bucks or more for professional help. Right?

Wrong. LSAC's prep material is almost as bad as the third-party junk. It contains material that hasn't been seen on the test in years. It contains questions that are actually wrong, with no errata slip to alert the unwary. But worst of all, the majority of the actual, official LSATs that have been available for practice for the last twelve months [*this is as of February, 2002 -- see the Update at the end*] were made by an entirely different company than the one that currently writes the test.

IV.

Here's some background. In the fall of 1994, Law School Admissions Services (LSAS)—who had developed the LSAT since ETS stopped at some point in the late 70s or early 80s—handed the reins over to American College Testing (ACT), best known for their homonymous challenger to the SAT. This was done without fanfare—I was both teaching LSAT and working in a Princeton Review franchise office at the time, and never heard it mentioned—and has been completely obscured by the LSAT still being administered, distributed, and generally represented by the Law School Admissions Council (LSAC). Nowhere on the LSAT, or on lsac.org, does ACT's name appear. Incidentally, I'm still not terribly clear on the distinction between LSAC and LSAS, or even if LSAS still exists in another capacity; if anyone has any information on any of this stuff, let me know.

Anyway, in a press release from 1994, ACT announced that, within two years, it would have a big enough pool of questions prepared that they could create LSATs entirely from their own material. I don't know why this switch happened at that particular time, although I have my suspicions. What does interest me is this it answers a question that had nagged at me for the last few years: why did the LSAT seem to change for the better—as well as the harder—sometime around '95 or '96?

I'll get back to the better in a minute; for now, let's talk about the harder. By my experience, I'd say that a student performing at the same level of ability on a 1992 test and a 2002 test would do an average of 3 or 4 points better on the earlier test. Note that, as long as nobody publishes these earlier tests as current practice material, this is fine: LSAT scores are only valid for 5 years, anyway, so the scale doesn't have to stay rooted to one place forever, and to the law schools, who are going to admit the same number of applicants no matter what, it's all relative anyway. Better up than down, after all. As for why this has happened, I think it's no more complex than applicants preparing for the LSAT more seriously, which caused the test prep boom of the 90s. As natural selection causes the gazelle to become faster and faster with every iteration, it does the same for the tiger as well.

V.

How has it gotten harder? There are a lot of things I could point to. The whole Logical Reasoning section (aka "The Arguments") has gotten a little tougher, a little trickier, and a good deal more abstract: some are so slippery that I have to read them two or three times and make up my own examples before they congeal into anything more than a Kantian word salad. All my students eventually notice this, and early in my career, I would inadvertently damage their morale by running through the tests in chronological order, causing some of their improvement to be silently counteracted by the gradually increasing difficulty level.

As for the Reading Comprehension section—which resembles the Reading Comprehension on every other standardized test, but harder—the only significant difference I spot is in the passages themselves. On LSAS's tests, the toughest passages were about concrete subjects that are difficult to grasp without graphic aid: the relative merits and flaws of various types of oil pumps used in offshore drilling, three different theories about why the earth's magnetic polarity flips every so often, the life cycle of the waterbug, etc. The tougher passages on ACT's tests, however, are again more abstract, short on examples and long on subordinate clauses: the aesthetic meaning of "forgery" in different cultures, the epistemological debate between subjectivity and objectivity, etc. This is, in my opinion, a reasonable trend: thanks to the Web, desktop publishing, and so forth, there's really no excuse for anyone to write about something that needs diagrams or illustrations without them providing diagrams and illustrations—whereas abstract, quasi-philosophical writing is still arguably the least worst way to deal with those sorts of concepts that we've come up with so far.

This is one example of why I think ACT's tests are better, but it's not the most pronounced. For the purposes of keeping this article to a semi-reasonable length, I'll focus on the biggest (and, in my opinion, most positive) change. This would be in the Analytical Reasoning section, commonly (and from now on) referred to as "The Games" . The change is simple, major, and obvious: the older tests are bedizened with oddball spatial games. The newer tests are not.

On over half of the LSAS-era tests, one of the games involved either making a map of some kind, manipulating a pictorial diagram, or doing something that resembles playing some sort of boardgame . Since ACT took over, though, the Analytical Reasoning section has become more predictable, though tougher. As jdjungle.com advises:

Because logic games are so coachable, LSAC has responded by creating increasingly more difficult games. In order to ensure that you're practicing logic games at the same level of difficulty that you'll encounter on test day, don't even bother practicing games from tests that are from the early '90s—they're too easy.

I agree with this, but the fact that the earlier tests are too easy isn't the biggest problem with using them as practice material. It's that they're weird. On the other hand, from June of 1996 to December of 2001, there were 35 games in which the test-taker puts letters into a linear sequence of slots, 17 games in which the test-taker puts letters into a linear sequence of shelves, 8 games in which the test-taker puts letters into a 2-dimensional grid, 8 games in which the test-taker chooses from a group of letters, 4 games where the test-taker chooses from a group of letters and then puts said letters into a linear sequences of shelves and, in a stunning departure, one game where the test-taker chooses from a group of numbers and then puts them into a linear sequence of shelves. Which was so nutty and wacky and sui generis that it actually threw some of my students off.

I'm all for this predictability—I mean, there's a reason that they're called standardized tests, right? And I'm glad that ACT tossed what they tossed. Having spent the plurality if not majority of my childhood playing Dungeons and Dragons—a game that, to paraphrase Cecil Adams, combines the excitement of cartography with the charm of cross-referencing things on charts—I actually find the old spatial games sort of fun and, if anything, easier than the other ones. But, as a part of the test one must take to gain admittance to law school, they're pretty dopey. Not only do I think that they're more tenuously related to the skills required for the law than the other games, and not only does their oddness tend to blindside otherwise well-prepared LSAT takers, but they're also the only part of the test that, in my personal experience, contained any noticeable gender bias. In short, I think they're bad testing material, and I'm glad that ACT got rid of them. It's a better test now.

VI.

And even if you don't think they're better, you at least have to agree: they're *different*. Mapmaking and schedule-making are different skills; related, but still discrete. The problem is that LSAC has never been made aware of ACT's changes. Indeed, by all available evidence, LSAC is not aware of ACT's existence, and regards the production of the LSAT as the spontaneously materializing handiwork of invisible elves and/or sprites and/or brownies.

This is the most charitable spin I can come up with for LSAC's publication, in the spring of 2001, of *10 Actual, Official LSAT PrepTests*. This book clearly filled a gap in the LSAT preparation routine; within two weeks of its release, it was sold out of every Barnes and Noble in Manhattan that I looked in. Unfortunately, this volume—for the past year, the newest tests available in a bookstore—doesn't contain any of the ACT-designed tests from the last five years. Instead, it contains tests filled with questions designed by LSAS from 1992-1995, complete with ersatz board games, easy arguments, passages about oil-displacement pumps, and all the rest.

Full question production by ACT appears to have begun with test 17, which is from June of 1996. I deduce this by the fact that this is right where the book ends, as well as the presence of an otherwise inexplicable gap. In 1994 and 1995, LSAC released tests 10 through 17—four tests per year, from the February, June, October, and December administrations. *10 Actual, Official LSAT PrepTests*, however, leaves out test 17—but it does contain test 18.

This is really weird. Test 18 was released in lieu of the February 1996 test; it's the only test released out of order, having been originally administered in December 1992. It looks it. The arguments are particularly easy, and 18 is also the only test in the book to contain both a 'map' game and a 'board' game. Even at the time of its release, this test was already obsolescent. I have a copy of test 17, and nothing on it strikes me as particularly questionable, so I don't know why they left it out in favor of 18, but I suspect it has something to do with licensing from LSAS vs. licensing from ACT. As to what was up with the February 1996 test that caused LSAC to hide it in the attic like a deformed cousin, I have no idea. They did release the February 1997 administration—although not until 2000, and as *The Official LSAT PrepTest With Explanations* rather than part of the numbered series. After this, no February tests have been released; no reason is given on lsac.org for this.

Meanwhile, over half of the ACT-produced tests—all but two of the tests released between October of 1995 and June of 1999—have quietly gone out of print [*not anymore -- see Update*] and are completely unavailable...that is, unless you're willing to plunk down \$1,000 or more for a Princeton Review or Kaplan course. Both of these companies license all of these tests for their own use, and The Princeton Review's course uses everything released from December 1994 on. (Wisely, they skip test 18.) The books the companies sell to the general public may be outdated, but when it comes to the big spenders, they take things a bit more seriously.

VII.

Once I had put all these pieces together and realized something fishy was going on, it was time to spring into action. My first move was to see whether there was an LSAT I could reach without getting out of bed. This isn't quite as lazy as it sounds—I have a loft bed, into which I bring my keyboard, phone, and monitor—although I admit it's still pretty lazy. Luckily, Test 33, the second-newest test available at the time, was at hand. In the instructions, I quickly found what I was looking for...or, being the only contact information provided, something close enough: "If you find what you believe to be an error or ambiguity in a test question contact LSAC by e-mail: LSATTS@LSAC.ORG."

I sent a brief query e-mail to this address; a few minutes later, it bounced back. I tried again—another bounce. I muttered my way down my ladder and searched my floor for Test 34. Flipping to the same page, I found the same sentence, except that the e-mail address was now LSACTS@LSAC.ORG. Wondering just how tough it would be for them to set up a forwarding e-mail address, I e-mailed my letter to the new address. A few minutes later, it bounced back.

My journalistic bag of tricks exhausted, I decided to just call them up and find out what in the world was going on. Once I made it through their voicemail labyrinth, though, I found that not only do the people working on the administrative side not know anything about ACT's tests, but they're not so surefooted on the administrative side, either:

"Where did you get that e-mail address?" the man on the other end of the phone said, after I had explained the e-mails had bounced.

"Test 34."

"That's an old test."

"Uh, it's the most recent one that's been released..."

"No it isn't. That's test 36."

I wasn't sure how this would excuse the e-mail address not working—what, do they change it with every test as a running gag, like the Dead Milkmen used to do with their pseudonyms?—but I was too distracted by this new mystery. Test 36 is the December 2001 test. It was July 30, 2001, when I made this phone call. LSAC is located in Pennsylvania. There's not even a time zone difference.

"Test 36 is released? How can it be released? It's not even administered for another four months."

"The practice test aren't the real tests. They're just preparatory material."

Elapsed time before I turned into a poor man's Arthur Dent: 55 seconds. "What the hell are you talking about? It says right here, right below this paragraph with the e-mail address that doesn't exist: 'This PrepTest is made up of the scored sections and writing sample from the actual LSAT administered in June 2001.'" I jabbed vigorously at the paper for emphasis, which is the sort of thing I do a lot of when I yell at people on the phone.

No response.

"Do you actually work there?"

No response. I waited for about 15 seconds, until I looked at my phone and noticed that at some point, he had hung up on me. Damn. If I had just kept my cool, I may very well have gotten my hands on two unreleased tests. It certainly would have made my job a lot easier.

VIII.

The next day I called back, got someone else, didn't bother asking them about the address in the instructions, and got this working e-mail for "administrative concerns": lsacinfo@lsac.org. Posing as a prospective LSAT examinee, I then sent the following e-mail, on 8/1/01:

From: Jesse Fuchs
Date: Wed, 01 Aug 2001 19:16:22 -0400
To: lsacinfo@lsac.org
Subject: Tests 19-27?

Hello,

I'm wondering if there is any way to obtain some of the more recent tests for practice, specifically tests 19 through 27. I am confused as to why these are not in print but older tests are, given that certain question types seem to have evolved greatly over the years. I have quickly exhausted 28-33, and am hoping to have more material for review soon.

Are there any plans to bring 19-27 back into print? As far as I am aware, the only way for me to gain access to these tests at the moment is to sign up for a course with Princeton Review or (perhaps) Kaplan. If this is, in fact, true, it strikes me as rather elitist, if not outright discriminatory: I don't want to spend 800 bucks preparing for these tests, but I do want the most current material available. Thank you for your attention to this matter.

Sincerely,
Jesse Fuchs

P.S. Does the "TriplePrep Plus" book come with explanations for all three tests in it?

IX.

From: Lsacinfo
Date: Fri, 3 Aug 2001 12:09:46 -0400
To: "fortawesome@mac.com"
Subject: prep materials

Thank you for your inquiry to LSAC:

Twenty additional tests are available in a combination of the Triple Prep packages #1, 2, and 3, the 10 Official test package and the Official LSAT Prep Test with Explanations. However, we do not have any current plans to re-issue prep tests 19-27.

Please let us know if you have additional questions. You may speak to a representative at 215-968-1001 (select 0 to bypass the automated system) or respond to lsacinfo@lsac.org

Louise Jamieson
Candidate Communications Analyst

X.

From: Jesse Fuchs
Date: Thu, 16 Aug 2001 01:13:55 -0400
Subject: Re: prep materials

Dear LSAC,

Thank you for the information. However, as I alluded to in my original message, the older LSATs are not as an accurate representation as 19-27 of the sort of questions that have appeared on the most recent tests. I assume this is already common knowledge at LSAC, but here's a really, really obvious example: on the Analytical Reasoning section, there are a total of eight games in tests 3-18 (giving about a 50/50 chance of encountering one on any given test) in which the test-taker is asked to either make a map or work with some sort of pre-constructed diagram. In tests 19-33, there are zero. Zilch. Nada. None. My guess is that this is because LSAC's research has determined that these sorts of highly spatial games have a built-in gender bias, but that is neither here nor there; what is important is that this is clearly a major difference. If you want more, just ask. I got a million of 'em.

If LSAC were simply withdrawing these tests from circulation completely, I would not find the act to be in bad faith, just odd and naive. Odd because LSAC just recently collected together 10 tests - if one is going to do a big fat collection that's available at my local Barnes and Noble (which is good, and very much to be applauded), why choose obsolescent tests over the most recent - or, at least, the most recent of which the print run has been exhausted? Naïve because if LSAC believes that taking a test out of circulation affects all candidates equally, it is in cloudcuckooland. Here in the real world, tutors collect these tests, photocopy them, and use them with their generally quite socioeconomically advantaged students. Thus, LSAC's putatively meritocratic organization only helps to exacerbate the chasm in this country between the haves and have-nots, a self-perpetuating gap that, as a group clearly versed in logic and philosophy, LSAC should regard with a repulsion that borders on the visceral.

However, this does not seem to be the case. Evidence that LSAC's well-honed cognitive faculties mysteriously lose their edge when pointed inward comes from a call that I placed not ten minutes ago to the Berkeley office of The Princeton Review. The woman there proudly informed me that they do indeed use real, "licensed" tests #16-29 in their extensive homework supplements, and that, were I willing to fork over the \$1049 for the interminable lectures by confused grad students that are the tome's inevitable ancillary, I would be more than welcome to have them. She admittedly did not ever actually use the word "exclusive", but, by the lengthy hold time that was effected by my question, I am going to assume this was more ignorance than modesty. I am also going to assume that the licensing fees which you most certainly receive from this private, for-profit corporation are not actually legally classifiable as kickbacks, even if they do give off a similar aroma.

In a very real and concrete sense, one of LSAC's social and moral responsibilities as the gatekeeper into a highly important public realm is full transparency, which includes keeping their recent tests in general circulation and making them as accessible to the general test-taking public as possible. By publishing a reasonably priced collection of tests and getting it into mainstream bookstores, LSAC has taken an important (if highly belated) first step. Now, it is time to actually level the playing field. I trust that LSAC, in light of this information, will make the right decision.

Sincerely,
Jesse Fuchs

XI.

From: Lsacinfo
Date: Fri, 24 Aug 2001 15:32:53 -0400
To: "fortawesome@mac.com"
Subject: prep materials

Dear Mr. Fuchs:

I have been informed that PrepTests 19 - 27 are not available this year from LSAC due to our publication cycle. In any given year, we try to make available as single PrepTests 8 to 10 of the most recently disclosed LSATs, including those tests scheduled for the current testing year. Thus, for example, this year we are selling as single PrepTests numbers 28 (June 1999) through 36 (December 2001). Next year, the 1999 tests will probably fall from the list, and be replaced with newer ones. We have plans to publish next year a new "10 tests" book that most likely will start with PrepTest 19. So, the tests that we are not publishing this year will appear in the new "10 tests" book next spring, although they will not be available as single tests.

We do have some copies of PrepTests 19 - 27 still in inventory (although not enough to advertise their availability to the general public). I will be happy to send one of each to you free of charge. Please send me your shipping-address information, and I will get them out to you right away.

Louise Jamieson Candidate Communications Analyst

XII.

From: Jesse Fuchs
Date: Tue, 28 Aug 2001 10:17:50 -0400
To: Lsacinfo
Subject: Re: prep materials

Dear Mr. Fuchs: I have been informed that PrepTests 19 - 27 are not available this year from LSAC due to our publication cycle. In any given year, we try to make available as single PrepTests 8 to 10 of the most recently disclosed LSATs, including those tests scheduled for the current testing year. Thus, for example, this year we are selling as single PrepTests numbers 28 (June 1999) through 36 (December 2001).

Well, for one thing, at the moment those 8-10 tests are actually 6 tests - and that's only because test 34 was just issued. Given that the Princeton Review course has students do 14 full tests (plus another 4 or 5 older ones chopped up as "exercises"), I'd like to see you try to argue that 6 tests could be considered an adequate preparation.

But, even more galling: "due to our publication cycle?" If you're not going to publish the tests (yet you still license them out to for-profit organizations for big bucks...), at least have the guts not to try and make it sound like some celestial force known as the "publication cycle" decreed that the tests can't be published for another year, and that if you violate the "publication cycle" all your crops will fail and pigs will die and whatnot. This sort of use of the passive voice as a dodge is just pathetic. Look, if there's anything I've learned from hanging out with starving cartoonists for the past few years, it's that publication AIN'T THAT HARD, when the desire is there. I mean, your pals at Princeton Review somehow manage to keep up to date, right? The tests are already written, which seems to me, ignoramus that I am, to have been "the hard part". Collecting them together in one big Quark file and sending them off to Quebecor or whatever publisher you use is "the easy part". If this does not fit your "publication cycle", then said cycle is BROKEN and needs to be FIXED,

because it is inadequately serving the needs of the people who are paying nearly 100 bucks a shot to have the course of their lives determined by your test. And where, exactly, is that ludicrous amount of money going, if not towards making sure that people are at least on a level playing ground? One last question: do the people who actually design the test have any say in this "publication cycle"? I imagine not, as they must know far better than I how much the test has evolved over the last decade. You should probably ask them whether they think that book of "10 Actual, Official LSATs" is adequate preparation for the tests they're constructing now. In fact, please send me the e-mail address of the head of the research department, as I would like to ask him this myself.

Next year, the 1999 tests will probably fall from the list, and be replaced with newer ones.

Well, that's just great. I'll get to do a follow-up article, then, especially if you continue to license them to the Princeton Review and Kaplan.

We have plans to publish next year a new "10 tests" book that most likely will start with PrepTest 19.

That's funny, the original e-mail said that there were no plans to re-issue these. Was this decided very recently? In any event, I'm sure the people taking the October, December, and February tests, who are, at this moment, being actively misled by the obsolete tests that you're pawning off on them, will be ecstatic to hear this wonderful news. And if they're not, well, they're clearly not as important as "publication cycle", so who cares?

So, the tests that we are not publishing this year will appear in the new "10 tests" book next spring, although they will not be available as single tests.

That's fine - obviously, the issue is not whether the tests are going to be available in multiple formats, it's whether they're available at all. Which, for at least the next 6 months, they clearly won't be. Thanks for the info.

We do have some copies of PrepTests 19 - 27 still in inventory (although not enough to advertise their availability to the general public). I will be happy to send one of each to you free of charge. Please send me your shipping-address information, and I will get them out to you right away.

Thanks, but no thanks.

Jesse

XIII.

I never heard back from them after that. Two weeks later, I was still waiting for their reply, and then came 9/11, and between my complete lack of motivation and what I'd presume would have been a complete lack of worldwide interest, I never ended up doing anything with any of this until...well, now.

Instead, I kept looking into LSAC, and the more I looked, the worse it got. LSAC isn't much for admitting their mistakes, as another battle I subsequently picked with them demonstrates. But what's more, when somebody does catch them outright, they try to bury their mistakes as deeply as possible. For example, there's a blatant error on Test 32, administered in October 2000. Well, blatant in retrospect; whoever originally found this is far sharper than I, as I had gone over this question a dozen times without noticing anything amiss with it. Can you spot the error?

22. In 1988 the government of Country X began using a new computer program to determine the number of people employed in that country. The program simply tallied the number of paychecks per pay period issued by employers in X, and used that figure as its estimate of employment. The government reported that, compared with the immediately preceding quarter, there was a large increase in the number of people employed for the first quarter for which the program was used. Which one of the following can be properly concluded from the information above, together with the fact that in the first quarter for which the program was used, some employers in X issued separate paychecks for the regular hours an employee worked, for the employee's overtime, and for bonuses and commissions?

(A) The government's estimate of growth in the number of people employed was less accurate after the government began using the new program than it had been before.

(B) The people who designed the new program were unaware of the fact that some workers in X receive more than one paycheck per pay period.

(C) The government had not reported strong growth in the number of people employed for the quarters just before the new program was used.

(D) The government overestimated the total number of people employed in X for the first quarter for which the program was used.

(E) Contrary to the claims of the government of Country X, there was no growth in the number of people employed in X in the first quarter for which the program was used.

I found out that some question on Test 32 was flawed because of a brief story on FairTest, but the story gave neither the question nor what was wrong with it. I looked on www.lsac.org for an explanation; finding nothing, I then e-mailed LSAC (under a pseudonym, given my apparent status as persona non grata) about it. They quickly wrote back:

The question is in PrepTest #32. It is question 22 of Section 4.

[above question shown]

The flaw in the question is that there is no correct answer. The intended answer was (D). However, neither (D) nor any of the other options can be properly concluded from the information in the passage and the question. It can be properly concluded that the government overestimated the number of employees paid by paycheck in X for the first quarter for which the program was used.

However, without information about how many employees in X were paid in some manner other than by a paycheck--such as in cash--it cannot be properly concluded that the government overestimated the total number of people employed in X for the first quarter for which the program was used (option D). If enough employees in Country X were paid without paychecks, the number of employees estimated by the program might be an accurate estimate of the total number of people employed in X, or even an underestimate.

This flaw was not discovered until after PrepTest #32 was published. We are hoping to have it removed once we deplete our current supply.

If you have any questions, please do not hesitate to contact us.

Sincerely,
Joseph Lombardi
Candidate Communications Analyst

My problem with all this isn't with the mistake itself; it's not an egregious error, and the explanation given is accurate. My problem with all this is that, if I didn't consider random Googling on variations on "LSAT errors" a fun way to spend an evening, I never would have found about it at all. Not only is there not anything about this flawed question on their website, but, as of February of 2002, LSAC doesn't even bother to include an errata slip with the copies of Test 32 that they themselves sell on their website. I should know—I wasted 8 dollars on a copy, solely to see if they were providing any indication that they were selling flawed practice materials. If anyone from LSAC is reading this, this is my message to you. Firstly, you failed the test. More importantly, I want my 8 dollars back.

XIV.

Possibly LSAC's least excusable failing is that, just like Peterson's and all the rest, it hasn't bothered to revise their official instructions in over a decade. Here's an excerpt from the instructions on the June 1991 LSAT:

In reading the conditions, do not introduce unwarranted assumptions. For instance, in a set establishing relationships of height and weight among the members of a team, do not assume that a person who is taller than another person must weigh more than that person. All the information needed to answer each question is provided in the passage and the question itself...In preparing for the test, you may wish to experiment with different types of diagrams. For a spatial relationship problem, a simple map can be a useful device.

On the June 2001 test, the text is exactly the same—except tacked on the end is this one flickering little candle of insight: “For a scheduling problem, a calendar-like diagram may be helpful.” Yes. Yes, it may.

Besides being a drastic understatement—I imagine there's the stray eidetic freak here and there, but I've never met anyone capable of acing the Games section whose booklet doesn't wind up looking like Guy Pearce in *Memento*, for more or less the same reason that Guy Pearce looked like that in *Memento*—this advice is so outdated that it does more harm than good. There hasn't been a game that resembles the height/weight example since the test was redesigned in 1991, and, as I've already pointed out, I haven't found a "simple map" to be any sort of "useful device" on this test since ACT took over—whereas my approach to over 80% of the games of the last five years has been centered around a "calendar-like diagram."

This sloth extends well past the test itself. In the 2001-2002 LSAT Registration & Information Book, every Games example presented is either outrageously easy, completely irrelevant, or, as in the case of the opening explanation, both:

They [the games] simulate the kinds of detailed analyses of relationships that a law student must perform in solving legal problems. For example, a passage might describe four diplomats sitting around a table, following certain rules of protocol as to who can sit where.

Okay, it *might*, in the same sense that I *might* actually be a space alien who crash-landed on this planet as an infant and was subsequently adopted by kindly humans who are planning to tell me of my true origin on my 30th birthday. I mean, I haven't yet been able to rule it out. But I'd venture to say that this explanation isn't just from before ACT, but from the 1980s—back when, instead of the section having four games with 5-7 questions each, it had 6 or 7 games, each with only 3 or 4 questions. Even in 1991, the last time a circular arrangement game appeared on the LSAT, a game with only four elements would have been laughed right off the test.

The examples of "common relationships" given directly afterwards are most likely from the 1980s as well. The first example, of a basic scheduling game, also contains only four elements. The final example is, of course, a spatial one: "A certain country contains six cities and each city is connected to at least one other city by a system of roads, some of which are one-way." Having this on here at all is ludicrous; calling it "common" is a downright lie.

It keeps going like this for a while. They repeat the useless height/weight and "a simple map..." examples from the LSAT instructions, and then give some sample questions—which, they assure the reader, "are typical of the analytical reasoning problems you will find on the LSAT." The first one goes a little something like this:

An island has exactly seven villages—S, T, U, V, X, Y, and Z—and three roads—Routes 1, 2, and 3. The following is a complete listing of the road connections on the island:

Route 1 has its ends at S and U, and passes through T only. Route 2 has its ends at T and U, and passes through V only. Route 3 has its ends at X and Z, and passes through Y only.

And so on and so forth. To explain the sample question, they even draw a couple of little maps. How helpful. After this comes a "choosing elements from a group" game: in this case, however, there are only five elements, which is so elementary that giving it as a sample question is as helpful as giving someone in an on-deck circle a Wiffle bat. Then comes a "seven things, seven slots" game, which is on the easy side but is otherwise fine: apparently, this is such the Platonic Ideal of "Game" that it's remained unchanged since I was a tot. Then comes another, weirder, map game, which finally caused me to just throw the book across the room. This is crap, plain and simple, and it's class war too: while students taking Princeton Review and Kaplan courses are having this year's test explained to them, the people unfortunate enough to trust LSAC are getting suckered into sucking, and are then led to think it's their own fault.

XV.

As I said earlier, I decided to focus on the Games section, as the changes there are the most obvious and easiest to explain. But the Arguments presented in the 2001-2002 LSAT Registration and Information Book are just as outdated, and there's one whose irrelevance is so obvious that I can't resist. Again, the soothing boilerplate provides the set-up for the punchline: "The sample questions on the following pages are typical of the logical reasoning questions you will find on the LSAT." The first few questions are okay—way easy compared to what you'd see on the current test, but not obviously inapplicable. Then you hit this:

Question 7:

Situation: In the island nation of Bezun, the government taxes gasoline heavily in order to induce people not to drive. It uses the revenues from the gasoline tax to subsidize electricity in order to reduce prices charged for electricity.

Analysis: The greater the success achieved in meeting the first of these objectives, the less will be the success achieved in meeting the second.

The analysis provided for the situation above would be most appropriate in which one of the following situations?

(A) A library charges a late fee in order to induce borrowers to return books promptly. The library uses revenue from the late fee to send reminders to tardy borrowers.

(B) A mail-order store imposes a stiff surcharge for overnight delivery in order to limit use of this option. The store uses revenue from the surcharge to pay the extra expenses it incurs for providing the overnight delivery service.

(C) The park management charges an admission fee so that a park's users will contribute to the park's upkeep. In order to keep admission fees low, the management does not finance any new projects from them.

(D) A restaurant adds a service charge in order to spare customers the trouble of individual tips. The service charge is then shared among the restaurant's workers in order to augment their low hourly wages.

(E) The highway administration charges a toll for crossing a bridge in order to get motorists to use other routes. It uses the revenue from that toll to generate a reserve fund in order to be able one day to build a new bridge.

Typical? Typical my ass. These days, this would be known as a "Parallel the Reasoning" question, but ACT never explicitly provides the parallel for you in the form of an "Analysis," and I dare LSAC to find me a single argument from the last five years of tests that shows otherwise. I think you would have to agree that, without the Analysis, this argument would be much harder than it already is. (The answer is E, which, according to LSAC, 33% of examinees picked.) Giving this argument as a sample question is so misleading that, if there were any actual intent behind its inclusion, it would be sadistic.

XVI.

Robert Benchley once said there are two types of people in the world: those who divide people into two types, and those who don't. I'm in the first group, and here's one dichotomy I particularly like: there are Conspiracy Theorists, and then there are Chaos Theorists. In other words, there are those who, by dint of temperament, view the most common impetus for wrongdoing to be Evil, and there are those of us who believe it to be Dumbness.

Of course, like all such divisions, none but an utter maroon would stick to one pole or the other; it's not like I think 9/11 was caused by joyriding gone awry, or that the heads of Enron accidentally ended walking away with millions while leaving their company and employees bankrupt. But in general, when something goes wrong, my first instinct is not to think of Monty Burns, but of Homer Simpson—of events once again progressing in Ouija-like fashion towards a seemingly inexorable but retrospectively quite preventable conclusion, due to the fact that, well, people can be kinda lazy and kinda dumb.

And so it goes with LSAC. I see no evidence that they planned on taking all these tests out of print so that they could give Kaplan's and Princeton Review's courses exclusive availability and thus make oodles of money off of licensing fees—it just kinda sorta worked out that way. In their defense, they have put Test 20 up on their website as a sample test (though this immediately begs the question of why they didn't just put the rest of the out-of-print tests up as pdf files, which would cost them virtually nothing) and, given that they sell the tests for 8 bucks a pop themselves, I doubt they're making that much more off of licensing them...although I would certainly be curious to see the numbers. This month [*actually, it didn't come out until April 2002.*] they're even finally re-issuing all of the out-of-print tests in another nice big book, which should put everything developed by ACT back in print—at least until the stocks of the newer tests run out, at which point the Divine Mysteries of the Publication Cycle will presumably assert themselves anew.

In my e-mails, you can see that I was working under the false impression that the company I was e-mailing has anything to do with the contents of the LSAT, or that the people who develop the LSAT have any say whatsoever over how it's then administered, published, and distributed. It's got to be pretty depressing to work at ACT. Like The College Board and ETS, it probably signed up to be LSAC's partner but has clearly wound up its prison bitch. I speak, of course, in metaphor. But that's the only reasonable explanation I can come up with: I find it impossible to believe that anyone possessed of the analytic skills necessary to assemble this test would think that people who study with another company's tests from almost a decade ago are competing on a level ground with those wealthy enough to afford access to ACT's own tests. You would hope they would have more pride in their work, but I don't know the full situation. And there's no use in expecting LSAC to figure it out on their own; from all available evidence, they have the brains of a hamster and the soul of a widget factory. For all the understanding they evince of their product, they may as well be selling cat leashes.

After I discovered this schismatic relationship, my working assumption has been that this is all a matter of incompetence as opposed to malicious intent. It should be noted, however, that this state of affairs certainly does nothing to hurt LSAC's aura of authority—in fact, it adds greatly to the test's cold, intimidating mystique. I understand the desire to keep the LSAT somewhat unpredictable, because that's what makes it something that has to be beaten through developed skill, rather than rote memorization. I agree with that goal. I just don't think that giving anyone who can't afford a \$1000 course false information is a good way to achieve it.

But I'm an optimist, so I'll give them the benefit of the doubt and keep assuming that they're just a bunch of lazy incompetents until I find hard evidence otherwise. In fact, I'm such an optimist that I'll even bet that they'll soon manage to severely cut down on their lazy incompetence, once they realize that people are actually paying attention. Why don't you do me a favor and let them know that people are actually paying attention.

XVII. (Update as of 2/14/01)

This article was, as noted, completed almost exactly one year ago; what happened between then and now to prevent it from being read is such an ironic muddle of ineptitude and laziness on my own part as to not being worth going into. It wouldn't have made a huge difference, anyway; although it was delayed for a few more months, LSAC did eventually release 10 of the newer ACT-written tests in the form of *10 More Actual, Official LSAT PrepTests*. This doesn't completely fix the situation, as the outdated *10 Actual, Official LSAT PrepTests* is still in print -- disturbingly, the older book is actually the better seller.

My advice to anyone taking the LSAT would be to pick up the following, in order of decreasing importance: **Tests 35-39** (the most recent tests, thus the most important to look at), *The Official LSAT PrepTest with Explanations* (decent explanations of arguments and reading comp, though the games are half-useless and the test itself is over 5 years old), *10 More Actual, Official LSAT PrepTests* (best value for your dollar, and new enough to be useful,) and, if you really need more or have cash to burn, **Tests 29-34**. And don't buy anything from before test 19 — although the degree to which it differs from ACT's work is debatable, it really shouldn't be necessary for anyone to take more than the twenty most recent tests. If you really do want to go whole hog, I'd still say that you'd be better off doing the ten newest tests twice than doing the LSAS-written tests once.

As for the prep books, I plan to follow up on that in the next few weeks — many of them have new editions, or at least new covers, and I still haven't checked out The Princeton Review's book. But I can tell you that, as of today, LSAC's most recent LSAT & LSDAS Registration and Information Book is just as outdated in its tips as ever. The book only goes up to the recently administered February test date, though, which means that they're probably in the process of assembling the newest edition as I write this. So I ask you again to e-mail LSAC today (at lsacinfo@lsac.org) and express your concern over these outdated tips in particular, as it could make the difference between a up-to-date official guide and another year of misinformation.