

## Deans take issue with law school rankings

By **DOUG SHERWIN**, The Daily Transcript  
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It's a day on the calendar that most law school deans dread: the release of *U.S. News & World Report's* annual list of the best graduate schools.

A lot rides on the publication's yearly rankings, including where students choose to go, what kind of faculty a school can attract and how a school's resources are spent.

The stakes make it all the more infuriating for many legal educators, who say the rankings' methodology is flawed.

"The whole premise on which the rankings are based -- that there's an ideal law school, and you can measure how closely any school is to that ideal -- is wrong," said Niels Schaumann, dean of California Western School of Law.

"The rankings are best equated with name recognition and not necessarily with what institution best prepares its graduates for practice."



Niels Schaumann, dean of California Western School of Law

The deans of all 21 of California's ABA-approved law schools signed a letter to *U.S. News*, criticizing the magazine for how its rankings are determined, and in particular the way employment statistics are used.

Placement success, which accounts for 20 percent of the rankings, is largely determined by employment within nine months of graduation. And graduates receive full weight only for landing a full-time job where bar passage is required or a J.D. degree is an advantage.

That means executive jobs at software companies or financial institutions wouldn't be counted.

The rankings also don't take into account a region's unemployment rate, which could explain why certain schools' graduates have troubling getting jobs.

"In the last three years, not a single California law school has risen in the rankings," said Stephen Ferruolo, dean of the University of San Diego School of Law. "Four were flat and the rest went down, many by double digits."



Stephen Ferruolo, dean of the University of San Diego School of Law

Quality assessment accounts for the largest portion of the rankings at 40 percent -- 25 percent from ratings by peers in the academic community and 15 percent from attorneys and judges in the profession.

California Western's Schaumann said the attorneys contacted for the survey don't necessarily have a working knowledge of regional or national law schools, and they aren't necessarily the people in charge of hiring -- those attorneys who would be the best qualified to evaluate a school's education.

*U.S. News'* surveys also have had notoriously low response rates, calling into question the thoroughness of its results.

"The return on the survey from people in the profession is so low, they had to add two years of surveys among practitioners and judges in order to get a number they're comfortable with," said Tom Guernsey, dean of Thomas Jefferson School of Law.

He said the surveys just tend to parrot the previous year's rankings, and once a school's reputation is established it's "virtually impossible to change over the years."



Tom Guernsey, dean of  
Thomas Jefferson School of  
Law

Schools with national brands such as Yale, Harvard and Stanford continually get high marks while smaller, regional schools -- that don't enjoy the same name association -- never make it high in the rankings, preventing them from developing a national following, resulting in a self-perpetuating cycle of lower rankings.

"Talent is hard to measure; pedigree is easy to determine," Schaumann said. "The public loves rankings because it makes a complicated decision seemingly easy. It is appealing."

In a small improvement, this year, for the first time, all the respondent names used in the lawyer and judge survey were provided to *U.S. News* by the law schools themselves.

Schaumann said the magazine should reach out only to employers who have a history of hiring recent law school grads and judges who hire law clerks.

He said, as they are construed, the rankings discourage innovation and creativity. They penalize law schools, in a sense, for taking risks in its curriculum to better the educational offerings.

"(The rankings have) created this very homogenized environment," Schaumann said. "You can't pursue individual missions because you have to emulate, in effect, Yale."

Yale is the top-ranked law school in 2015 rankings and has consistently ranked near the top.

USD's Ferruolo said diversity is notably absent from the ranking's formula. And he said the list's emphasis on LSAT scores and grade-point average also is harmful to diversity.

"We know that those measures are biased against under-represented minorities," he said.

Median LSAT scores account for 12.5 percent of a school's ranking and median undergrad GPA accounts for 10 percent.

The effect of focusing on test scores and school grades means law schools will do anything to raise their median LSAT and GPA, including giving out financial aid based on merit rather than need and rejecting perfectly qualified candidates whose scores aren't high enough.

The schools that reject candidates still need the tuition money, so they accept them as transfers the following year (when LSAT and GPA numbers aren't reported) or poach them from other schools, TJSL's Guernsey said.

The rankings also incorporate how much a school spends on a student. This causes schools to raise tuition to generate revenue, pricing some students out of the market and unfairly affecting minorities even more.

"It decreases accessibility to education for people we most need in the legal community," Ferruolo said.

The rankings take into account factors that may not have anything to do with the quality of a school's programs. Simply partnering with a university can boost a law school's standing.

The Detroit College of Law and Franklin Pierce Law Center both jumped in the rankings after becoming affiliated with Michigan State University and the University of New Hampshire, respectively.

"The attachment to a university means the quality has improved, yet nothing may have changed," Guernsey said.

Many doubt whether the rankings can be fixed and some even question whether *U.S. News* is interested in making changes.

"If you really want good data not tainted by name recognition or similar bias, you have to go out and talk to people, and that costs money," Schaumann said.

The rankings have had an influence on students' decisions about where to go to school and faculty members' choice on where to accept a job. But that is beginning to change, TJSL's Guernsey said, as the economy forces students and staff to be more sophisticated.

Law schools, which have less and less money to spend on resources not directly related to education, are beginning to put less emphasis on the rankings.

"Schools are starting to realize we can't afford to play the game anymore," Guernsey said. "I've heard some describe it as a nuclear arms race. It keeps building and building until it ends up bankrupting everybody."

Law schools need to focus on their educational goals, the local deans said.

"My view is you need to stay focused on a high quality of legal education, a diverse student body, strong faculty and training students for the jobs that are out there," USD's Ferruolo said.

"The good news is, as far as employers concerned, the rankings are meaningless. People judge the law school by the reputation of our alumni."