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Report of the Special Committee on the U.S. News and World Report Rankings
Section on Legal Education and Admissions to the Bar

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On February 17, 2010, ABA President Carolyn Lamm asked the Section of Legal Education and Admissions to the Bar to examine rankings of law schools. She did so to follow through on a Resolution of the ABA House of Delegates that the ABA “examine any efforts to publish national, state, territorial, and local rankings of law firms and law schools.” American law schools have many years of experience with rankings, and the Section on Legal Education and Admissions to the Bar, under chair Jerome C. Hafter, has endeavored to help the ABA leadership and the House of Delegates to benefit from that experience – particularly as that experience may predict how new rankings might affect law firms and the legal profession. To that end, Mr. Hafter appointed this special committee of members of the Council of the Section to report on the history and impact of rankings of American law schools.

The special committee has met on several occasions, in person and by conference call. We commissioned a professional law librarian, Dorie Bertram of the Washington University School of Law, to prepare a comprehensive annotated bibliography on the ranking of law schools. We attach a copy of that extensive bibliography to this report to assist the ABA in considering this subject. As a review of that document shows, there is now a wide array of rankings of law schools in the United States. Each rankings scheme employs idiosyncratic criteria and methodology to compare law schools. No law school performs at the top or bottom of all rankings schemes. Nevertheless, the scholarship indicates that the U.S. News and World Report’s annual ranking of law schools overwhelmingly dominates the public discourse on how law schools compare to one another. As a result, U.S. News rankings have assumed ever increasing importance to any law school that wishes to attract students and faculty and to retain support from alumni and university leaders. The criteria U.S. News uses for rankings now has a powerful influence over the management and design of American legal education.

That influence is not entirely benign, as is indicated in the scholarship. Popular rankings schemes can be helpful to potential and current law students and the public to the extent they usefully convey accurate information about law schools. But the most thorough and accurate

information about law schools comes from the American Bar Association itself. The ABA Section on Legal Education and Admissions to the Bar compiles exhaustive information on every law school each year through annual questionnaires and site evaluation questionnaires, and makes this information available to the public in an array of formats. These include the annual ABA-LSAC Guide to ABA-Approved Law Schools (produced in cooperation with the Law School Admission Council) and on-line, accessible versions of the guide and the data it contains. LSAC & ABA Sec. of Legal Educ. and Admissions to the Bar, *ABA-LSAC Official Guide to ABA-Approved Law Schools* (2011 ed. 2010) available at <http://officialguide.lsac.org/>. These resources enable individuals to compare law schools in many ways, including based on interests in particular programs, strengths, faculty and student characteristics, cost, location, and other factors that no single rankings scheme can capture.

The U.S. News rankings are based on a methodology that emphasizes a small number of factors in order to rank all American law schools. Attached to this report is a spreadsheet, prepared by professional law librarian Hyla Bondareff, showing how the U.S. News rankings factors have evolved since 1990. The current methodology heavily emphasizes the following: the median LSAT score of entering J.D. students; the median undergraduate grade point average (UGPA) of entering J.D. students; student/faculty ratio; dollar expenditure per student; reputation ratings of law schools determined through surveys of academics and legal practitioners; and placement data. As noted in the bibliography, every aspect of the U.S. News methodology has been subject to detailed analysis and criticism by scholars. U.S. News pays close attention to writing about the rankings, and periodically revises the methodology in response to criticism and to indications that law schools are “gaming” the rankings (for example, where schools fail to report data on employment nine months after graduation if schools know U.S. News will assign a higher number).

There are many concerns about the U.S. News rankings. Many in legal education and the legal profession believe that law students have chosen law schools based upon U.S. News rankings rather than upon a nuanced understanding of differences among particular schools, and as a result have not attended the best school for the student, but rather the best school as ranked by U.S. News. Partly for this reason, deans and legal education organizations have long urged prospective students to look beyond the rankings at more appropriate criteria for comparing law schools. *Law School Deans Speak Out About Rankings: A Message to Law School Applicants*, LSAC (Apr. 2005), <http://web.archive.org/web/20060209215746/http://www.lsac.org/pdfs/2005-2006/RANKING2005-newer.pdf>; letter from Raquel Aldana & Steven Bender, Co-Presidents, Society of Am. Law Teachers (Mar. 15, 2010), available at <http://www.saltlaw.org/userfiles/3-15-10SALTCommentsABADiversity.pdf>; and *Statement Regarding Law School Rankings*, AALS, http://www.aals.org/about_handbook_sgp_ran.php.

Despite these frequent calls across the spectrum of legal education, the public has continued to rely heavily upon U.S. News rankings in comparing – and making decisions about –

American law schools. The result has been to change decision-making within American legal education. There is rich history in the American legal profession of debate and dialogue about what constitutes quality in legal education. In the last two decades, both within the academy and outside it, that discussion has increasingly come to be constrained and at times driven by the need to preserve and improve a school's rankings in U.S. News. This has been true even when the U.S. News rankings methodology is at cross purposes with a school's mission or aspirations.

Of the adverse effects of U.S. News rankings on law students identified by the scholarship, three are of greatest concern to this committee:

- 1. The current methodology tends to increase the costs of legal education for students.** As a recent study by the United States Government Accountability Office has suggested, the U.S. News methodology arguably punishes a school that provides a high quality education at an affordable cost. Because low-cost law schools report a lower expenditure per student than higher cost schools, it is difficult for low tuition schools to top the rankings. A school that works hard to hold down costs may indeed find itself falling in the rankings relative to a peer that increases tuition above the rate of inflation each year. U.S. Gov't Accountability Office, GAO-10-20, *Higher Education: Issues Related to Law School Cost and Access* (Oct. 2009).
- 2. The current methodology tends to discourage the award of financial aid based upon need.** Because median LSAT score and median UGPA are so important to the current rankings, law schools have largely abandoned other measures of merit or need in awarding financial aid. This can have the effect of shifting financial aid to those students with LSAT scores that will assist a school in achieving its target median for rankings purposes. The result is that students with the greatest financial need often are relegated to heavy borrowing to attend law school.
- 3. The current methodology tends to reduce incentives to enhance the diversity of the legal profession.** U.S. News annually ranks law schools by student racial diversity only, and this is done in a separate ranking, but U.S. News does not incorporate this data in the main rankings methodology. Because diversity (whether racial, economic, religious, or other) is not a factor in the rankings, the promotion of diversity of the legal profession can take a back seat in law school admissions management to the promotion of a high median LSAT and UGPA. In fact, because the U.S. News ranking is based on median of an entire class, it should not in theory prevent significant diversification of the entering class even where many diverse applicants fall below the medians. Since almost half of every class by definition falls below the median, schools retain ample room for promoting diversity. Nevertheless, there is a widespread perception in legal education that the overriding importance of the U.S. News metric has tended to drive other measures of quality and mission to be down-played, and that racial diversity has been one

of the casualties. Because of the effects of rankings on cost of tuition and need-based financial aid, another casualty may well be diversity of family economic background, as students from poorer families face increased challenges in paying for law school.

These three adverse tendencies of the U.S. News rankings methodology have been widely known and discussed for many years, and have motivated extensive reform efforts by numerous individuals, groups, and organizations. These efforts have included, as the bibliography shows, campaigns attempting to persuade U.S. News to change the methodology, to persuade the public to reduce reliance on rankings, and to persuade law schools and organizations to refuse to cooperate with rankings by various means. While some of these efforts have produced minor changes or reforms at the margins, in our view none of them have been totally effective. We believe that, for better or worse, U.S. News rankings will continue for the foreseeable future to dominate public perceptions of how law schools compare, and that there is relatively little that leaders in legal education can do to change that in the short term.

This is not to belittle the importance of constant vigilance seeking to reform the rankings and to call attention to their adverse effects. It is our hope that various rankings methodologies might someday recognize the diverse missions of American law schools and employ factors that create incentives in keeping with the interests of law students, the legal profession, and the public. But once a single rankings system comes to dominate a particular field, it is very difficult to displace, difficult to change, and dangerous to underestimate the importance of its methodology to any school or firm that operates in that field. This, we believe, is the most important lesson from the law school experience for those law firms who may be ranked by U.S. News in the future.

Annotated Bibliography: Ranking of Law Schools by *U.S. News & World Report*¹

DORIE BERTRAM²

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¹ This study was commissioned as part of the work of the ABA Section on Legal Education and Admissions to the Bar, Special Committee on the *U.S. News and World Report* Rankings. SPECIAL COMM. ON THE U.S. NEWS AND WORLD REPORT RANKINGS, ABA SEC. ON LEGAL EDUC. AND ADMISSIONS TO THE BAR, REPORT (July 15, 2010).

² Director of Public Services and Lecturer in Law, Washington University Law Library. Thanks to many. Thanks to Dean Kent Syverud for his support and guidance on this project. A special thank you to Hyla Bondareff, who did the substantial project of compiling a comprehensive list of changes to *U.S. News* methodology from 1987 to the “2011 Edition.” Additional thanks to: Phil Berwick and Mark Kloempken who assisted with an early version of this work; Rebecca Brown, Mark Kloempken, Tove Klovning, Judy Stark, and Anne Cleëster Taylor who provided research and Bluebooking assistance; and Kathie Molyneaux who assisted with document delivery and the collating of research materials.

INTRODUCTION

Scope of This Bibliography

This Bibliography is in support of the work of the American Bar Association's Section of Legal Education and Admissions to the Bar, Special Committee to Examine *U.S. News & World Report* Rankings. The charge to the committee is to "...examine the *U.S. News* law school rankings, including findings about the ranking system developed by other groups, and the academic literature on the subject."

This work covers selected publications and documents available as of June 8, 2010. They represent major works in the journal literature, as well as selected organization committee reports and letters; working papers found in academic repositories; newspaper and magazine articles; and blog posts. Unpublished conference papers are not included.

While the focus of this report is to examine the *U.S. News & World Report* rankings of law schools, it is informative to note the wide variety of other rankings that have developed since *U.S. News*. A list of these rankings and sources of information for students are included in the "History" section below. For better or worse, *U.S. News* is the most prominent and widely used ranking by the public.

Trends in the Literature

The vast majority of the literature addressing law school rankings concerns the *U.S. News* rankings. With a few significant exceptions, opinions of these rankings are negative. The critics question the validity of the ranking methodology and whether the rankings mislead or are useful to the various constituencies that use them. Most of this literature includes suggestions for improvements on the *U.S. News* methodology and/or alternative methodologies. The academic critics often include methodology for alternative proposed systems and apply it to one or more year's worth of data. Other critics limit their focus to the effect rankings have on the operations of law schools (admissions practices, funding priorities, faculty hiring and scheduling), faculty scholarship, and applicant choice of school.

The literature taking a positive view of the rankings suggests that although imperfect, rankings are a useful tool for students and they serve a useful function in holding schools accountable.

Types of Literature Commenting on the Rankings

In addition to traditionally published sources (e.g., law journals, newspapers, magazines) there is a growing trend to self publish about law school rankings on blogs and/or websites. While there is no editorial control of these sources, some produce work of substance and selected sites that do so are included here. These include:

- Postings by Tom W. Bell on the blog, *Agoraphilia*. Bell is a professor at Chapman University School of Law specializing in Intellectual Property and Internet law. Bell has blogged extensively about *U.S. News* rankings. I include selected writings about the mechanics of *U.S. News* methodology.
- *Brian Leiter's Law School Reports*. Brian Leiter is the John P. Wilson Professor of Law and Director, Center for Law, Philosophy, and Human Values at the University of Chicago Law School.
- Robert Morse, of *U.S. News'* blog, *The Morse Code, Inside the College Rankings*. Robert Morse is data research director at *U.S. News*.
- *Above the Law*. This blog provides news and gossip about the legal profession, including about the rankings and their aftermath at particular schools.

Another source of nontraditional publishing is online repositories for scholarly working papers. Prominent in the field of law is the Legal Scholarship Network, part of the Social Science Research Network (SSRN). Some papers from SSRN are included here.

Organization of This Bibliography

A brief history of rankings provides background and puts today's debate in context. A review of the history of college rankings is followed by a look at law school rankings. Following the history is the bulk of this report, the annotated bibliography, presented by subject. Many of the articles could easily have come under more than one subject. Most of the subjects are self-explanatory although a few require brief comment.

- Alternative rankings are only included in the bibliography when they are a part of a critique or study (for a list of selected alternatives, see the history section of the introduction).
- Critique Positive/Neutral includes the few positive views of the rankings as well as some articles that do not fall under any other category.

Finally, there is a section of publications sorted by author. It does not

include annotations, but provides cross references to the titles' placement in the subject scheme.

HISTORY OF RANKINGS

College and University Rankings

Rating, ranking, and sorting of academic institutions has a long history in the United States. Functionally, there are several forms of ranking. The first distinction is whether a ranking is objective or subjective. Objective rankings use factors that are easily measurable (e.g., faculty to student ratio). Subjective rankings (e.g., reputational surveys) are less easily measured. Also frequently at issue is whether schools are evaluated and ranked by just one variable (e.g., faculty/student ratio) or by many variables used to calculate a composite score. Methods for ranking based on composite scores involve assigning a score to each variable, then assigning a weight to each variable. Rankings based on composite scores are more controversial, with the controversy usually turning on how the investigator assigns the weights, whether the weights are arbitrary, and whether the factors used are valid (i.e., do they measure the quality that the ranking purports to convey?).

Another area of concern is the means by which rankings are presented. They can “stratify [the schools]...into groups or classes...”³ or simply present them in numbered order based on their score. The advantage to stratifying the results is that schools between which there is very little difference present at the same level. When given a numerical rank, one school may appear significantly “better” or “worse” than another when in actuality there is only a small difference in the underlying scores and the rank does not reflect any substantive difference in quality of education.

Webster identifies the first known classification of academic institutions, a draft study by Kendrick Charles Babcock of the U.S. Bureau of Education entitled, *A Classification of Universities and Colleges with Reference to Bachelor's Degrees* (Washington, D.C., 1911).⁴ This work was not without controversy. The draft was inadvertently leaked before publication and caused such controversy that, under great political pressure from the academic community, President William Howard Taft issued an Executive Order banning distribution of the document.⁵ President Woodrow Wilson failed to rescind Taft's Executive Order.⁶

³ David S. Webster, *The Bureau of Education's Suppressed Rating of Colleges, 1911-1912*, 24 HIST. OF EDUC. Q. 499, 499 (1984).

⁴ *Id.* at 511, n.25.

⁵ *Id.* at 507.

⁶ *Id.*

Other early rankings were done mainly for an audience of administrators. Later, rankings geared toward a student audience were published. *U.S. News* began ranking colleges in 1983.

Law School Rankings Before U.S. News

Scott Van Alstyne cites Alfred Z. Reed⁷ as identifying factors of law school quality in 1921 “...that [could] be considered to be part of a qualitative ranking process.”⁸ Reed did not use them to compose a ranking or grouping. Van Alstyne identifies the first ranking of law schools as a top ten list published as part of a series of articles in the *Chicago Sunday Tribune*.⁹ The *Tribune*’s study used a number of factors including the number of a school’s faculty and graduates listed in *Who’s Who in America*, and comparisons of admissions standards and curricular offerings.¹⁰ Other early rankings and classifications were published in magazines (*Town and Country* in 1979¹¹; *Juris Doctor* in 1976¹²) and in the *Gourman Report* (widely criticized for not fully disclosing methodology).¹³

The rankings of law reviews are currently used as a measure of faculty productivity and often as a proxy for law school quality. There is also a long history of ranking law reviews by various means. Especially interesting is a 1967 work that combined citation study data with other factors such as LSAT scores and reputational survey results.¹⁴ There is also a history of citation studies of scholarly legal publications in the library literature.

U.S. News Ranking of Law Schools

Although *U.S. News* first ranked law schools in 1987, law schools were not ranked regularly until *U.S. News* began their annual graduate school rankings in 1990. At first, *U.S. News* only ranked what they determined to

⁷ Scott Van Alstyne, *Ranking the Law Schools: The Reality of Illusion?*, 1982 AM. B. FOUND. RES. J. 649, 651, n.4 (1982).

⁸ *Id.* at 652, n. 9, citing ALFRED Z. REED, TRAINING FOR THE PUBLIC PROFESSION OF THE LAW (1921).

⁹ *Id.* at 653, n.14. The study, under the by-line of Chesly Manley, appeared in the *Chicago Sunday Tribune* on seven consecutive Sundays. Chesly Manley, *Greatest Schools in Nation*, CHI. SUNDAY TRIB., Apr. 21-June 2, 1957.

¹⁰ *Id.* at 653.

¹¹ *Id.* at 657.

¹² *Id.* at 658.

¹³ *Id.* at 655.

¹⁴ Olavi Maru, *Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. RES. J. 227, 229, n.11 (1976), citing Lowell J Noteboom & Timothy B Walker, *The Law Review - Is It Meeting the Needs of the Legal Community?*, 44 DENV. L.J. 462 (1967).

be the top twenty-five schools.¹⁵ Over time, they added schools until all accredited law schools were included.¹⁶ Hyla Bondareff has compiled a detailed history of changes to the *U.S. News* methodology for ranking law schools.¹⁷

It is interesting to note dental schools' successful effort of to stay out of the *U.S. News* rankings by boycotting the first questionnaire.¹⁸

Law After U.S. News

The annotations in this bibliography will show the wide variety of responses to the *U.S. News* rankings and their effects on the enterprise of legal education. While rankings for public consumption have proliferated since the advent of the *U.S. News*, none have eclipsed *U.S. News* in attention, influence and impact. At least one alternative ranking uses the composite method (e.g. the widely criticized *Judging the Law Schools*, by Thomas M. Cooley School of Law founding dean Thomas E. Brennan). Others rank by a single variable (e.g. rankings of law journals, faculty scholarly performance). Alternative rankings sources include:

THE PRINCETON REVIEW, THE BEST ... LAW SCHOOLS (Eric Owens et al. eds., 2010 ed. 2010).

In addition to advice to students, provides individual "Law School Descriptive Files." Ranks top ten schools by single factors of interest to students (e.g., top ten "Toughest to Get Into," "Best Professors," and "Best Quality of Life"). Rankings are based on statistical information and a survey of law students.¹⁹

LSAC & ABA SEC. OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS (2011)

¹⁵ David Yamada, *Same Old, Same Old: Law School Rankings and the Affirmation of Hierarchy*, 31 SUFFOLK U. L. REV. 249, 252 (1997).

¹⁶ From 1990-1991, *U.S. News* ranked only the "Top 25." *The Best Professional Schools in America*, U.S. NEWS & WORLD REPORT, Mar. 19, 1990, at 46, 59; *Top 25 Law Schools*, U.S. NEWS & WORLD REPORT, Apr. 29, 1991, at 74. From 1992-1993, *U.S. News* ranked the "Top 25" and divided "the Rest" of the remaining 150 accredited law schools into quartiles. *Best Graduate Schools*, U.S. NEWS & WORLD REPORT, Mar. 23, 1992, at 78-80; Mar. 22, 1993, at 62-64. The 1994 Rankings initiated the "Top 25," "The Second Tier," (composed of ranks 26 to 50), and the "Rest of the Rankings" (dividing the remainder into third, fourth and fifth tiers). U.S. NEWS & WORLD REPORT, Mar. 21, 1994, at 72-74. From Arthur Austin, *The Postmodern Buzz in Law School Rankings*, 27 VT. L. REV. 49 (2002).

¹⁷ SPECIAL COMM. ON THE U.S. NEWS AND WORLD REPORT RANKINGS, ABA SECTION ON LEGAL EDUC. AND ADMISSIONS TO THE BAR, REPORT, app. at 1 (July 15, 2010).

¹⁸ Mary Geraghty, *'U.S. News' Alters Its Rankings of Law Schools after Finding Numerous Errors*, CHRON. OF HIGHER EDUC., Mar. 14, 1997, at A38.

¹⁹ THE PRINCETON REVIEW, THE BEST ... LAW SCHOOLS 53 (Eric Owens et al. eds., 2010 ed. 2010).

ed. 2010), available at <http://officialguide.lsac.org/>.

Provides descriptive and statistical information for law schools. Does not rank or stratify the schools.

Brian Leiter, BRIAN LEITER'S LAW SCHOOL RANKINGS, <http://www.leiterrankings.com/> (last visited July 15, 2010).

Explains limits to the *U.S. News* rankings. Computes a variety of single-factor rankings. Does not calculate any composite rankings. Examples of Leiter's rankings include: *Ranking of Top 40 Law Schools by Student (Numerical) Quality*, *The Top 15 Schools From Which the Most "Prestigious" Law Firms Hire New Lawyers*, and *Top 25 Law Faculties In Scholarly Impact*.

Thomas E. Brennan & Don LeDuc, JUDGING THE LAW SCHOOLS (10th ed. 2008), available at <http://www.cooley.edu/rankings/index.htm>.

Widely discredited and viewed as an alternative with the sole purpose of ranking the Thomas M. Cooley Law School highly.

THE LAW SCHOOL RANKING GAME, <http://monoborg.law.indiana.edu/LawRank/index.html> (last visited July 15, 2010).

This site, developed by Jeffery E. Stake at Indiana University's Maurer School of Law, explains limits to the *U.S. News* rankings. Allows students to compute customized composite rankings, selecting the weight of the factors to reflect their interests.

PUBLICATIONS BY SUBJECT

Alternative Rankings

Bernard S. Black & Paul L. Caron, *Ranking Law Schools: Using SSRN to Measure Scholarly Performance*, 81 IND. L.J. 83 (2006).

A review of the Social Science Research Network's (SSRN) measure of the scholarly performance of law faculty (beta version). Provides an overview of SSRN rankings and other available rankings. Uses statistical methods to compare SSRN rankings to the alternatives. Describes advantages of SSRN (e.g., rankings/data are updated in real-time, covers international and interdisciplinary authors and works) and disadvantages (e.g., discipline bias and subject to the practice of gaming the system).

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Alfred L. Brophy, *The Emerging Importance of Law Review Rankings for Law School Rankings, 2003-2007*, 78 U. COLO. L. REV. 35 (2007).

Using statistical methods, finds a correlation between law review

citation rankings and the *U.S. News* law school rankings. “[S]uggests the importance of law review citation data as a way of gauging the quality of law schools.”

Lawrence A. Cunningham, *Scholarly Profit Margins: Reflections on the Web*, 81 IND. L.J. 271 (2006).

History of the use of bibliometrics to measure scholarly investments (i.e. output such as publications) and returns (i.e. indicators of influence such as the numbers of citations in a work). Describes the evolution of bibliometric methods from the first modern study in 1930, which “...examined all U.S. law journals then in existence (forty-three) and considered how judges had used scholarly contributions,” to the use of data available on the Social Science Research Network (SSRN). Shows how problems with the early bibliometric studies (e.g., limiting publications to those in “elite” law reviews; omission of books and textbooks) were overcome as bibliometric studies changed over time. Examines and describes the advantages of the SSRN rankings. Illustrates work in progress to apply the SSRN methodology to the measurement of teaching. As of publication, the first step in this process was completed by establishing an SSRN journal titled *LSN Educator: Courses, Materials & Teaching*.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Ex Ante, *Fair Warning to Law Schools... and an Invitation to 1Ls, 2Ls & 3Ls*, 11 GREEN BAG 2D 137 (2008).

Announcement by the *Green Bag* (“an entertaining journal of law”) that they plan on publishing a “Deadwood Report” to evaluate faculty teaching, scholarship and service. The *Green Bag* proposes to compile data from law school websites and give deans the opportunity to comment and correct. Encourages students to document faculty attendance at commencement ceremonies (through photographs) because this represents “a sense of how seriously your professors take their teaching responsibilities and their students’ accomplishments.”

Ex Ante, *Deadwood Report Update: Pick Your Own Weight*, 11 GREEN BAG 2D 275 (2008).

Notice of methodology change. Deans (via survey) will determine the relative weights given to the various factors used by the *Green Bag* to assess their faculties’ teaching. Includes criticism of deans gaming the system.

Ex Ante, *Deadwood Report Update: Paperweight*, 11 GREEN BAG 2D 411 (2008).

Notice of methodology change. Deans (via survey) will determine the relative weights given to the various factors (e.g., treatise and casebook) used by the *Green Bag* to assess their faculties' productivity. The *Green Bag* will also alter their methodology to include faculty publication in their home school's journals when compiling the raw data.

Theodore Eisenberg, *Assessing the SSRN-Based Law School Rankings*, 81 IND. L.J. 285 (2006).

Reviews Black & Caron's studies that find a high correlation between SSRN law school rankings and other rankings (*Ranking Law Schools: Using SSRN to Measure Scholarly Performance*, 81 IND. L.J. 83 (2006)). Suggests that their finding of high correlations between SSRN and other rankings are limited because they do not investigate correlations between smaller samples of peer schools, and the SSRN download data do not include downloads of published papers from other databases such as publishers' websites, LexisNexis and Westlaw. Investigates "...how well...the SSRN rankings correlate with other rankings in designating the top 10..." 15 and 20 schools. Finds that the "combined evidence indicates that SSRN rankings are comparatively poorly correlated with other ranking systems in distinguishing among elite schools." Finally, suggests that the large body of data and the automated nature of SSRN's database could be used to perform cluster and factor analysis. Results would be useful in shifting the public's focus from ordinal rankings to those that also include meaningful groupings.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Theodore Eisenberg & Martin T. Wells, *Ranking and Explaining the Scholarly Impact of Law Schools*, 27 J. LEGAL STUD. 373 (1998).

Applies statistical methodology to examine and rank 32 law schools by citations to their faculty's publications. The results suggest that there are only four "top" law schools and that seven or eight schools (which cannot be meaningfully distinguished) make up the next grouping. Concludes that *U.S. News* survey-based reputational rankings do a poor job of showing meaningful distinctions between schools ranked below the top 15 or 20 schools.

Jon M. Garon, *Take Back the Night: Why an Association of Regional Law Schools Will Return Core Values to Legal Education and Provide an Alternative to Tiered Rankings*, 38 U. TOL. L. REV. 517 (2007).

Suggests that *U.S. News* is one of several forces putting legal education "on a path to ruin." Proposes addressing this problem by creating regional

accrediting associations that would promote commonly held core values. These associations could "...meet the *U.S. News* on its own terms" by presenting awards and recognition of institutional and individual achievements based on objective criteria regarding their core principles."

Rafael Gely, *Segmented Rankings for Segmented Markets*, 81 IND. L.J. 293 (2006).

Uses symposium articles by Baker, Choi & Gulati; Sauder & Espeland; and Henderson & Morriss as the foundation for the argument that "...the underlying problem with the existing rankings regime is the assumption that law schools compete in a single, unified market..." Suggests the development of a ranking system based on segmented law school markets. Possible segments: Tier 1 schools and all others; segments based on student choice as revealed through analysis of LSAC "overlap deposit" reports; and schools self-identifying as national or regional.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Tracey E. George, *An Empirical Study of Empirical Legal Scholarship: The Top Law Schools*, 81 IND. L.J. 141 (2006).

Describes a method for ranking schools by their place in the emerging scholarly movement of Empirical Legal Scholarship (ELS). Suggests that scholarly movement rankings "...recognize schools that are intellectual leaders in an emerging field"; "...offer insights to the intellectual life at law schools"; and "...encourage schools to produce legal scholarship." Applies this model to schools ranked in the top forty by the *U.S. News* 2005 rankings. Suggests that this model could be applied to other academic movements.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Sam Kamin, *How the Blogs Saved Law School: Why a Diversity of Voices Will Undermine the U.S. News & World Report Rankings*, 81 IND. L.J. 375 (2006).

Reviews symposium articles by Johnson (LSATs should be eliminated from the *U.S. News* rankings), Rapoport (reputational rankings and faculty governance), and Sunstein (ranking by a market test based on student choices). Argues that "the information that students want is becoming harder and harder to keep from them," and is readily available through informal sources such as blog postings by their peers. Additionally, non-school groups could publish specialized rankings (e.g., ACLU on the best public interest curricula, Federalist Society on schools most friendly to conservative points of view). Concludes by expressing uncertainty about

the need for “law schools...to do anything to encourage the formation of alternative rankings systems” as they are already, and will continue to be, produced.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Russell Korobkin, *Harnessing the Positive Power of Rankings: A Response to Posner and Sunstein*, 81 IND. L.J. 35 (2006).

Suggests that students use rankings as a signal of status, rather than the quality of education at an institution. Status represents schools where only highly qualified students can get in. Holding a degree from a highly ranked school is a signal to employers that a graduate is highly qualified. Schools compete in order to improve their ranking and status. Views competition for status not as a “pernicious by-product of rankings that should be minimized,” but as an opportunity to “...devise a rankings system that channels competition in a way that encourages the production of social benefits that exceed social costs.” Suggests that faculty scholarship is a good factor for this method of ranking. Faculty scholarship is a public good or partial public good because it may “...increase the quality of teaching....benefit students, other scholars, and, in the case of legal scholarship, judges, policy makers, and practicing attorneys.” Faculty scholarship could stand alone or be combined with other measures of public good (e.g. “the legal services that [an institution’s] clinical programs provide to underserved communities”).

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Brian Leiter, *How to Rank Law Schools*, 81 IND. L.J. 47 (2006).

Extensive comments and criticism of Posner’s *Law School Rankings* and Sunstein’s *Ranking Law Schools: A Market Test*. Uses this discussion as a foundation for introducing four guidelines for ranking law schools: 1) ranking “...academic institutions should emphasize and reward academic values” 2) assessment of schools should be based on factors that can accurately measure change and encourage constructive competition 3) measurement should be by individual factor and not calculated to produce a composite score and 4) meaningful and competitive alternative rankings should be encouraged in order to “...counteract the ‘excessive influence’ of ...[the] unreliable *U.S. News* rankings.”

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Brian Leiter, *Measuring the Academic Distinction of Law Faculties*, 29 J. LEGAL STUD. 451 (2000).

Argues that the rankings of the top 50 law schools based on the

academic distinction of their faculties is more reliable than *U.S. News & World Report* rankings. Uses two objective factors: per capita publication of articles and books and per capita rate of citation for the top quarter of each school's faculty. Explains methodology and results in detail. Critiques Eisenberg & Wells, *Ranking and Explaining the Scholarly Impact of Law Schools*, above. Also discusses the *U.S. News* reputational survey.

Brian Leiter, *Welcome to Brian Leiter's Law School Rankings Website*, BRIAN LEITER'S LAW SCHOOL RANKINGS, <http://www.leiterrankings.com> (last visited Mar. 23, 2010).

Introduction to Leiter's rankings. Does not attempt to compile composite scores "since no weighting of different elements could be justified in a principle[d] way."

James Lindgren & Daniel Seltzer, *The Most Prolific Law Professors and Faculties*, 71 CHI.-KENT L. REV. 781 (1995).

Primarily a study on success in publishing in the top twenty most cited law journals, ranked by most prolific law faculties and by individual faculty member. Observes that "[o]ne school that sometimes ranks in the top twenty-five in the *U.S. News* rankings places near the bottom on [the authors'] measures of productivity," and that "there are many individuals at non-elite schools who have alone published more in the most-cited journals than the entire faculties of some law schools ranked by *U.S. News* among the top thirty."

Patrick T. O'Day & George D. Kuh, *Assessing What Matters in Law School: The Law School Survey of Student Engagement*, 81 IND. L.J. 401 (2006).

Suggests that the *U.S. News* rankings are poor measures of institutional quality because they fail to measure how students benefit from educational opportunities available to them. Suggests that The Law School Survey of Student Engagement (LSSSE) provides a better measure. The LSSE obtains data directly from students about activities available at all schools, regardless of mission. Participant schools receive data that can be used to evaluate and improve programs as well as to prepare for accreditation visits.

O'Day is Project Manager of the Law School Survey of Student Engagement (LSSSE), Indiana University Center for Postsecondary Research. Kuh is Chancellor's Professor of Higher Education, Indiana University-Bloomington and Director of the Indiana University Center for Postsecondary Research.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Louis H. Pollak, *Why Trying to Rank Law Schools Numerically Is a Non-Productive Undertaking: An Article on the U.S. News & World Report 2009 List of the "Top 100 Schools"*, 1 DREXEL L. REV. 52 (2009).

Reviews critiques of *U.S. News*. Suggests that a better measure is “the assessments of law school quality arrived at by law school deans and professors.” Acknowledges that this methodology is also defective, uses *U.S. News*’ peer assessment scores to stratify the top 100 schools into groups.

Prior to his appointment to the bench in 1978, Louis H. Pollak, senior judge of the United States District Court for the Eastern District of Pennsylvania, had a long career in academia.

Richard A. Posner, *Law School Rankings*, 81 IND. L.J. 13 (2006).

Using the *U.S. News* top 45 law schools, compares the *U.S. News* rankings with ten alternative ranking schemes (including SSRN download rankings and Leiter’s scholarly productivity and impact rankings). Discusses the usefulness of selected alternatives to prospective students. Creates one composite ranking designed to be of interest to students. This composite is comprised of an unweighted averaging of mean LSAT, LSAT dispersion, job placement, clerk placement, and business-law faculty quality. Finds significant differences in rankings between *U.S. News* and some of the alternatives but concludes that when compared to the “composite,” *U.S. News* “does a pretty good job of grouping law schools by tier.”

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Nancy B. Rapoport, *Ratings, Not Rankings: Why U.S. News & World Report Shouldn't Want to be Compared to Time and Newsweek--or The New Yorker*, 60 OHIO ST. L.J. 1097 (1999).

Suggests the *U.S. News* law school rankings are flawed because there are no competing rankings and *U.S. News*’ objective measures do not “have some objective basis in reality.” As a result, they do not provide the information that prospective students need to make an informed decision on school choice. Suggests the best solution is for law students to construct their own rating systems, using widely available data and applying their own weighting systems. “The second-best solution is to provide broad measures of programmatic quality and rate schools along those broad measures, instead of ranking them from first to last.”

Michael Sauder & Wendy Nelson Espeland, *Strength in Numbers - The Advantages of Multiple Rankings*, 81 IND. L.J. 205 (2006).

Comparative study of the effects of law school rankings (where *U.S.*

News is the predominant player) with those of business schools (where at least six titles in the popular press publish rankings that receive wide attention). Multiple ranking systems help mitigate rankings' negative effects on graduate business education. Although alternative law school rankings exist, none have the influence of the *U.S. News*' rankings. Suggests the development of competitors to *U.S. News* would mitigate the negative effects of rankings in legal education as they do in business education. Although additional competition would have advantages, identifies the possible hazards of multiple rankings.

Sauder is the author of FINAL REPORT: FEAR OF FALLING: THE EFFECTS OF U.S. NEWS & WORLD REPORT RANKINGS ON U.S. LAW SCHOOLS.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Special Comm. on Indicators of Institutional Quality, Ass'n of Am. Law Schools, *The Difficulty of Assessing Quality in Legal Education: A Response to Rankings*, 2 ASS'N OF AM. LAW SCH. 1994 PROCEEDINGS 1 (1994).

The Special Committee's charge was "...to help AALS member law schools consider what connotes a quality legal education and perhaps what is necessary to achieve it." Never explicitly names *U.S. News* and is not a critique of various rankings' methodologies. Report consists of a synthesis of deans' survey responses and the work of committee members. Discusses indicators of law school quality that include some of the factors used in the *U.S. News* rankings methodology. Here factors similar to those used by *U.S. News* are defined with greater specificity and/or as components of a broader factor. The committee did not come to a consensus on a method of measuring quality in legal education.

The Special Committee was appointed in response to the considerable influence of "...the efforts of various publications and individuals to rank law schools."

Cass R. Sunstein, *Ranking Law Schools: A Market Test?*, 81 IND. L.J. 25 (2006).

Suggests a market test of student law school choice as the basis of a law school ranking. The resulting "revealed preferences" ranking could complement existing rankings and be used as a factor in calculating composite rankings. Among the advantages of this type of ranking is it eliminates the bias inherent in expert-generated reputational surveys and could eliminate admissions practices that game the system. There are, however, limitations and problems with this method. It may not be a good replacement for existing composite rankings because it may not be an accurate measure of the best schools; it may simply reflect student reliance

on *U.S. News*; and it may be skewed by student choice based on factors that do not reflect school quality (e.g. cost of tuition and scholarship awards). Suggests that despite these problems, revealed preference rankings “would provide valuable information and might...be a helpful compliment to other ranking systems.”

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Scott Van Alstyne, *Ranking the Law Schools: The Reality of Illusion?*, 1982 AM. B. FOUND. RES. J. 649 (1982).

Written before *U.S. News* law rankings were first published. Looks at the history of the ranking of institutions of higher education and their programs. Examines the pros and cons of a variety of factors that could be used to rank academic programs.

David C. Yamada, *Same Old, Same Old: Law School Rankings and the Affirmation of Hierarchy*, 31 SUFFOLK U. L. REV. 249 (1997).

Notes that concerns about institutional prestige are something of an obsession within the legal academy. Compares the ranking systems used by *U.S. News & World Report*, *The Gourman Report* and *The National Jurist*. Details and critiques the factors used in each system.

Description/Methodology

Tom W. Bell, *How Top-Ranked Law Schools Got That Way, Pt. 1*, AGORAPHILIA (Aug. 20, 2009, 11:20 AM), <http://agoraphilia.blogspot.com/2009/08/how-top-ranked-law-schools-got-that-way.html>.

Studies z-scores and concludes that “...among the very top schools, employment nine months after graduation...varies too little to make much of a difference in the schools' overall scores, whereas overhead expenditures/student varies so greatly as to almost swamp the impact of the other factors that USN&WR uses in its rankings.”²⁰

Tom W. Bell, *How Top-Ranked Law Schools Got That Way, Pt. 2*, AGORAPHILIA (Aug. 23, 2009, 11:52 AM), http://agoraphilia.blogspot.com/2009/08/how-top-ranked-law-schools-got-that-way_23.html.

Extending his analysis to cover the top 22 schools, Bell finds the same results regarding employment after nine months and overhead

²⁰ Tom W. Bell, *How Top-Ranked Law Schools Got That Way, Pt. 2*, AGORAPHILIA (Aug. 23, 2009, 11:52 AM), http://agoraphilia.blogspot.com/2009/08/how-top-ranked-law-schools-got-that-way_23.html.

expenditures/student. He also finds that employment at graduation and LSAT scores vary little from school to school in this sample.

Tom W. Bell, *How Top-Ranked Law Schools Got That Way, Pt. 3*, AGORAPHILIA (Aug. 30, 2009, 11:23 PM), http://agoraphilia.blogspot.com/2009/08/how-top-ranked-law-schools-got-that-way_30.html.

Bell shifts his focus from the top of the rankings and applies his analysis to three different groups: schools ranked 41-51; ranked 94-100; and the 8 schools at the bottom of the rankings of Bell's rankings (also likely to be at the bottom of *U.S. News*' rankings).

Tom W. Bell, *A Model of the 2010 USN&WR Law School Rankings*, AGORAPHILIA, (July 16, 2009, 3:50 PM), <http://agoraphilia.blogspot.com/2009/07/model-of-2010-usn-law-school-rankings.html>.

Since 2005, Bell has created annual models of the *U.S. News* rankings. His models are as accurate as possible given limitations on access to data (e.g., reputational scores). These models can reveal when schools have gamed the system, or there are errors in the data used by *U.S. News*. His model for the 2010 rankings is a close fit to the results published by *U.S. News*.

Tom W. Bell, *Reforming the USN&WR Law School Rankings*, AGORAPHILIA (Aug. 9, 2006, 3:34 PM), <http://agoraphilia.blogspot.com/2006/08/reforming-usnwr-law-school-rankings.html>.

After discovering errors in data used for the 2007 *U.S. News* rankings, Bell makes suggestions for reform: 1. USN&WR's Questionnaire Should Mirror the ABA's, 2. USN&WR Should Commit to Publishing Corrections and Explanations, 3. USN&WR Should Publish All the Data it Uses in Ranking Law Schools, and 4. The ABA Should Publish the Data it Collects and that USN&WR Uses to Rank Law Schools.

Tom W. Bell, *Reforms Suggested by Modeling the Law School Rankings*, AGORAPHILIA (Aug. 4, 2009, 4:27 PM), <http://agoraphilia.blogspot.com/2009/08/reforms-suggested-by-modeling-law.html>.

Bell revisits his suggestions for reform of the *U.S. News* methodology. He notes that *U.S. News* has implemented two of his previous suggestions: making the *U.S. News* questionnaire more closely mirror the ABA questionnaire, and publishing corrections and explanations when *U.S. News* discovers errors in the rankings. He reiterates his third, "USN&WR should publish all the data it uses in ranking law schools" and

adds a fourth, “USN&WR should either convince the ABA to collect data on law school graduates’ employment rates at graduation or discontinue using that data in its law school rankings.”

Tom W. Bell, *Z-Scores in Model of 2010 USN&WR Law School Rankings*, AGORAPHILIA (July 23, 2009, 12:13 PM), <http://agoraphilia.blogspot.com/2009/07/z-scores-in-model-of-2010-usn-law.html>.

Explains the statistical method of z-scores, a key to the *U.S. News* methodology: “... [Z]-scores measure how well each school performed relative to its peers, thereby establishing its rank.” An understanding of the z-scores is helpful when reading Bell’s *How Top-Ranked Law Schools Got That Way*.

Carl Bialik, *Small Change by U.S. News Leads to New Controversy in Rankings*, WALL ST. J., (Apr. 7, 2005), <http://online.wsj.com/article/SB111279937006999640.html?publicf=yes>.

Report on *U.S. News*’ change in methodology for the 2005 law school rankings. This change was not announced prior to the publication of the rankings. Concerned that some schools were not accurately reporting median GPA and LSAT data, *U.S. News* instead used the average of the 25th and 75th percentile values. This method was cause for concern not only for the effect on the current year’s rankings, but also for the potential to adversely affect future minority admissions.

Paul L. Caron & Rafael Gely, *Dead Poets and Academic Progenitors: The Next Generation of Law School Rankings*, 81 IND. L.J. 1 (2006).

Introduction to the symposium, *The Next Generation of Law School Rankings*. The goal of the symposium was “to deepen our understanding of rankings and their effects on legal education.” The authors divide the resulting articles into two categories: the case for and against rankings, and ways to improve the rankings.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Terry Carter, *Rankled by the Rankings*, 84 A.B.A. J., Mar. 1998, at 46.

Magazine article provides the view from 1998 on the *U.S. News* rankings. Provides a survey of its effect on law schools; critics’ complaints; and the debacle that occurred when *U.S. News* transposed figures in their calculations resulting in errors in the rankings of 33 of the top 50 schools.

Lynda Edwards, *The Rankings Czar*, 94 A.B.A. J., Apr. 2008, at 38.

A brief review of some critiques of the *U.S. News* rankings and

responses and discussion with Robert Morse, data research director at *U.S. News*.

Stephen P. Klein & Laura Hamilton, *The Validity of the U.S. News and World Report Law School Rankings*, AALS – THE ASSOCIATION OF AMERICAN LAW SCHOOLS (Feb. 18, 1998), <http://www.aals.org/reports/validity.html>.

Report commissioned by the Association of American Law Schools. Review and critique of ranking methodology. Examines twelve factors used to produce the rankings as well as the methodology used to determine the final, composite ranking. Concludes:

There are many serious problems with the *U.S. News* system for evaluating law schools. These problems include concerns about: (1) important aspects of law school quality that are not assessed by *U.S. News*; (2) the accuracy of the data *U.S. News* used to create the index values (such as obvious errors in the computation of bar passage rate and failure to control for regional cost of living differences); (3) the effects of chance, multiple interpretations, and systematic biases on survey responses (such as whether respondents are representative of those sent surveys and whether strategic ratings led to some schools receiving a higher or lower rank than they deserved); (4) the methods *U.S. News* used to handle missing data; and (5) the use of variables that could lead to inappropriate school practices (such as schools raising their "rejection rate" index by encouraging applications from students who have virtually no chance of being admitted).

There also are problems with how the 12 factors are weighted because they do not really carry the weights *U.S. News* says they carry. Moreover, no rationale is provided for these weights. However, weighting only matters to the few schools that are near an important cut point, such as being in the top 10, 25, or 50. This is so because about 90% of the overall differences in ranks among schools can be explained solely by the median LSAT score of their entering classes and essentially all of the differences can be explained by the combination of LSAT and Academic reputation ratings. Consequently, all of the other 10 factors *U.S. News* measures (such as placement of graduates) have virtually no effect on the overall ranks and because of measurement problems, what little influence they do have may lead to reducing rather than increasing the validity of the results.

Brian Leiter, *An Open Letter to Bob Morse of U.S. News*, BRIAN LEITER'S LAW SCHOOL REPORTS (Mar. 10, 2010, 5:07 AM), <http://leiterlawschool.typepad.com/leiter/2010/03/an-open-lette-1.html>.

Letter to Bob Morse, of *U.S. News*, with suggestions for restoring the integrity of rankings.

Brian Leiter, *An Open Letter to Other Law Bloggers Regarding the US News Rankings*, BRIAN LEITER'S LAW SCHOOL REPORTS (Mar. 31, 2010, 1:56 AM), <http://leiterlawschool.typepad.com/leiter/2010/03/an-open-letter.html>.

Suggestion to other bloggers to refrain from posting the overall *U.S. News* rankings when they are released. As an alternative, they should write about the underlying data that are used to compute the composite scores.

Kyle P. McEntee & Patrick J. Lynch, *A Way Forward: Improving Transparency in Employment Reporting at American Law Schools*, (2010), available at <http://ssrn.com/abstract=1528862>.

The authors are co-founders of the site, LAW SCHOOL TRANSPARENCY, <http://www.lawschooltransparency.com/> (last visited July 15, 2010). McEntee is a student at Vanderbilt University Law School, JD expected 2011; Lynch is a student at Vanderbilt University Law School, JD expected 2010. "Law School Transparency is a Tennessee non-profit dedicated to improving the employment reporting standard at American law schools." From the introduction:

This Article surveys the available information with respect to one important segment of the value analysis: post-graduation employment outcomes.... One of the most pressing issues with current access to information is the ability to hide outcomes in aggregate statistical forms. Just about every tool enables this behavior, which, while misleading, often complies with the current ABA and *U.S. News* reporting standards. In this Article, we propose a new standard for employment reporting grounded in compromise.

Elizabeth Moeller, *Defining "At Graduation" Employment Statistics*, NALP BULLETIN, Feb. 2002, at 1, available at <http://www.nalp.org/> (last visited June 15, 2010). (Password protected; on file with Author).

Reports on NALP's Research Executive Advisory Council's work to establish a standard for gathering and reporting the "at graduation" employment data used by *U.S. News*. A survey found a wide variety of procedures reported by the small sample (48) of respondent schools. Inconsistencies were found regarding the date used for "at graduation" (e.g. the actual graduation date or the last day of the month of graduation or date of release of the registrar's official graduation list); how to get students to report employment status; and how to collect and verify information when a direct student response not available. The Council's suggested guideline requires the employment status as of the actual date of graduation. This information can be collected before, during or after graduation and schools can update their data until they report it to *U.S.*

News. The Council also discussed “possibilities for encouraging the *U.S. News & World Report* to drop the use of ‘at graduation’ figures in calculating and reporting rankings.”

Andrew P. Morriss & William D. Henderson, *Measuring Outcomes: Post-Graduation Measures of Success in the U.S. News & World Report Law School Rankings*, 83 *IND. L.J.* 791 (2008).

Examination of the post-graduate outcomes component of the *U.S. News* questionnaire. Concludes there is definite gaming on the part of law schools to maximize this factor. Identifies a number of factors not included in the current *U.S. News* survey that are associated with higher employment rates (e.g. on campus interviews). Suggests greater transparency can be achieved by making more granular post-graduate outcomes data publically available. Applicants could more easily make comparisons between schools with this data.

Robert Morse, *The Law School Rankings Methodology*, *US NEWS AND WORLD REPORT* (Apr. 15, 2010), available at <http://www.usnews.com/articles/education/best-law-schools/2010/04/15/the-law-school-rankings-methodology.html>.

Methodology for the 2011 Edition rankings as posted by *U.S. News*.

Robert Morse is data research director at *U.S. News*.

Robert Morse & Sam Flanigan, *Law School Rankings Methodology: How We Rank Law Schools*, *U.S. NEWS & WORLD REPORT* (Apr. 22, 2009), available at <http://www.usnews.com/articles/education/best-law-schools/2009/04/22/law-school-rankings-methodology.html> (last visited Mar. 17, 2010). (Page withdrawn; on file with Author).

Methodology for the 2010 Edition rankings as posted by *U.S. News*.

Robert Morse is data research director at *U.S. News*. Sam Flanigan is Data Research Deputy.

Robert Morse & Sam Flanigan, *The Part-Time Law School Rankings Methodology*, *US NEWS AND WORLD REPORT* (Apr. 15, 2010), available at <http://www.usnews.com/education/best-law-schools/articles/2010/04/15/the-part-time-law-school-rankings-methodology.html>.

Methodology for the 2011 Edition part-time law school rankings as posted by *U.S. News*.

Robert Morse is data research director at *U.S. News*. Sam Flanigan is Data Research Deputy.

Elie Mystal, *U.S. News Law School Rankings Leaked Don't Forget to Take Your Grain of Salt*, ABOVE THE L. (Apr. 20, 2009, 11:00 AM), <http://abovethelaw.com/2009/04/u-s-news-law-school-rankings-leaked-dont-forget-to-take-your-grain-of-salt/>.

Several blogs report on the inevitable leaks of the rankings before official release by *U.S. News*. Cautions that the leak published here has not been confirmed as accurate.

Elie Mystal, *U.S. News 2010 Law School Rankings*, ABOVE THE L. (Apr. 22, 2009, 1:45 PM), <http://abovethelaw.com/2009/04/u-s-news-2010-law-school-rankings>.

After leak has been confirmed, reports on the biggest moves (up and down the list) for this year.

Elie Mystal, *U.S. News Rankings Leaked? This Happens Every Year*, ABOVE THE L. (Apr. 13, 2010, 5:23 PM), <http://abovethelaw.com/2010/04/u-s-news-rankings-leaked-this-happens-every-year/>.

Blogger's observation on the phenomenon of prepublication leaks.

Richard Schmalbeck, *The Durability of Law School Reputation*, 48 J. LEGAL EDUC. 568 (1998).

Dated article looks at ten-year history of *U.S. News* reputational scores and ranks the top schools by this score. Concludes that there is little fluctuation in the reputational scores, even when there is some change in the overall rankings. Suggests that while it is not likely to happen, schools should ignore the rankings and carry on operations in the manner in the best interest of the law school. Proposes a solution to the *U.S. News* problem: AALS or the ABA should conduct reputational surveys and license the results to one of *U.S. News*' competitors. This competitor should also publish information of interest to students that have not been used in the ranking.

Theodore P. Seto, *Understanding the U.S. News Law School Rankings*, 60 S.M.U. L. REV. 493 (2007).

Using 2007 data and publicly available methodology, replicates the *U.S. News* law school rankings. Further evaluates the data and finds that they are not reliable (i.e., they are subject to significant random error) and there is not much evidence of validity (i.e., they do not measure what they are supposed to measure). While not explicitly making suggestions for "gaming the system," explains ways schools could manage their rankings using advanced statistical methodology that goes beyond evaluations of the *U.S. News* weighting system.

Michael E. Solimine, *Status Seeking and the Allure and Limits of Law School Rankings*, 81 IND. L.J. 299 (2006).

Takes another look at the tournament model explored by Baker, Choi & Gulati. The sociology and economic literature says rankings and status are signals consumers use in decision making in lieu of examining all available information about a product. Suggests that most consumers of the *U.S. News* rankings (especially students and faculty) focus on the composite rankings rather than information revealed by the underlying data while "... law school administrators do pay considerable attention to the richer trove of information now found in the rankings." Concludes, "the public does indeed have an insatiable demand for rankings, but so far there is no compelling evidence that the majority of the public reads beyond the ranks themselves."

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Critique Positive/Neutral

Mitchell Berger, *Why the U.S. News and World Report Law School Rankings Are Both Useful and Important*, 51 J. LEGAL EDUC. 487 (2001).

Examines major arguments made against *U.S. News* law school rankings and discusses flaws in their reasoning. Posits that the rankings are both useful and important because "the rankings are useful and convenient for applicants" and "the rankings help make law schools accountable."

At time of publication, author was legal editor with the Thompson Publishing Group, Washington, D.C.

Rachel F. Moran, *Of Rankings and Regulation: Are the U.S. News & World Report Rankings Really a Subversive Force in Legal Education*, 81 IND. L.J. 383 (2006).

Questions the influence of *U.S. News* on legal education. Views the rankings debate through a model of cooperation (ABA driven) rather than one of competition (*U.S. News* driven). Provides a brief history of law school accreditation. Suggests that accreditation rules and regulations have a role in explaining the stability of *U.S. News* rankings over time (accreditation promotes conformity and stifles innovation that would distinguish between schools); the lack of alternative rankings (schools so homogeneous that alternative methods are not likely to produce different results so there is no profit motive for anyone to publish them); and the proliferation of gaming strategies (accreditation requirements so limit innovation that schools must resort to gaming in order to differentiate themselves).

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

David E. Van Zandt, Letters, *Law School Rankings Are an Invaluable Tool*, NAT'L L. J., Mar. 23, 1998, at A16.

Explains refusal to sign the deans' letter on rankings that was sent to all law school applicants by the Law School Admissions Council. Students select schools primarily based on their reputations and information available through rankings is "a vast improvement over the advice of friends and relatives." Even if students ignore the rankings, law firms "often rely on schools' reputations in deciding where to recruit or in assessing the quality of a law grad's education." Addresses concerns that the rankings will result in too much emphasis on LSAT scores and in too many resources spent on public relations efforts.

Van Zandt is dean at Northwestern University School of Law.

David E. Van Zandt, *Law School Rankings Are an Invaluable Tool*, NORTHWESTERN LAW (Feb. 25, 2008), <http://www.law.northwestern.edu/difference/statementOnRank.html>.

Author has refused to sign the deans' letter to applicants posted on the LSAC website (otherwise known as *Deans Speak Out on Ranking Systems*, it is signed by the majority of law school deans). Observes that "the letter tells prospective law students how to interpret a survey and then advises them not to rely on it." Asks, "should we law school deans presume that the best and brightest applying to our law schools do not have the ability to give the *U.S. News* ranking the appropriate weight in their decisions?" Acknowledges that the *U.S. News* rankings have flaws in their methodology, yet maintains the rankings are still of value to students. They "offer invaluable comparative data to [students] trying to make an informed choice." Even if students ignore the rankings, law firms "often rely on schools' reputations in deciding where to recruit or in assessing the quality of a law grad's education"

Van Zandt is dean at Northwestern University School of Law.

David E. Van Zandt, *Rankings Are Valuable (And Here to Stay) So Let's Focus on Making Them Better*. ABOVE THE L. (Apr. 13, 2010, 1:16 PM), <http://abovethelaw.com/2010/04/rankings-are-valuable-and-here-to-stay-so-let%E2%80%99s-focus-on-making-them-better/>.

Guest post on the ABOVE THE LAW blog.

Believes the *U.S. News* law school rankings provide a valuable source of consumer information to law school applicants. Internal surveys confirm that applicants are sophisticated and while they are heavy users of the *U.S. News* rankings as a source of information, they rate "conversations with practicing attorneys, current students, or law school alumni, as more influential in their enrollment decisions." Acknowledges problems with *U.S. News*' methodology (e.g., computation of bar passage

rates). Also makes two suggestions based on the rankings of business schools: there should be alternative rankings “that would focus on employer perspectives and employment outcomes,” and to reduce gaming of the system “it might be useful to have an outside organization collect or verify some of...” the data reported by the schools.

Van Zandt is dean at Northwestern University School of Law.

Critique Negative

[Note: much of the negative critique is listed in this bibliography under “Alternative Rankings”]

Scott Baker et al., *The Rat Race as an Information-Forcing Device*, 81 IND. L.J. 53 (2006).

Discussion of the “revelation tournament” model of decision-making. This model argues that the use of objective, easily measurable criteria can reveal useful subjective criteria that are less easily measured. Uses law firm partnership decision-making to illustrate and explain this model. Applies the model to academic tenure decisions, judicial promotions and law school rankings. Finds that in the case of *U.S. News* rankings, the objective criteria do not successfully reveal useful subjective information for decision makers.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Mary Geraghty, ‘*U.S. News*’ Alters Its Rankings of Law Schools after Finding Numerous Errors, CHRON. OF HIGHER EDUC., Mar. 14, 1997, at A38.

Reports on an error in the 1997 *U.S. News* calculations. Due to a clerical error, *U.S. News* used incorrect figures for “employed 9 months after graduation” for 159 schools. The error resulted in incorrect rankings for thirty-three of the top fifty schools.

Carl Monk, *Notes from the Executive Director: The AALS Role in Opposing Rankings of Law Schools*, AALS NEWSLETTER, Apr. 1997, at 4.

Newsletter article, explains problems with ranking law schools, including errors made in the *U.S. News* rankings. Describes efforts taken by the AALS alone and as a joint effort with other organizations, to address the problem. States that “[t]he AALS position continues to be that law schools should not be ranked, and we will continue to work with deans and other organizations in legal education to attempt to convince *U.S. News* that the entire practice of ranking...is irresponsible journalism.” Calls on deans to refrain from publicizing their own schools’ rankings. AALS also facilitates efforts to persuade *U.S. News* to discontinue the

rankings and if they do continue, to limit the number of schools ranked to the top twenty or so schools.

Jeffrey Evans Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 229 (2006).

Extensive review of previously observed problems caused by the *U.S. News* rankings. Empirical study of faculty reputational scores, attorney reputational scores and GPA/LSAT scores shows that they all suffer from an “echo effect” (i.e., the extent to which a previous year’s rankings impact the values of the next year’s factors) and that this effect diminishes over time. These results suggest that the 62.5% weight these three factors carry in the rankings calculations will be reduced to close to zero with the remaining factors left to determine the *U.S. News* rankings. Suggests ways to improve evaluations of law schools with alternative ranking methods.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Statement Regarding Law School Rankings, AALS - THE ASSOCIATION OF AMERICAN LAW SCHOOLS, http://www.aals.org/about_handbook_sgp_ran.php (last visited June 21, 2010).

The Statement is available on the AALS website with the note: “[a]lthough the following statement was adopted in 1990, it remains relevant today.”

Brief statement adopted by AALS, the ABA Section of Legal Education and Admissions to the Bar, LSAC and NALP before the release of the first annual *U.S. News* graduate school rankings. Based on factors in the deans’ surveys, the organizations believed that the rankings “[...] [would] be meaningless or grossly misleading,” and concluded that the “[...] survey is designed more to sell magazines than to inform the public about the relative merit of law schools.”

David A. Thomas, *The Law School Rankings Are Harmful Deceptions: A Response to Those Who Praise the Rankings and Suggestions for a Better Approach to Evaluating Law Schools*, 40 HOUS. L. REV. 419 (2003).

Details perceived flaws in the *U.S. News* law school rankings. Responds to a defense of the rankings by Mitchell Berger. Argues that the criteria used to rank law schools are irrelevant, subjective or unknowable. Proposes an alternative to rankings allowing students to make a rational decision about which law school to attend.

Effect on Students/Prospective Students

Jack Crittenden, *Why Is Tuition Up? Look at All the Profs*, 19 NAT'L JURIST, Mar. 2010, at 40.

From a magazine for currently enrolled law students. Looks at statistics on improved faculty to student ratios and rising tuitions. Suggests this increase in faculty is a reason for tuition increases and a result of *U.S. News* aspirations.

Gary J. Greener, *Law School Rankings: A Look Behind the Numbers*, NALP – THE ASSOCIATION FOR LEGAL CAREER PROFESSIONALS (July 2005), available at <http://www.nalp.org/> (last visited June 15, 2010). (Password protected; on file with Author).

Brief article provides a perspective on the reputational rankings different from those found in scholarly empirical studies. Uses simple mathematical calculations and data from the 2006 edition of the rankings. Observes that 530 faculty reputational survey responses “decided 25% of the overall score for all law schools in the country.” Using additional data from the ABA and a 2004 NALP Foundation study finds that “...the 211 lawyers across the nation who determined the reputation of the entire United States legal education system represented approximately 0.00019% of the lawyers in this country” and “...that when deciding where to recruit, 83.6% of law firms rely on a survey where only 741 people determine 40% of the score.” Suggests alternative sources of objective data about schools without ranking them.

Michael Sauder & Ryon Lancaster, *Do Rankings Matter? The Effects of U.S. News & World Report Rankings on the Admissions Process of Law Schools*, 40 LAW & SOC'Y REV. 105 (2006).

Empirical study of the effects of rankings on the decisions of prospective students and law school admissions professionals. Applies “signaling theory” to the analysis. Signals (here the *U.S. News* rankings) are “observable indicators... of the underlying quality and properties of that which is being represented” (here school quality). Whether accurate or not, the rankings are signals used by students to make application and matriculation decisions. Changes in the rankings have an upward spiraling effect as prospective students and law school administrations respond to the changing signals. Also finds that *U.S. News* methodology “misrepresents the actual distribution of law school quality...” creating distinctions in the rating of law schools... that do not indicate actual differences in law school quality.”

Sauder is author of FINAL REPORT: FEAR OF FALLING: THE EFFECTS OF U.S. NEWS & WORLD REPORT RANKINGS ON U.S. LAW SCHOOLS (2009).

Law School Deans Speak Out About Rankings: A Message to Law School Applicants, (LSAC) LAW SCHOOL ADMISSION COUNCIL (Apr. 2005), <http://web.archive.org/web/20060209215746/http://www.lsac.org/pdfs/2005-2006/RANKING2005-newer.pdf> (accessed by searching LSAC's site index through the Internet Archive's Wayback Machine).

Letter sent to law school applicants in 2005. Had been sent to students annually beginning in 1998. Signed by the deans of most ABA accredited law schools, suggests that numerical rankings do not properly reflect the factors most important to law students. Lists twenty-two factors that are neither included in ranking methodologies nor fully represented. Uses *U.S. News* as an example of “the shortcomings of all ‘by the numbers’ schemes...” for ranking law schools. Suggests students consult the *ABA-LSAC Official Guide to ABA-Approved Law Schools*, pre-law advisors and law schools directly for information specific to their interests.

Deans Speak Out on Ranking Systems, LAW SCHOOL ADMISSION COUNCIL, <http://www.lsac.org/Choosing/deans-speak-out-rankings.asp> (last visited Mar. 13, 2010).

Previously an annual letter to applicants from law school deans (see *Law School Deans Speak Out About Rankings: A Message to Law School Applicants*). Still containing the greeting “Dear Law School Applicant,” the letter is an unsigned message posted on the LSAC website. The message is substantively the same as the annual letter.

U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-10-20, HIGHER EDUCATION: ISSUES RELATED TO LAW SCHOOL COST AND ACCESS (Oct. 2009).

Report mandated by the Higher Education Opportunity Act, Pub. L. No. 110-315, sec. 952, § 3001(i), 122 Stat. 3078, 3473 (2008). The report was submitted to the Senate Committee on Health, Education, Labor, and Pensions and the House Committee on Education and Labor on October 26, 2009 and answered, among others, the question “...What factors, including accreditation, may affect the cost of law school?” Concludes that accreditation plays a minor roll in driving costs and “...the move to a more hands-on, resource-intensive approach to legal education and competition among schools for higher rankings appear to be the main factors driving the cost of law school...” Consists mostly of slides from a briefing PowerPoint prepared for the Congressional Committees' staff.

Effect on the Operations of Law Schools

Michael Ariens, *Law School Branding and the Future of Legal Education*, 34 ST. MARY'S L.J. 301 (2002).

Suggests competition between law schools developed as the number of law schools increased at the same time that the number of applicants dropped. Suggests one way to compete for the shrinking pool of students and to maintain confidence and support of alumni, is to use branding to distinguish an institution. Suggests two ways to brand a law school: 1) raise their position in the *U.S. News* rankings (primarily through faculty scholarship) and 2) remake their image (e.g. by focusing on a specific field of law, innovating teaching methods, or marketing themselves as a regional law school). Includes a detailed history of both legal education and the *U.S. News* law school rankings.

Richard Buckingham, Diane D'Angelo & Susan Vaughn, *Law School Rankings, Faculty Scholarship, and Associate Deans for Faculty Research* (Suffolk Univ. Law Sch., Res. Paper No. 07-23, 2007), available at <http://ssrn.com/abstract=965032>.

Observes that many ranking schemes measure faculty productivity and/or reputation, either alone or as part of a formula. Although the concept of adding a faculty research coordinator to law schools' administrations goes back to the 1950's, schools did not tend to implement this plan until the late 1990's when faculty output rankings became prominent. Surveys by the author and others show a growing trend to add the position of associate dean for faculty research to law school administrations. "This trend represents a concerted, clear, well-organized effort at many law schools to maximize scholarly productivity by designating one individual who is primarily responsible for this mission."

Paul L. Caron & Rafael Gely, Book Review Essay, *What Law Schools Can Learn from Billy Beane and the Oakland Athletics*, 82 TEX. L. REV. 1483 (2004) (reviewing MICHAEL LEWIS, *MONEYBALL: THE ART OF WINNING AN UNFAIR GAME* (2003)).

Applies the Billy Beane "MoneyBall" model of objectively measuring an individual's worth to a particular organization (i.e., his contributions to that organization's success) to all aspects of law school life. Claims that consumers are demanding increasingly sophisticated and transparent rankings of all manner of things and the *U.S. News* rankings are just one manifestation of this trend. Uses "MoneyBall" analysis to try to arrive at objective standards to measure faculty members' worth to the law school and then seek to see if Billy Beane himself should be a prototype of the law dean of the future.

Article is a book review of: MICHAEL LEWIS, *MONEYBALL: THE ART*

OF WINNING AN UNFAIR GAME (2003).

Paul D. Carrington, *On Ranking: A Response to Mitchell Berger*, 53 J. LEGAL EDUC. 301 (2003).

Challenges Berger's claim that the *U.S. News* law school rankings are both useful and important (Mitchell Berger, *Why the U.S. News and World Report Law School Rankings Are Both Useful and Important*, 51 J. LEGAL EDUC. 487 (2001)). Argues that the rankings are not useful because they are based on questionable data and use suspect methodology. As a result, they do not provide valid comparisons of schools. Concedes that the rankings are important, but only because all interested constituencies take them so seriously. Criticizes "[t]he unstated assumption of the rankings...that the more expensive legal education is, the better." Tuition increases do not necessarily produce better lawyers. Concern for rankings overtakes concern for promotion of the greater good. To improve placement in the rankings, universities allocate resources to their law schools "without regard to their...social utility" relative to other academic units. Indebtedness of graduates motivates the practice of law for love of money rather than love of the profession and compromises ethical standards. Imagines a tuition free law school. Classes would be large, and services to students limited. "Graduates would be instructed to repay any indebtedness they felt to the university by serving the public interest...."

Ronald A. Cass, *So, Why Do You Want to Be a Lawyer - What the ABA, the AALS, and U.S. News Don't Know That We Do*, 31 U. TOL. L. REV. 573 (2000).

Suggests law school applicants need a range of schools, each unique in its own way, in order to find the institution that has the right fit. *U.S. News* rankings both mislead students and encourage schools to compete based on the same criteria, resulting in a decrease in variation. The A.B.A. and A.A.L.S. have practices and policies that have a similar effect. Concludes that due to these roadblocks, it is difficult for deans to effect change in their institutions.

Nancy B. Rapoport, *Eating Our Cake and Having It, Too: Why Real Change Is So Difficult in Law Schools*, 81 IND. L.J. 359 (2006).

Discussion of rankings as change agents (or not) in law schools, particularly in the context of strategic planning and faculty governance. Applies a business model in exploring why law schools cannot and/or will not make institutional changes. Identifies three options for change, and the impact of each on a school's ranking. First is change designed to advance the school's placement in the rankings. Second, maintaining the status quo by providing a sound legal education without any programmatic change. This option is likely to produce no change in ranking or to result

in a lower ranking. Finally, a school may institute new and innovative educational programs, regardless of any immediate impact on placement in the rankings, but with the possibility of improving their ranking in the future. Concludes that the business model can be used to measure the effectiveness of legal education, but is not a useful model for effecting institutional change due to the fact that the process of faculty governance is significantly different from the practice of business management.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Laura Rothstein, *The LSAT, U.S. News & World Report, and Minority Admissions: Special Challenges and Special Opportunities for Law School Deans*, 80 ST. JOHN'S L. REV. 257 (2006).

Many different constituencies (e.g., prospective students, alumni, the university administration and the media) have an interest in a law school's position in the *U.S. News* annual rankings. Describes each constituency's interest in the outcome of the rankings. Recommends methods a dean can use to address LSAT pressures; improve factors other than LSATs; and educate the various constituencies on the tension between supporting diversity and using LSAT scores influence the rankings. Includes an overview of the legal history of affirmative action, and discussion of the possible effect of *Grutter* on long-term efforts to ensure a diverse legal profession.

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

MICHAEL SAUDER, FINAL REPORT: FEAR OF FALLING: THE EFFECTS OF U.S. NEWS & WORLD REPORT RANKINGS ON U.S. LAW SCHOOLS (2009).

Empirical study of the effects of law school rankings on legal education. The results support criticism of the rankings made in the non-empirical literature. In addition, finds a "transformation of authority relationships within law schools" (i.e. rankings create new ways for internal and external constituents to question the current and future decisions of the law school's administration) and "consequences for school and individual identity" (schools' loss of control over their reputations and the demoralizing effects if they drop in the rankings). Conducts a comparable study of business school rankings and finds many of the same results. The effects on business schools, however, are somewhat mitigated by the existence of competing rankings published in other widely circulated publications. Research for the report was funded by the LSAC, but conclusions "do not necessarily reflect the position or policy of LSAC."

Jeffrey Evans Stake & Michael V. Alexeev, *Who Responds to U.S. News & World Report's Law School Rankings?* (Ind. U. Sch. of L.-Bloomington. Legal Stud. Res. Paper 2009), available at <http://ssrn.com/abstract=913427>.

Empirical study investigates a variety of constituencies' responses to the *U.S. News* rankings. Confirms previous studies that show *U.S. News* rankings influence attorney and faculty decisions when filling out reputational surveys as well as law school applicants' choice of school. Adds to other studies by showing that this influence is "...mostly limited to lower ranked schools, in particular those schools that have never occupied one of the top 25 spots." Results also confirm an "echo effect" that "creates strong incentives for the lower ranked schools to try to game the system...." Results reflecting starting salaries and law school tuition are less reliable and indicate that "...salaries might be influenced by USN&WR rankings for highly ranked schools and for private schools." In addition, "[l]aw school administrators who set tuitions do not seem to be affected by the rankings, at least in the short term."

Effect on the Operations of Law Schools: Admissions

Jerry L. Anderson, *Ranking Isn't Everything*, A.B.A. J., Mar. 1997, at 112.

Opinion piece. Associate dean observes that consideration of students' law school applications in their entirety takes a back seat to inputs such as LSAT scores and GPAs because of schools' concerns about their *U.S. News* rankings. Suggests that *U.S. News* provide more information on outputs and the quality of schools' educational programs.

Janice L. Austin, *Panel: LSAT, U.S. News and Minority Admissions*, 80 ST. JOHN'S L. REV. 289 (2006).

Identifies a group of "admissions warriors," people of color who have been outspoken and effective in their advocacy for "whole file" review of applicants. Does not think it a coincidence that in a series of prominent reverse discrimination cases the head of admissions was a person of color. Explains that "...these individuals...have been successful in convincing admissions committees to accept the limitations of the LSAT for a wide range of candidates, regardless of race and/or ethnicity." Calls on these warriors, and all admissions professionals, to find their voice and "use it loudly and consistently to advocate on behalf of candidates whose LSAT scores are often below the school's 'unspoken cutoff line.'"

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Leonard M. Baynes, Introduction, *The LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Introduction to the symposium, *The LSAT, U.S. News & World Report, and Minority Admissions*. Summarizes symposium authors' views on why the *U.S. News* rankings have a negative impact on minority admissions and what can be done to mitigate this effect.

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Phoebe A. Haddon & Deborah W. Post, *Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and a Redefinition of Merit*, 80 ST. JOHN'S L. REV. 41 (2006).

Expands on the recommendations of the SALT STATEMENT ON THE LSAT, republished in the appendix. Makes three proposals: "Reforming the Test and the Way Scores Are Reported," "Creating a Broader and More Inclusive Definition of Merit," and "Abandoning the LSAT as a Criterion for Admission to Law School." Includes extensive background on "the ways the [LSAT] is misused and...some of the institutional constraints, social pressures, and cultural beliefs that explain why the test is used improperly."

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Pamela Edwards, *The Shell Game: Who Is Responsible for the Overuse of the LSAT in Law School Admissions*, 80 ST. JOHN'S L. REV. 153 (2006).

Describes evidence in support of the argument that law schools should put less reliance on LSAT scores in admissions decisions. Cites studies showing that while the LSAT is a good predictor of first year grades, it is a poor predictor of overall law school grades; the ability to perform or learn to perform legal practice skills; and success as a lawyer. In addition, history shows discriminatory origins of the LSAT, which was first administered in 1948, and current studies show a negative effect on women and applicants of color. Concludes that each law school should take responsibility and "...lead the way to reform" by encouraging *U.S. News* to "...reflect the values of the academy [including diversity] when determining the factors it uses to calculate law school rankings."

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Shuky Ehrenberg, *A Question of Rank* (Mar. 18, 2007), available at <http://ssrn.com/abstract=976200>.

Student paper, for which Ehrenberg received the "The Edgar M. Cullen Prize" while attending Yale Law School. An empirical study of the effects of the *U.S. News* ranking algorithm on law school admissions.

Wendy Espeland & Michael Sauder, *Rankings and Diversity*, 18 S. CAL. REV. L. & SOC. JUST. 587 (2009).

Discusses "the actual and potential consequences of the rankings for diversity at three levels of analysis: 1) the individual decision-making of law school applicants; 2) the organizational decision-making of law schools in the admissions practices that create classes and distribute students across schools and programs; 3) and the heterogeneity of law schools as kinds of organizations with distinctive missions and niches in the field of legal education."

Roy Freedle, *How and Why Standardized Tests Systematically Underestimate African-Americans' True Verbal Ability and What To Do about It: Towards the Promotion of Two New Theories with Practical Applications*, 80 ST. JOHN'S L. REV. 183 (2006).

Describes research studies of standardized testing. The Fagan-Holland test of verbal intelligence provides "...a standardized test that demonstrates racial equality in verbal intelligence." Freedle's "guessing" research debunks studies showing that minority students' greater success at answering hard questions than easy questions was due to guessing. Freedle shows that there is greater racial bias in easy questions than hard questions. Recommends the Fagan-Holland test replace or be used in conjunction with the LSAT and that LSAT scores be broken down into two sub-scores (analytical reasoning and reading). Interprets the heavy weight given to LSAT scores in the *U.S. News* rankings to mean that the composite rankings are a measure of the quality of a school's faculty. Finds fault with faculty quality being determined by prospective students' test scores. To remedy this problem, suggests that a weighted ranking measuring academic specialties be done by region and a separate ranking be done "...which reflects the special concerns of student applicants: such as the number of scholarships offered, externship options, ethnic and gender diversity, cost, [etc]..."

Freedle was Formerly on the staff of Educational Testing Services (retired).

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

William D. Henderson & Andrew P. Morriss, *Student Quality as Measured by LSAT Scores: Migration Patterns in the U.S. News Rankings Era*, 81 IND. L.J. 163 (2006).

Uses statistical methods to examine change in entering-class median LSAT scores (as reported to *U.S. News*) between 1993 and 2004. Finds:

(1) the market for high Law School Admission Test (LSAT) scores is divided into two segments that operate under different rules; (2) initial starting position is a strong predictor of the future gain or loss in LSAT scores; (3) the allure of the high-end corporate law firms appears to cause a significant portion of students to discount the importance of rankings in favor of locational advantages related to the regional job market; (4) students will pay a tuition premium to attend elite law schools but, when deciding among non-elite schools, are willing to forgo a higher-ranked school for lower tuition; (5) there is little or no association between change in lawyer/judge and academic reputation and median LSAT scores; and (6) two well-known gaming strategies for driving up median LSAT scores appear to work.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Alex M. Johnson Jr., *The Destruction of the Holistic Approach to Admissions: The Pernicious Effects of Rankings*, 81 IND. L.J. 309 (2006).

Assumes that “achieving a diverse student body is a positive goal” and that this goal is supported by the majority opinion in the affirmative action case, *Grutter v. Bollinger*. Discusses the negative impact on minority admissions resulting from “the pressure on law schools to improve their median LSAT score in order to improve their relative rank” in the *U.S. News* rankings. Proposes strategies that will cause *U.S. News* to eliminate the use of LSAT scores when computing law school rankings.

From Symposium, *The Next Generation of Law School Rankings*, 81 IND. L. J. 1 (2006).

Paul F. Kirgis, *Race, Rankings, and the Part-Time Free Pass*, 54 J. LEGAL EDUC. 395 (2004).

Suggests that law schools enroll students with lower LSAT scores in their part-time programs in order to increase diversity without affecting their *U.S. News* rankings. Uses statistical analysis to show “...that African-Americans are overrepresented in the part-time programs of a majority of law schools with such programs. Study finds “...evidence [that] at least allows an inference that 30 percent of the law schools with part-time programs are using the part-time free pass to admit comparatively large numbers of African-Americans with comparatively low LSAT scores.” Discusses the pros and cons of part-time programs for

minority students.

[Note: in 2009, *U.S. News* began combining admissions data for full and part-time students]

Robert Morse, *Group Tries to Start Boycott of U.S. News Law School Rankings Morse Code: Inside the College Rankings*, MORSE CODE: INSIDE THE COLLEGE RANKINGS (USNEWS.COM) (May 27, 2010, 04:43 PM), <http://www.usnews.com/blogs/college-rankings-blog/2010/05/27/group-tries-to-start-boycott-of-us-news-law-school-rankings.html>.

U.S. News' response to the Society of American Law Teachers, *SALT Statement in Support of U.S. News & World Report Boycott* (May 21, 2010), <http://www.saltlaw.org/userfiles/file/5-21-10rankings%20letter.pdf>. Concedes that the LSAT counts for 12.5% of the overall ranking scores. Argues that *U.S. News* does not set any school's admissions policies or make admissions decisions; that *U.S. News* research shows that LSAT scores are the most important indicator of whether an applicant will be admitted to a school; and that even if schools withhold LSAT scores and GPAs, these numbers are published by the ABA and LSAC enabling *U.S. News* to use previous years' scores (as is the existing practice for a school that fails to report this data) if necessary. *U.S. News* also believes that by using the median LSAT rather than the mean, they give schools the flexibility to achieve diverse student bodies without negatively affecting their *U.S. News* rankings.

John Nussbaumer, *Misuse of the Law School Admissions Test, Racial Discrimination, and the De Facto Quota System for Restricting African-American Access to the Legal Profession*, 80 ST. JOHN'S L. REV. 167 (2006).

An empirical analysis in the eight largest law school markets show that when law schools raised their 25th percentile LSAT scores between 2002 and 2004, there was a corresponding "...downward trend in African-American student enrollment." Uses two case studies to show that while the ABA does not explicitly require minimum admitted student LSAT for accreditation, there is an informal practice of doing so. This practice creates a "...de facto and racially discriminatory quota system that effectively restricts African-American access to the legal profession." Suggests "the need for a full-scale investigation of the admissions policies and practices at all ABA-approved law schools to determine if their policies and practices violate the LSAC guidelines." Also suggests changes to ABA accreditation standards to: 1. Prohibit admissions policies and practices that have a disparate impact unless there is objective evidence that the practices are reliable indicators of an applicant's ability to complete law school and 2. prohibit law schools from using LSAT scores in ways that are contrary to the LSAC guidelines.

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Vernellia R. Randall, *The Misuse of the LSAT: Discrimination Against Blacks and Other Minorities in Law School Admissions*, 80 ST. JOHN'S L. REV. 107 (2006).

Discussion of law school policies and admissions practices as well as several organizations' (e.g., ABA, *U.S. News*) practices that contribute to institutional and systemic racism. Makes the case that "admissions policies, practices, procedures and/or patterns of behavior," including the use of LSAT "presumptive deny" practices, have a disproportionately negative impact on racial minorities. Analyzes whether or not any of the practices have a legitimate claim of educational necessity. Concludes that use of the LSAT to improve the overall *U.S. News* ranking is not a legitimate educational necessity. Also recommends actions that *U.S. News* can take to reduce their contribution to institutional racism.

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Letter from Raquel Aldana, Co-President, Society of Am. Law Teachers & Steven Bender, Co-President, Society of Am. Law Teachers, to ABA Center for Racial & Ethnic Diversity (Mar. 15, 2010), *available at* <http://www.saltlaw.org/userfiles/3-15-10SALTCommentsABADiversity.pdf>.

Society of American Law Teachers' comments on the ABA's Presidential Initiative Commission on Diversity's, *Diversity in the Legal Profession: The Next Steps*, preliminary report. Suggests that the Commission go further than merely recommending "promotion of the proper use of LSAT scores based on the guidelines published in the LSAC's 'Cautionary Policies'." Prefers a recommendation that ABA accreditation site teams apply Standard 503 and Interpretation 503-4 in inquiring if schools are properly using LSAT scores, particularly in the use of "cut off scores" in admission decisions. Also suggests that *U.S. News* incorporate data used in their diversity rankings into their overall rankings formula.

Society of American Law Teachers, *SALT Statement in Support of U.S. News & World Report Boycott* (May 21, 2010), <http://www.saltlaw.org/userfiles/file/5-21-10rankings%20letter.pdf>.

Calls for support of Dean Alfredo Garcia, of St. Thomas University School of Law, who refused to submit data for the April 2010 ("2011 Edition) of the *U.S. News* rankings. Provides a review of the negative

effects of *U.S. News* rankings on law school admissions. While not explicitly calling for a boycott by other deans, the Statement encourages them to "...confront the influence of the *U.S. News* rankings by working with the ABA to devise a strategy to withhold the release of LSAT scores to *U.S. News*; by working collaboratively to establish alternate sources of consumer education; and by educating colleagues, students and alumni about the specific ways in which the ranking system compromises legal education while threatening the diversity of the profession." Suggests that educating alumni may be easier in light of the *U.S. News* efforts to rank law firms.

Jeffrey Evans Stake, *Minority Admissions to Law School: More Trouble Ahead, and Two Solutions*, 80 ST. JOHN'S L. REV. 301 (2006).

Describes why law schools and *U.S. News* use the median LSAT, why median GPA's are becoming increasingly important and how reliance on these two measures adversely impacts minority admissions. Suggests that relying on a school's 75th percentile LSAT and GPA instead of the median would reduce the effects of rankings on admissions practices.

From *The Ronald H. Brown Center for Civil Rights and Economic Development Symposium on the LSAT, U.S. News & World Report, and Minority Admissions*, 80 ST. JOHN'S L. REV. 1 (2006).

Effect on the Operations of Law Schools: Faculty Hiring & Scholarship

Alfred L. Brophy, *The Relationship Between Law Review Citations and Law School Rankings*, 39 CONN. L. REV. 43 (2006).

Looks at the peer assessment component of the *U.S. News* survey and concludes that there is a direct correlation between law review rankings (determined by the number of citations) and this component. As a result, suggests that schools might want to "improve" their law review rankings (using techniques such as symposium issues and invited authors) in order to enhance their school's reputation in the legal community, thus improving their overall *U.S. News* ranking.

J. Robert Brown, *Of Empires, Independents, and Captives: Law Blogging, Law Scholarship, and Law School Rankings* (Univ. of Denver, Legal Studies Research Paper No. 08-04, 2008), available at <http://ssrn.com/abstract=1094806>.

Suggests that blogs can be useful in improving faculty reputations. Blogging is especially useful for faculty at lower ranked schools. Blogs provide advantages to schools because "...they are another way to advertise ideas and expertise," "[t]hey are... a way to draw attention to a law school," and they "...are cost effective." Impediments to blogging by faculty at highly ranked schools are the time intensity commitment

necessary when resources are available for work on scholarly writing, and the risk of generating negative notoriety as a result of hasty and or poorly conceived blog entries. Author's survey finds that the majority of prominent bloggers come from schools ranked in the lower tiers. This is unlikely to change until blogs are accepted into the scholarly cannon.

Joanna L. Grossman, *Feminist Law Journals and the Rankings Conundrum*, 12 COLUM. J. GENDER & L. 522 (2003).

When faculty are ranked by where they publish (e.g. Brian Leiter's Rankings) and citation rates, feminist law journals suffer because they fall outside of the main stream.

Kevin M. Yamamoto, *What's in a Name? The Letterhead Impact Project*, 22 J. LEGAL STUD. EDUC. 65 (2004).

Examines the influence of faculty members' institutions on the acceptance of their law journal submissions.

Effect on the Operations of Law Schools: Placement

Russell Korobkin, *In Praise of Law School Rankings: Solutions to Coordination and Collective Action Problems*, 77 TEX. L. REV. 403 (1998).

Analysis of law school rankings and their role in the markets for prestige and jobs. Purpose of rankings is to coordinate the placement of law students with legal employers. Rankings serve secondary but valuable purpose in that they promote public goods such as scholarship.

NALP Board of Directors, *Ranking or Rating of Law Schools, Legal Employment and Candidates for Employment*, NALP POLICY MEMORANDUM 102 (as amend. Nov. 11, 2004), available at <http://nalp.org/rankingrating>.

"NALP does not rank law schools or legal employers and discourages the use of rating systems or rank-ordered lists in evaluating law schools, legal employers, or individual candidates for employment." Policy encourages legal employers to take into consideration their own specific and unique needs and to evaluate each candidate individually. In lieu of rankings, encourages employers to consult the *NALP Directory of Law Schools*, school websites and to contact schools' career services offices directly. Encourages law schools and students to consult the *NALP Directory of Legal Employers*, employer websites and to contact employers directly. Both career services offices and legal employers are encouraged to "...be forthright and responsive" to inquiries.

Gaming the System

Paul L. Caron, *Did 23 Law Schools Commit Rankings Malpractice?*, TAXPROF BLOG (May 4, 2009), http://taxprof.typepad.com/taxprof_blog/2009/05/rankings-malpractice.html.

Questions the motivation of the sixty-four schools that did not report data for the “percentage of its Class of 2007 that was employed at graduation” to *U.S. News*. Suggests that the publically available formula used by *U.S. News* to estimate non-reported at-graduation employment data (the percentage employed at nine months less 30 percentage points) motivates schools to “game the system” and report “not available” if the estimated percentage would serve them better than the actual data. Twenty-three of the *reporting* schools had at-graduation rates less than those that would have been estimated by *U.S. News* if they hadn’t reported. Of these twenty-three schools, some may have moved up significantly in the rankings if they had chosen not to report.

Paul L. Caron, *Did 16 Law Schools Commit Rankings Malpractice?*, TAXPROF BLOG (May 12, 2010), http://taxprof.typepad.com/taxprof_blog/2010/05/did-16-law-schools.html.

Notes that the number of schools not reporting an “at graduation” figure to *U.S. News* has more than doubled in the last ten years. Suggests that the publically available formula used by *U.S. News* to estimate non-reported at-graduation employment data (the percentage employed at nine months less 30 percentage points) motivates schools to “game the system” and report “not available” if the estimated percentage would serve them better than the actual data. For the 2011 edition (2010), sixteen of the *reporting* schools had at-graduation rates less than those that would have been estimated by *U.S. News* if they hadn’t reported. Of the sixteen schools, some may have moved up significantly in the rankings if they had chosen not to report.

As a response to this posting, *U.S. News* is changing its methodology for estimating at-graduation employment rates. See: Robert Morse, *U.S. News Takes Steps to Stop Law Schools From Manipulating the Rankings*.

Amir Efrati, *Law School Ranking Reviewed To Deter 'Gaming'*, WALL ST. J., Aug. 26, 2008, at A1.

Newspaper article reporting on *U.S. News*’ proposal to include part-time student data in the overall rankings. Notable for coverage of two deans’ experiences with the rankings. Phillip Closius candidly describes his methods for improving the rankings at the University of Toledo and the University of Baltimore. His methods included cutting full-time enrollment and increasing part-time enrollment. *The Wall Street Journal*

quotes him as saying: “*U.S. News* is not a moral code, it’s a set of seriously flawed rules of a magazine, and I follow the rules...without hiding anything.” During Nancy Rapoport’s tenure as dean of the University of Houston Law Center, the school’s ranking fell from 50th to 70th place. This fall contributed to her 2006 resignation. She is quoted as saying “...managing the rankings as a dean is “like trying to meet analysts’ quarterly expectations by massaging the numbers.”

Brian Leiter, *The U.S. News Law School Rankings: A Guide for the Perplexed*, BRIAN LEITER’S LAW SCHOOL RANKINGS (May 2003), <http://www.leiterrankings.com/usnews/guide.shtml>.

Lists the factors that are used to rank law schools and then discusses if, and to what extent, they are susceptible to manipulation (“gaming the system.”). Since posting, some methodology has changed, affecting this analysis.

Robert Morse, *U.S. News Takes Steps to Stop Law Schools From Manipulating the Rankings*, MORSE CODE: INSIDE THE C. RANKINGS (USNEWS.COM) (May 20, 2010, 05:02 PM), <http://www.usnews.com/blogs/college-rankings-blog/2010/05/20/us-news-takes-steps-to-stop-law-schools-from-manipulating-the-rankings.html>.

Blog post serving as notice that *U.S. News* will make methodology changes to prevent schools from gaming the system. The changes are in response to Paul Caron’s observation of a growing trend to game the system by failing to reporting at-graduation employment data because the *U.S. News*’ estimate would be better (see Paul L. Caron, *Did 16 Law Schools Commit Rankings Malpractice?* TAXPROF BLOG (2010)). *U.S. News* will change their estimation formula and not reveal it until after publication.

Alex Wellen, *The \$8.78 Million Maneuver*, N.Y. TIMES, July 31, 2005, at D18.

Newspaper account of law schools’ efforts to “game the system” in order to improve their *U.S. News* rankings.

Dale Whitman, *The President’s Message: Doing the Right Thing*, THE NEWSLETTER (AALS), Apr., 2002, at 1.

Suggests gaming the system to increase a school’s ranking is ethically questionable. Without disclosing specific schools, describes seven real life examples of gaming the system. These examples involve admissions, scholarship awards, placement, and faculty leave and scholarship.

Satire

Arthur Austin, *The Postmodern Buzz in Law School Rankings*, 27 VT. L. REV. 49 (2002).

Satirical take on the *U.S. News* ranking phenomenon written in as pseudo postmodernist style. Uses accounts of events at the fictional “Schoff Law School” to document the history and effects of the *U.S. News* law school rankings. Entertaining while still being informative.

R. Lawrence Dessem, *U.S. News U.: or, The Fighting Volunteer Hurricanes*, 52 J. LEGAL EDUC. 468 (2002).

Article postulates the existence of a new law school, the *U.S. News* University. Argues that law schools are devoting resources to public relations rather than educating students, supporting faculty and serving the public.

Mark Lemley, *Rank*, 3 GREEN BAG 2D 457 (2000).

Satirical take on the rankings. Reports on the fictitious “rankings of national news magazines by graduate law school deans.”

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Tom W. Bell, *Reforming the USN&WR Law School Rankings*, AGORAPHILIA (Aug. 9, 2006, 3:34 PM), <http://agoraphilia.blogspot.com/2006/08/reforming-usnwr-law-school-rankings.html>.
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U.S. News & World Report Ranking Methodology Changes 1987 - 2010[©]

	1987	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Key Attributes																						
Student Selectivity		18.75%	20%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
<i>Acceptance Rates</i>					20%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
<i>Avg LSAT Score</i>					50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
<i>Undergraduate GPA</i>					30%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%	40%
<i>Enrollment yield</i>																						
Placement		18.75%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
<i>% employed at graduation</i>					40%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	30%	20%	20%	20%	20%
<i>% employed 3 months out</i>					30%	40%	55%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	70%	70%	70%	70%
<i>Recruiters on campus/graduates</i>					5%	5%	5%															
<i>Avg salary (ex clerkships & bonuses)</i>					25%	25%	10%	10%														
<i>Bar Passage Rate</i>									10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
Instructional Resources		18.75%	20%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%
<i>Spending per student</i>					75%	75%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%
<i>Financial Aid and Indirect</i>							10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%
<i>Library volume/title count per student</i>					5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
<i>Faculty/student ratio</i>					20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%	20%
Academic Reputation	Yes	25.00%		40%																		
<i>Survey of law deans & faculty</i>		12.50%	20%		20%	20%	25%	25%	25%	25%	25%	25%	25%	25%	15%	15%	25%	25%	25%	25%	25%	25%
<i>Survey of lawyers & judges</i>		12.50%	20%		20%	20%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Graduation Rates		18.75%																				
Schools Included	Top 20	Top 25	Top 25	Top 25	Top 25	176	177	178	179	174	181	174	174	175	177	177	177	180	184	184	184	188

Ranking Determination for Each Attribute

To determine each school's rank, each attribute receives a score that is converted to a percentile: the law school with the highest raw score receives 100% and the others receive a percentage of the top score.¹

Overall Rank

To determine overall rank, the weighted average of each attribute is taken and the highest score again assigned 100% with the remaining receiving a percentage of that score.² Before 1993, the weighted averages were based upon the attribute's total score; in 1993 a weight was assigned to each sub-attribute.³

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General Methodology Changes by Year

The first US News Ranking in 1987 was based solely on a survey of law school deans. The deans chose what they each thought were the ten best law schools and US News published the top twenty scoring schools.⁴

In 1990 and 1991, the twenty-five top scoring schools were ranked and listed.⁵

In 1992 and 1993 the top twenty-five schools were ranked and the remaining schools were listed alphabetically by quartile.⁶

In 1994, 1995 and 1996, the top fifty schools are ranked and listed in the first and second tiers; the remaining schools are listed alphabetically by tier starting with the third tier.⁷

From 1997 through 2002 the top fifty schools are again ranked but the remaining schools are listed alphabetically in three tiers, starting with the second tier.⁸

2003 - 2010 rank the top hundred schools and list the remaining schools alphabetically in two tiers (third and fourth).⁹

In 2009, part-time program rankings were added (based solely on Academic Reputation -- the Academic Survey).¹⁰

Methodology Changes by Attribute

Student Selectivity

Acceptance Rates

In 2009 full and part- time student data are combined for the first time.¹¹

Average LSAT Score and Average Undergraduate GPA

In 1992 changed from average LSAT/GPA score to median LSAT/GPA score.¹²

From 1995 - 1997, US News used median LSAT scores. However, because discrepancies with the scores reported to the ABA were found, US News also published each school's explanation. In 1995, twenty-nine schools reported higher LSAT scores than reported to the ABA.¹³ The following year the number was down to 13 schools with such discrepancies¹⁴ and in 1997 only 5 discrepancies were noted.¹⁵

In 1997 schools reported their LSAT/GPA 25th and 75th percentiles to ABA and US News published the data, though rankings continued to be based on median LSAT/GPA scores.¹⁶ This continued through 2004. The 2005 Methodology section specifies that they used a "calculated" median: the midpoint of the 25th percentile and 75th percentile scores.¹⁷ From 2006 through 2010, the Methodology sections specify that median LSAT's/GPA's are used and the Rankings list the 25th-75th percentiles for each school.¹⁸

The 2009 rankings combine full and part- time student data.¹⁹

Enrollment yield

This sub-attribute was added in 1991 and removed again in 1992.²⁰

Placement

Between 1993 and 1999 the two sub-attributes concerning percentage of students employed following law school went through a period of adjustment; in terms of percentage weight but even more so in terms of what graduates were included and excluded from each attribute. The changes made each subsequent year are noted below.

Percentage Employed at Graduation

Starting in 1994, the weighting of this sub- attribute decreased ten percent to thirty percent.²¹ In 1996 the attribute specifically included full and part-time employment; legal and non-legal jobs; and full- time students.²² In 1997 this last inclusion was changed from including 'full time students' to including 'those pursuing graduate degrees.'²³ In 1999 the Methodology specified that the figure excluded those graduates who were not looking for a job.²⁴ No changes were made after 1999.²⁵

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Percentage Employed Three Months after Graduation

In 1993, the three month period was extended to six months.²⁶ In 1994 this attribute's weight increased ten points to forty percent.²⁷ In 1995 its weight increased to fifty-five percent; and one fourth of all unaccounted for students were added to the calculation.²⁸ In 1996 the same change was made to this sub-attribute as was made to the employed at graduation attribute: it specifically included full and part-time employment; legal and non-legal jobs and full time students (in addition to the one fourth of unknown that were added the previous year).²⁹ Its weight also increased five points to sixty percent.³⁰ In 1997 and 1998 the date was extended from six months to approximately nine months (to February 15, the date used by the ABA) and those graduates who were not looking for a job were excluded from the count.³¹ Starting in 1999, the February date was rewritten as simply nine months post- graduation.³²

Recruiters on Campus/Graduates

This attribute was discontinued in 1996.

Average salary (excluding clerkships and bonuses)

In 1993 only private sector employment was included.³³ In 1994 the figure changed from average to median salary³⁴ and for the 1997 rankings the sub-attribute was eliminated altogether.³⁵

Bar Passage Rate

This sub-attribute was added in 1997 when the median salary sub-attribute was removed. It is the ratio of school's bar passage rate in the jurisdiction where the largest number of a school's graduates took the test to the overall rate for first time test takers.³⁶

Instructional Resources

In 1991 this Attribute's name changed to 'Faculty Resources.'

Spending per Student

In 1995, spending per student was subdivided into two groups: spending on instruction, library and supporting student services; and spending on financial aid, overhead and indirect expenditures. The former was weighted 65 percent and the latter ten percent.³⁷

Library Volume/Title Count per Student

In 1991 this sub-attribute was excluded from the overall attribute score.³⁸ In 1995 it changed from a per student count to a straight volume/title count.³⁹

Faculty/Student Ratio

In 1997 part-time faculty and administrators who teach were included in the count.⁴⁰

Academic Reputation

In 2002 this attribute's name changed to 'Quality Assessment.'

Survey of Law Deans & Faculty

From 1990 to 1994 two top officials from each school were asked to place the schools into quartiles based upon the schools' 'reputation for academic quality.'⁴¹ Starting in 1995 four officials from each school received the survey.⁴² In 1998 the survey changed from placing schools by quartile to rating the quality of all schools from Marginal (1) to Distinguished (5).⁴³ In 2002 'Distinguished' was replaced with 'Outstanding.'⁴⁴

In 2009 the survey additionally asked academics to choose fifteen law schools they thought had an outstanding part-time J.D. program. The part-time programs were then ranked according to the results.⁴⁵ For 2010 rankings, academics rated part-time programs on the 1 to 5 scale.

Survey of Lawyers & Judges

From 1990 to 1993, practicing attorneys were asked to list their top fifteen schools based upon how well graduates from the schools performed.⁴⁶ In 1993 this changed to top twenty schools.⁴⁷ The following year, 1994, the attorneys were asked to place all schools within quartiles.⁴⁸

In 1998 the quartile system was replaced by the (1) to (5) ranking described above.⁴⁹ In 2002 the name changed as above. In 2009 and 2010 the scores were determined by taking an average of the two most recent years' surveys.⁵⁰

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Graduation Rates

Attribute eliminated in 1991.

Methodology Changes by Year

As indicated above, the first US News Ranking in 1987 was based solely on a survey of law school deans. The deans chose what they each thought were the ten best law schools and US News published the top twenty.⁵¹ In 1990 US News added objective attributes.⁵² In 1991 the instructional resources attribute was renamed faculty resources and the library's volume count was excluded. An enrollment yield sub-attribute was also added and the graduation rate attribute eliminated.⁵³

In 1992 median, instead of average, LSAT/GPA scores were used and the enrollment yield attribute removed.⁵⁴

In 1993 weights were assigned to each sub-attribute. Also, the period of time for finding a job after graduation was extended to six months and only private sector employment figures were used to compute average salaries. The lawyers and judges survey asked them to list their top twenty schools (up from fifteen).⁵⁵

In 1994 the placement attributes weighting changed: the six months post graduation attribute increased ten points to forty percent and the at graduation attribute decreased ten points to thirty percent. Also, median, instead of average, salaries were computed. The attorney survey asked them to place all schools within quartiles.⁵⁶

In 1995 the six-month post graduation attribute increased from forty to fifty-five percent and one fourth of all unaccounted for students were added to its calculation. Spending per student on financial aid, indirect expenditures and overhead was made its own sub-attribute worth ten percent. Library volume counts went from being a per student count to a straight number count. Also, two additional faculty members at each school received the academic survey.⁵⁷ 1995 also marked the start of an LSAT issue: twenty-nine schools reported higher LSAT scores to US News than they had to the ABA. US News reported the schools' explanations with the 1995 Rankings.⁵⁸

In 1996 the percentage of students employed at graduation and at six months out specifically included full and part-time employment, legal and non-legal jobs, and full time students. The six months post graduation attribute weight also increased five points to sixty percent and the recruiters on campus attribute was discontinued.⁵⁹ This year thirteen schools had LSAT discrepancies and US News again published the explanations.⁶⁰

In 1997 the wording of who was counted as employed was changed from including 'full time students' to including 'those pursuing graduate degrees.' The time was also extended from 6 months to approximately nine months (to February 15, the date used by the ABA) and excluded graduates who were not looking for jobs. Also, a bar passage rate percentage replaced the median salary attribute and part-time faculty and administrators who teach were counted in the faculty per student ratio.⁶¹ This year only five LSAT discrepancies were noted and explanations published. Furthermore, US News published the LSAT/GPA 25th and 75th percentiles that schools had reported to the ABA, though the rankings continued to be based on median LSAT/GPA scores.⁶²

In 1998 both the academic survey and the professional survey changed from placing schools in quartiles to rating each on a scale of marginal (1) to

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distinguished (5).⁶³

In 1999 graduates who were not looking for jobs were excluded from all employment counts and the February 15 cutoff date for the post graduation employment count was rewritten as simply nine months post graduation.⁶⁴

2000 and 2001 saw no changes in methodology.

In 2002 the academic reputation attribute was renamed 'quality assessment' and in the surveys, 'distinguished' was replaced with 'outstanding'.⁶⁵

No changes in methodology were made in 2003 and 2004.

In 2005 LSAT/GPA scores were figured using a "calculated" median: the midpoint of the 25th percentile and 75th percentile scores.⁶⁶

In 2006 the Methodology sections specify that median LSAT's/GPA's are used for scoring and that the 25th and 75th percentiles for each school are just listed in the Rankings.

No changes were noted in 2007 and 2008.⁶⁷

In 2009 part-time student selectivity data were included and the professional survey's scoring was based on an average of the two most recent years' surveys. The academic survey additionally asked academics to choose fifteen law schools they thought had an outstanding part-time J.D. program and the part-time programs were ranked according to the results.⁶⁸

For 2010 rankings academics rated part-time programs on a one to five scale.

Specialty Rankings excluded

¹ Robert J. Morse et al, What's Behind the Rankings, America's Best Graduate Schools, U.S. NEWS & WORLD REPORT (Mar. 19, 1990) at 48-62, [hereinafter *1990 Rankings*].

² Id.

³ Law, *News You Can Use: America's Best Graduate Schools: Law*, U.S. NEWS & WORLD REPORT (Mar. 22, 1993) at 60-64 at 6, [hereinafter *1993 Rankings*].

⁴ Richard Schmalbeck, *The Durability of Law School Reputation*, 48 J. LEGAL EDUC. 568 at 588 (1998).

⁵ *1990 Rankings*, supra note 1 at 59; Law, *America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr. 29, 1991) at 71-77, [hereinafter *1991 Rankings*].

⁶ Law, *America's Best Graduate Schools*, U.S. News & World Report (Mar. 23, 1992) at 78-80, [hereinafter *1992 Rankings*]; *1993 Rankings*, supra note 3 at 64.

⁷ Law, *Best Graduate Schools 1994 Annual Guide*, U.S. NEWS & WORLD REPORT (Mar. 21, 1994) at 72-74, [hereinafter *1994 Rankings*]; Law, *News You Can Use: America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Mar. 20, 1995) at 78-86, [hereinafter *1995 Rankings*]; Law, *News You Can Use: America's Best Graduate Schools 1996 Annual Guide*, U.S. NEWS & WORLD REPORT (Mar. 18, 1996) at 79-86, [hereinafter *1996 Rankings*].

⁸ Law, *1997 Annual Guide: Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Mar. 10, 1997), at 71-79 [hereinafter *1997 Rankings*]; Law, *1998 Annual Guide, Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Mar. 2, 1998), at 77-80 [hereinafter *1998 Rankings*]; Law, *Year 2000 Guide: Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Mar. 29, 1999) at 90-99, 98 [hereinafter *1999 Rankings*]; Law, *2001 Annual Guide, America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr. 10, 2000) at 71-77, 76 (hereinafter *2000*

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Rankings]; Law, *America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr 9, 2001), at 76-84, 82 [hereinafter *2001 Rankings*]; Schools of Law, *America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr. 15, 2002), at 64-68, 66 (this version is missing the Methodology section; it can be found in U.S. NEWS & WORLD REPORT, BEST GRADUATE SCHOOLS (2003 ed., 2002) at Schools of Law, p. 56-64 [hereinafter *2002 Rankings*]).

⁹ *Schools of Law*, U.S. NEWS & WORLD REPORT (Apr. 14, 2003), at 70-74 (this version is missing the Methodology section; it can be found in U.S. NEWS & WORLD REPORT, AMERICA'S BEST GRADUATE SCHOOLS 2004 (2003), at 29) [hereinafter *2003 Rankings*]; Schools of Law, *America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr. 12, 2004), reprinted in U.S. News & World Report, Schools of Law, AMERICA'S BEST GRADUATE SCHOOLS 2005, (2004), Methodology found by searching USNews.com in the Internet Archive Wayback machine, http://web.archive.org/web/20040603030951/www.usnews.com/usnews/edu/grad/rankings/about/05law_meth_brief.php, [hereinafter *2004 Rankings*]; Schools of Law, *Special Report: America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr. 11, 2005), at 72-74 (this version is missing the Methodology section; it can be found by searching USNews.com in the Internet Archive Wayback machine, http://web.archive.org/web/20050417032832/www.usnews.com/usnews/edu/grad/rankings/about/06law_meth_brief.php), [hereinafter *2005 Rankings*]; Schools of Law, *Special Report: America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr. 10, 2006) (this version is missing the Methodology section; it can be found in U.S. NEWS & WORLD REPORT, AMERICA'S BEST GRADUATE SCHOOLS 2007 (2006), [hereinafter *2006 Rankings*]; Schools of Law, U.S. NEWS & WORLD REPORT (Apr. 9, 2007), reprinted in AMERICA'S BEST GRADUATE SCHOOLS 2008 at 44-47 [hereinafter *2007 Rankings*]; Schools of Law, *Special Report: America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (Apr. 7-14, 2008), at 66-68 [hereinafter *2008 Rankings*]; Law Schools, *America's Best Graduate Schools*, U.S. NEWS & WORLD REPORT (May 2009), at 70-76 [hereinafter *2009 Rankings*]; Schools of Law, U.S. NEWS & WORLD REPORT (May 2010), reprinted in AMERICA'S BEST GRADUATE SCHOOLS 2011, [hereinafter *2010 Rankings*].

¹⁰ *2009 Rankings*, *supra* note 9 at 73; see also Robert Morse, *Preparing for Our First Ranking of Law School Part-Time Programs*, MORSE CODE: INSIDE THE C. RANKINGS (USNEWS.COM) (Oct. 6, 2008), <http://www.usnews.com/blogs/college-rankings-blog/2008/10/06/>. These rankings are not considered here. Further information on the methodology is available at Robert Morse and Sam Flanigan, *The Part-Time Law School Rankings Methodology*, U.S. NEWS & WORLD REPORT (APR. 15, 2010), <http://www.usnews.com/articles/education/best-law-schools/2010/04/15/the-part-time-law-school-rankings-methodology.html>.

¹¹ *Id.* See also Robert Morse, *What's New for the 2011 Best Graduate School Rankings*, MORSE CODE: INSIDE THE C. RANKINGS (USNEWS.COM) (Dec. 3, 2009), <http://www.usnews.com/blogs/college-rankings-blog/2009/12/03>.

¹² *1992 Rankings*, *supra* note 6 at 78 (Methodology).

¹³ *1995 Rankings*, *supra* note 7 at 82 (LSAT Scores; Disturbing Discrepancies).

¹⁴ *1996 Rankings*, *supra* note 7 at 81 (LSAT Scores; Disturbing Discrepancies)

¹⁵ *1997 Rankings*, *supra* note 8 at 75 (Fine-Tuning Law Rankings).

¹⁶ *Id.*; *1997 Rankings*, *supra* note 8 at 77 (Methodology).

¹⁷ *2005 Rankings*, *supra* note 9 at Methodology, (found by searching US News.com in the Internet Archive Wayback Machine, http://web.archive.org/web/20060101093739/www.usnews.com/usnews/edu/grad/rankings/about/06law_meth_brief.php). Note that this conflicts with Carl Bialik's article, *Small Change by U.S. News Leads to New Controversy in Rankings*, WALL ST. J. (Apr. 7, 2005), <http://online.wsj.com/article/SB11279937006999640.html>, in which Bialik says US News used a 'hybrid mean-median, by taking the 25th percentile and 75th percentile scores from the ABA and averaging those two numbers.'

¹⁸ *2006 Rankings*, *supra* note 9 at Methodology (found by searching USNews.com in the Internet Archive Wayback Machine, http://web.archive.org/web/20070206032722/www.usnews.com/usnews/edu/grad/rankings/about/07law_meth_brief.php); *2007 Rankings*, *supra* note 9 at 45 (Methodology); *2008 Rankings*, *supra* note 9 at 68 (Methodology); *2009 Rankings*, *supra* note 9 at 75 (Methodology); and *2010 Rankings*, *supra* note 9 at Methodology.

¹⁹ *What's New for the 2011 Best Graduate School Rankings*, *supra* note 11.

²⁰ *1991 Rankings*, *supra* note 5 at 74 (Methodology); *1992 Rankings*, *supra* note 6 at 78 (Methodology).

²¹ *1994 Rankings*, *supra* note 7 at 73 (Methodology).

²² *1996 Rankings*, *supra* note 7 at 83 (Methodology).

²³ *1997 Rankings*, *supra* note 8 at 77 (Methodology).

²⁴ *1999 Rankings*, *supra* note 8 at 95 (Methodology).

²⁵ According to a telephone interview with the Deputy Director of Research at U.S. News, for the purpose of overall ranking, the 2006 and 2007 rankings computed an employment at graduation percentage for those schools who did not report one by taking the nine month post graduation rate and subtracting approximately 30 percentage

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points. Theodore P. Seto, *Understanding the U.S. News Law School Rankings*, 60 S.M.U. L. REV. 493, 500 n. 49 (2007). In 2010, U.S. News confirmed that the calculation described in Seto's article was correct and suggested that changes would be made for future rankings. Robert Morse, *U.S. News Takes Steps to Stop Law Schools from Manipulating the Rankings*, MORSE CODE: INSIDE THE C. RANKINGS (USNEWS.COM) (May 20, 2010), <http://www.usnews.com/blogs/college-rankings-blog/2010/05/20/>.

²⁶ 1993 Rankings, *supra* note 3 at 63 (Methodology).

²⁷ 1994 Rankings, *supra* note 7 at 73 (Methodology).

²⁸ 1995 Rankings, *supra* note 7 at 85 (Methodology) and at 82 (LSAT Scores).

²⁹ 1996 Rankings, *supra* note 7 at 83 (Methodology).

³⁰ *Id.*

³¹ 1997 Rankings, *supra* note 8 at 77 (Methodology) and at 75 (Fine-Tuning Law Rankings); 1998 Rankings *supra* note 8 at 80 (Methodology).

³² 1999 Rankings, *supra* note 8 at 95 (Methodology).

³³ 1993 Rankings, *supra* note 3 at 63 (Methodology).

³⁴ 1994 Rankings, *supra* note 7 at 73 (Methodology).

³⁵ 1997 Rankings, *supra* note 8 at Methodology.

³⁶ *Id.*

³⁷ 1995 Rankings, *supra* note 7 at 85 (Methodology).

³⁸ 1991 Rankings, *supra* note 5 at 74-75 (Methodology).

³⁹ 1995 Rankings, *supra* note 7 at 85 (Methodology).

⁴⁰ 1997 Rankings, *supra* note 8 at 75 (Fine-Tuning Law Rankings).

⁴¹ 1990 Rankings, *supra* note 1 at 48-49; 1991 Rankings, *supra* note 5 at 74-75 (Methodology); 1992 Rankings, *supra* note 5 at 78 (Methodology); 1993 Rankings, *supra* note 3 at 63 (Methodology); 1994 Rankings, *supra* note 7 at 73 (Methodology).

⁴² 1995 Rankings, *supra* note 7 at 85 (Methodology).

⁴³ 1998 Rankings, *supra* note 8 at Methodology.

⁴⁴ 2002 Rankings, *supra* note 8 at 61 (Methodology).

⁴⁵ *Preparing for our First Ranking of Law School Part-Time Programs*, *supra* note 10.

⁴⁶ 1990 Rankings, *supra* note 1 at 49; 1991 Rankings, *supra* note 5 at 74-75 (Methodology); 1992 Rankings, *supra* note 5 at 78-79 (Methodology).

⁴⁷ 1993 Rankings, *supra* note 3 at 63 (Methodology).

⁴⁸ 1994 Rankings, *supra* note 7 at 73 (Methodology).

⁴⁹ 1998 Rankings, *supra* note 8 at 80 (Methodology).

⁵⁰ 2009 Rankings, *supra* note 9 at 75 (Methodology); 2010 Rankings, *supra* note 9 at Methodology.

⁵¹ 1990 Rankings, *supra* note 1 at 48-49.

⁵² *The Durability of Law School Reputation*, *supra* note 4.

⁵³ 1991 Rankings, *supra* note 5 at 74-75 (Methodology).

⁵⁴ 1992 Rankings, *supra* note 6 at 78 (Methodology).

⁵⁵ 1993 Rankings, *supra* note 3 at 63 (Methodology).

⁵⁶ 1994 Rankings, *supra* note 7 at 73 (Methodology).

⁵⁷ 1995 Rankings, *supra* note 7 at 85 (Methodology).

⁵⁸ LSAT Scores, *supra* note 13.

⁵⁹ 1996 Rankings, *supra* note 7 at 83 (Methodology).

⁶⁰ LSAT Scores, *supra* note 14.

⁶¹ 1997 Rankings, *supra* note 8 at 77 (Methodology).

⁶² *Fine-Tuning Law Rankings*, *supra* note 15.

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⁶³ 1998 Rankings, *supra* note 8 at 80 (Methodology).

⁶⁴ 1999 Rankings, *supra* note 8 at 95 (Methodology).

⁶⁵ 2002 Rankings, *supra* note 8 at 61 (Methodology).

⁶⁶ 2005 Rankings, *supra* note 9 (Methodology). *See also, supra* note 17.

⁶⁷ *But see, supra* note 25.

⁶⁸ 2009 Rankings, *supra* note 9 at 73. *See also, supra* notes 9-11.