



## THE PULL OF RANKINGS

BY DEAN JOHN VALERY WHITE, BOYD SCHOOL OF LAW

*“At the William S. Boyd School of Law, we have been committed to building this kind of curriculum from the inception of the school.”*

Last month we at the William S. Boyd School of Law were delighted to hear that our school had risen 13 spots to the rank of 75 in the annual U.S. News & World Report graduate and professional school rankings. That constitutes a 25-place improvement over the last two years. We were happy because the consequences of a bad performance in the U.S. News rankings have immediate effects on the quality of student applicants and on the ultimate student body at the law school. We were relieved because our peers at other schools form their opinions about us, in part, based on these rankings. And we were delighted because supporters in the community, lawyers, regents and legislators are heavily invested in how we do. Unfortunately, this level of investment in U.S. News rankings creates substantial headwinds against the kind of curricular innovation that I hear many lawyers asking for.

In this longer-than-usual column, I hope to make the case for why lawyers should not care about U.S. News rankings of law schools. First, though, let me concede why they have the power they do. Law schools resist comparison with one another. On the one hand we all do mostly the same thing. On the other hand, what makes us special usually has to do with features that are local in nature – the quality of our faculty, the engagement of the local bar and the support of the community. For applicants to law school, there is little information that they can easily process that really distinguishes one law school from another. Yet choosing a law school is a momentous decision for an applicant. The U.S. News rankings have filled this information breach, providing an accessible judgment of merit that students can easily access.

Law school deans have long criticized the U.S. News rankings, noting that the methodology reflects curious choices over what to value and lumps law schools with very different missions together. In effect, all law schools

are judged by how much they resemble the Yale Law School, a heavily endowed, very selective, relatively small, private law school with a national reach in admissions as well as placement. These concerns (which I echo) have had little impact on the prominence of U.S. News because no one has developed an alternative. However, because applicants and others need a way to make difficult choices among law schools, the force of U.S. News is likely to continue unless there is a credible alternative.

Even as the U.S. News rankings have gained prominence, law schools have been reconsidering their approach to legal education with an eye to making it more responsive to the needs of the practicing bar. This movement has been driven by the influential MacCrate Report, in the early 1990s, and the more recent Carnegie Foundation Study of legal education. It has taken guidance from publications like Stuckey, et al. 2007 “Best Practices of Legal Education” (2007), as well as a host of law review articles examining what law schools do well and where they come up short. In recent years, several well-known schools have embarked on ambitious curricular reform projects, instituting more skills, professionalism and service. No one is abandoning the rigorous analytic approach that has proven effective in getting students to think clearly and effectively about legal problems. However, schools are more focused than ever on getting students more practice ready.

Fortunately, here at the William S. Boyd School of Law, we have been committed to building this kind of curriculum from the inception of the school. While there is always more to be done, I think we have done a great job of emphasizing professionalism, building skills and instilling a commitment to client and community in our students. This is a project I think most practicing attorneys think is necessary, yet it is just this kind of reform that an emphasis on U.S. News makes more difficult to accomplish. Indeed, at some law schools,

the pull of U.S. News rankings has triggered an abdication, some would argue, in the responsibility of the law school to emphasize training.

The U.S. News rankings turn heavily on indicators of student quality for the entering class: i.e., LSAT and GPA scores. While smarter students generally make smarter lawyers, the LSAT and GPA scores of applicants are at best rough measures of intelligence and poor measures of success as an attorney. However, law schools have limited flexibility in admissions because the U.S. News rankings punish a school severely for very small decreases in median LSAT and GPA in the entering class. This is a particular challenge in a state like Nevada with relatively few applicants to law school, and even fewer who might meet our admissions requirement if we were driven solely by U.S. News considerations. Put simply, the easiest way for the law school to increase its rankings would be for it to admit many more out-of-state students – that clearly would not serve Nevada’s interests.

The rankings also heavily weigh surveys of a few faculty members at every law school (peer assessment) and of lawyers and judges. The peer assessment has been shown to produce an “echo effect,” reproducing high rankings from the prior year. In any event, it creates pressure on law schools to advertise and to otherwise ensure that their faculty is prominent with their peers. Some schools spend hundreds of thousands of dollars on advertising and law professors are inundated in the early fall (just before the surveys are circulated) with glossy flyers, alumni magazines and spam from law schools boasting about their accomplishments. Naturally, these efforts and resources could be directed in more productive enterprises.

Given the country’s demographics and the concentrations of lawyers, the survey of jurists goes to lawyers and judges heavily concentrated on the coasts and in very large metropolitan centers. More disconcerting, the response rate hovers around 30 percent of the lawyers and judges who receive the survey – in other words, this part of the rankings is created through the answers of roughly 300 people nationwide. Law schools can do little affirmatively to improve this rating (though those of you who belong to national firms might aid us by relating our achievements). Rather, it has made law schools very vulnerable to national news stories that are unfavorable. Indeed, in the Internet age, local press coverage that is unfavorable runs the risk of being picked up by blogs, Internet sites and the like, transforming a story written for a local audience and balancing local interests into a national story. This kind of out-of-context coverage is particularly perilous for schools in small, intimate political and legal communities.

The U.S. News rankings also turn very heavily on placement of students and bar passage. While these are very legitimate bases for judging law schools, it means that law schools are particularly vulnerable to localized conditions other schools don’t share, be they economic shifts or particularly difficult bar exams. Law schools must devote considerable resources to ensuring placement success and supporting bar passage.

Perhaps less obvious than these pressures from the U.S. News rankings is the degree to which the prominence of the rankings has been exaggerated by, and help drive, a broadening of the marketplace for law students and professors. Students once considered only schools close to their homes; today they apply widely to a diverse range of law schools and choose from between those that accept them. Law schools must actively compete for students, often by awarding scholarships. In any case, students are keen to know that a law school has great student life, support services and a nice community – factors that may surprise those of us who chose a law school even 20 years ago. Law schools ignore these concerns at their peril. The U.S. News ranking is very influential among law school applicants and something current students and alumni understand as a factor relating to the value of their law degree. All three groups care about the rankings deeply.

Professors are part of a national academe today. Their professional reputation is developed and maintained by their presence in the national marketplace. Conferences and professional meetings have always been important, but they now take on greater significance, given the peer assessment factor of U.S. News.

These pressures on law schools are troublesome. Most significantly, the resource demands created by the U.S. News rankings make it more difficult for law schools to be creative in their core educational mission. Pressured by students, alumni, supporters and faculty alike to attain ever-higher rankings, sound but resource-intensive programs are scaled back so resources can be redirected to U.S. News-relevant initiatives. In recent years, many schools have manipulated their very programs in service of the rankings chase.

At the Boyd School of Law, we are pleased with our achievements and happy that the rankings reflect some of our successes. We have prioritized building sound programs and a creative and relevant program of legal education over rankings. We think this sound focus has served us well in the rankings, but we are committed to those educational values first. All else is second. Our role is to educate skilled, professional attorneys committed to the community and cognizant that ours is a profession that imparts on its members obligations to the community. We cannot ignore the rankings, but we shall not be a slave to them. **NL**