

# Law School Rankings Fail to Account for All Factors

Does the ranking of your law school matter? Certainly if you aspire to the U.S. Supreme Court. The nine sitting justices received their law school degrees from either Harvard (Scalia, Kennedy, Souter, Breyer), Stanford (Rehnquist, O'Connor), Northwestern (Stevens), Yale (Thomas), or Columbia (Ginsburg).<sup>1</sup> The Michigan Supreme Court has three justices from top law schools: Harvard (Young), Tulane (Weaver), and George Washington (Taylor).

The American Bar Association accredits law schools but does not rank them, stating that "no rating of law schools beyond the simple statement of their accreditation status is attempted or advocated by the official organizations in legal education . . . . Qualities that make one kind of school good for one student may not be as important to another."<sup>2</sup> *U.S. News and World Report* (hereafter *U.S. News*) first calculated the now annual, widespread rankings in 1990.<sup>3</sup> They categorize law schools in four tiers of descending rank. *U.S. News* also ranks all graduate schools.

Do the rankings matter to anyone other than Supreme Court aspirants? According to Richard Lempert, Eric Stein Distinguished University Professor of Law and Sociology at the University of Michigan Law School, rankings do matter to law school applicants, particularly foreign applicants, as well as administration and faculty at many schools. He believes that employers are less likely to be concerned about numerical rankings although they may be cognizant of the position or "tier" in general of a law school. Professor Lempert also hears alumni from various schools "rib" each other when new rankings are released.

Bernard Dobranski, Dean of the Ave Maria School of Law, and former Dean of University of Detroit Law School and Catholic University, believes that applicants, administration, trustees to a certain extent, faculty, and employers pay attention to the rankings. He adds that current students monitor rankings believing that rank does influence employment opportunities.

Even though the rankings appear to be heeded, they have generated much controversy over the years. At first, *U.S. News* obtained much data from the schools themselves. Some schools objected to the process and did not participate. The magazine extrapolated data conservatively, or some say punitively, and those schools felt they suffered in the scores as a result. Other schools were overly attentive to the ratings and provided misleading data and data discrepant with that provided to the ABA for accreditation.

There were numerous war stories connected with the early publications. One school reportedly replaced its placement officer based on one of the criteria—the number of students working six months after graduation. Another school was accused of giving temporary positions to all its graduates who had not found employment within six months, so that it could report 100 percent placement. A third school reportedly placed its minority students who had lower LSAT scores or GPAs in evening programs to avoid counting them in full-time student statistics. When LSAT scores became available independently, *U.S. News* found that 40 schools had data discrepancies.

Subsequently, the schools, on the one hand, decided that cooperation in providing data would be beneficial and *U.S. News*, on the other, footnoted discrepancies in data, as data became available from the ABA in 1997 or other independent sources. Overall, data apparently became more reliable.

However, the controversy continued. In 1998, a report commissioned by the Association of American Law Schools (AALS) condemned the rankings and their 12 factors on numerous counts.<sup>4</sup> The authors were very thorough in their criticism of inappropriate criteria, biased criteria, superfluous criteria, and missing criteria (such as, faculty quality, student assessment of quality, clinics, summer employment). Their statistical analysis revealed that virtually all of the differences in the ranks could be explained by a combination of two of the factors. One is student selectivity, driven primarily by the school's median LSAT score, and including undergraduate GPA and rejection rate. The other is academic reputation, measured by questionnaires sent to other ABA-accredited law school staff (dean, academic dean, head of faculty hiring committee, and most recently tenured faculty member).

The same year, 175 out of 183 deans of ABA-accredited law schools wrote an open letter to law school applicants criticizing all commercial enterprises promoting rankings, and *U.S. News* in particular. The letter quoted Newsweek editor Kenneth Auchincloss who stated that "Rankings generate huge hype, which is far more likely to serve the publisher's purpose than the readers'."

Two years earlier, Thomas Brennan, founder of Thomas M. Cooley Law School, authored a book on law schools ranking them by 50 criteria. He found that "there are many, many number one law schools in

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America . . . Almost every one of the [ABA] approved law schools can be found among the top ten" in one or another of his categories. "It all depends on what an individual thinks is important."<sup>5</sup> Other rankings have sprung up, but are not as popular as *U.S. News*.<sup>6</sup>

Professor Lempert finds the rankings demoralizing. A school can institute excellent new programs or improve in many areas that are not measured by the rankings and thus remain in the same tier. He reported that when *U.S. News* originally categorized schools into five tiers, one fifth-tier school, which was a very good school, had despondent faculty and administration. The next year they moved to fourth tier, a result of the categories having been reduced to four, and the despondency subsided. *U.S. News* has improved the criteria on occasion, but Lempert reports that there are limits to improving criteria and data collection. It is the very concept of ranking that is demoralizing, whatever the criteria or rank.

Dean Dobranski finds law school ratings to be unsettling. He has found, as an ABA accreditation team member, that the quality of American law schools is very high in general, particularly in the educational material offered. The factors that can lead to a lower rating can be misleading. For example, the year before he became dean at Catholic University Law School, the school dropped from second to third tier. He contacted *U.S. News* and learned that the one factor causing the re-categorization was the employment of students six months after graduation. When he required the school's placement office to improve data collection, he found that employment could be confirmed for all but two students. The following year, the school was again in tier two, yet the improvement had only been in data collection.

Articles continue to be published criticizing rankings,<sup>7</sup> particularly the *U.S. News* versions, but there is no sign that *U.S. News* will relent. Rankings are a moneymaker for the publisher. The law schools will continue to live with the rankings Catch 22 wherein they "fear the rankings, and . . . hate them [while] they play to the rankings and use them to their advantage."<sup>8</sup> Perhaps the law school applicants will pay more heed to the warnings

than the rankings and take many factors into account other than the limited number *U.S. News* offers. ♦

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#### FOOTNOTES

1. U.S. News and World Report, "America's Best Graduate Schools 2003: Top Law Schools," [www.usnews.com](http://www.usnews.com).
2. ABA Network, "ABA Approved Law Schools," [www.abanet.org/legaled/approvedlawschools/approved.html](http://www.abanet.org/legaled/approvedlawschools/approved.html).
3. For current rankings, see [www.usnews.com/usnews/edu/beyond/gradrank/gdlawnf.htm](http://www.usnews.com/usnews/edu/beyond/gradrank/gdlawnf.htm).
4. Klein, Stephen P., Ph.D. and Hamilton, Laura, Ph.D., "The Validity of the *U.S. News and World Report* Ranking of ABA Law Schools," February 18, 1998, [www.aals.org/validity.html](http://www.aals.org/validity.html).
5. Brennan, Thomas E., "Judging the Law Schools: A Summary," [www.ilrg.com/rankings/intro.html](http://www.ilrg.com/rankings/intro.html).
6. Education and Social Science Library, University of Illinois at Urbana-Champaign, "Law School Rankings," [www.library.uiue.edu/edx/ranklaw.htm](http://www.library.uiue.edu/edx/ranklaw.htm); Lexis-Nexis, "Wrangling over Law Schools," [lawschool.lexis.com/lawtech/archive/199709.htm](http://lawschool.lexis.com/lawtech/archive/199709.htm); "The Frayed LSA Aid: Law School Rankings," [members.aol.com/frayed99/rankings.htm](http://members.aol.com/frayed99/rankings.htm).
7. See the annotated bibliographies by the Education and Social Science Library, University of Illinois at Urbana-Champaign, "Law School Rankings," supra, and "College Rankings Caution and Controversy," [www.library.uiuc.edu/edx/rankoversy.htm](http://www.library.uiuc.edu/edx/rankoversy.htm); Carter, Terry, "Rankled by the Rankings," *ABA Journal*, March, 1998, p. 46; Leiter, Brian, "Educational Quality Ranking vs. *U.S. News*," [www.utexas.edu/law/faculty/bleiter/rankings/usnews.html](http://www.utexas.edu/law/faculty/bleiter/rankings/usnews.html); Monk, Carl C., "Association of American Law Schools Calls on *U.S. News and World Report* to Stop Ranking Law Schools: Study Challenges Validity of Magazine's System," [www.aals.org/ranknews.html](http://www.aals.org/ranknews.html); Field, T., "Intellectual Property Specialty Rankings in *U.S. News and World Report*," [www.Piercelaw.edu/tfield/usnwr.htm](http://www.Piercelaw.edu/tfield/usnwr.htm).
8. Carter, supra, p. 46. See e.g., Cole, Lenny, "Law School Holds Its Ground in *U.S. News* Rankings," *Duke Law Reporter*, vol. 1, no. 4 (March 29, 1999), [www.law.duke.edu/student/act/dir/issue4/usnews.html](http://www.law.duke.edu/student/act/dir/issue4/usnews.html).