

## INTRODUCTION & METHODOLOGY

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Imagine that college football teams are ranked each year by the quality of the freshman recruits and the pre-season polls of the press and the coaches. Games don't count, only what people expect, based upon the potential of the high school players and the pre-season assessment of two groups with some involvement in football. Imagine as well that the rankings for the year are determined just once, before the season begins and those players are tested by competition.

That unimaginable scenario is pretty much what happens when law schools are ranked. The quality of the incoming class and the reputation of the schools according to the academics and lawyers control the rankings.

Legal education is one of the last places in America where ignorance is used as a basis of judgment (I never heard of it, so how good can it be?) and where subjectivity and bias are actually valued over objectivity and fair-mindedness (this or that school has a good or bad reputation).

Each year, the publication *US News and World Report* surveys large law firm lawyers, judges, and academics, allowing them the opportunity to rate all approved law schools and place each school in one of five categories—distinguished, strong, good, adequate, marginal. Although the opportunity is presented for these raters to say “don't know,” no controls in that regard are included. So the *US News* reputation raters are not required to actually know anything about the schools they rate. And they don't.

The *US News* also uses subjectivity in its determination that law schools are better if elite; that is, if they have high entering class profiles. According to its view, the greater the number of students to whom a law school denies admission, the better that school is. Exclusivity is an asset under this view; access is a fault. This emphasis on the quality of a school's incoming class (input), rather than on the quality of a school's graduates (output), means that a school is rated higher because of what it might do than for what it actually does.

It was to provide an alternative to this heavy reliance on subjectivity and the growing popularity of the *US News* rankings that *Judging the Law Schools* was written. Objective information was simply unavailable until recently.

In 1996, when *Judging the Law Schools* first appeared, the figures it used were found in a publication of the American Bar Association entitled *Review of Legal Education in the United States*. The presentation in *Judging the Law Schools* was limited by the data contained in the ABA publication. At that time, access to the information about law schools that the schools annually were required to submit to the ABA was severely restricted, and the schools were not permitted to make public the information about other schools.

Since that time, the American Bar Association has authorized a new publication, the *ABA-LSAC Official Guide to ABA-Approved Law Schools*, which features more extensive public information about each accredited law school presented in a standardized format. The 2011 edition of the *Official Guide*, which reports data collected by the ABA in the fall of 2009, provides the data used in the twelfth edition of *Judging the Law Schools*.

Readers are invited to refer to the Introduction to the *Official Guide* for questions about the collection, compilation, and presentation of data in that publication. Except as otherwise noted in this text, the data used in this edition of *Judging the Law Schools* is taken from the *Official Guide* as it appears.

The only weakness of the *Official Guide*, as the ABA itself notes, is that the information it compiles is self-reported by the schools and is not subjected to audit. However, each law school dean certifies the accuracy of the information. The authors are satisfied that the data is reasonably accurate. We have noted those examples of inadvertent errors, mistakes, and omissions we have discovered.

The Introduction to the *Official Guide* states the usual ABA disavowal of ranking systems, saying “[n]either the LSAC nor ABA condones, approves, or sanctions use of the data contained in this book to rank law schools. Both organizations disapprove of any and all rankings.” It includes this statement published by the law schools’ deans:

The idea that all law schools can be measured by the same yardstick ignores the qualities that make you and law schools unique, and is unworthy of being an important influence on the choice you are about to make. As the deans of schools that range across the spectrum of several rating systems, we strongly urge you to minimize the influence of rankings on your own judgment. In choosing the best school for you, we urge you to get information about all the schools in which you might have some interest...

With this statement, the authors have no quarrel. We would not urge any prospective law student to make a personal decision based solely on any ranking system, including ours. In fact, we submit that many systems are corrupted by subjectivity and prejudice. But the rankings grow steadily more important to those considering law school and to the general public.

We think there is room for an objective comparison of the 199 law schools accredited this year by the American Bar Association (we actually exclude from our rankings the schools that have not yet produced bar results and placement reports, as well as the schools located in Puerto Rico). Actually, so does the ABA, which once stated in its *Official Guide* that “[y]ou should buy this book [the *Official Guide*] if you are interested in the most reliable, comprehensive, objective data available on all the ABA approved law schools in a simple, easy-to-read format.”

Despite the ABA's disclaimer, the ABA's publication invites that very endeavor by providing comprehensive, standardized, and useful data and stating that "[t]he purpose of this book is to provide consumers with basic information in a simple format that will facilitate comparisons between law schools." The ABA cautions that its *Guide* should not be used as the sole source of information by applicants to law school, but should be used as a supplement in the evaluation and selection processes. We believe that *Judging the Law Schools* should be used in exactly the same manner.

In Chapters Six, Ten, and Twelve of the latest *Official Guide*, the ABA presents charts listing the data assembled about each school on a comparative basis. All that remains to complete a ranking is to list that information in some sort of sequence from high to low or low to high. That is what each edition of *Judging the Law Schools* does for the 35 factors used by the ABA in its compilation. Two of our factors are simply totals of separate factors included in the current or previous *Official Guide*. Three other factors that we use rely on computations using some of the other factors, again all taken only from the *Official Guide*.

Total objectivity is not possible in any comparison, much less a ranking system. Selection of criteria on which to base a comparison is itself subjective.

Likewise, the order of ranking is itself subjective. Ranking schools from largest to smallest enrollment implies that larger is better. Ranking schools from lowest to highest in annual tuition implies that cheaper is better. Ranking schools according to physical plant size or the number of volumes in the library implies that bigger is better.

No doubt, our prejudices shaped the selection of factors and ranking order we use. However, the criteria selected for comparison in *Judging the Law Schools* are all taken from the profile pages and charts found in the *Official Guide*. Thus, these factors are deemed important by the ABA for comparative purposes.

Factors that did not lend themselves to comparison were eliminated in *Judging the Law Schools*. For instance, factors that use dates or simply provide yes or no answers were eliminated.

Items where the presentation format or data is inherently confusing were not selected. For example, the way in which the ABA requires attrition to be reported tends to understate actual attrition and is presented in a manner that is difficult to analyze. We point out that exclusion of this factor admittedly favors schools like Cooley which feature relatively open admissions, maintain grading integrity, and have significant attrition, an assessment that is only accurate if one deems significant academic attrition to be a negative attribute of a law school.

Relative cost of living as a factor was not included in *Judging the Law Schools* because the reported figures submitted by the schools are highly suspect. Comparison of the living cost figures submitted by schools in the same city show considerable variance, which defies logic.

Other factors were eliminated to avoid redundancy and unnecessary complexity and volume.

Finally, in 2004 the ABA changed the reporting format, eliminating some information that had previously been reported publicly. An e-mail to one of the authors stated the following:

You are right, the items that were deleted from the Official Guide information for the 2005 edition were deleted not because they were thought to be particularly sensitive or proprietary information, but rather in order to make room in the limited space available for information that the Questionnaire and Library Committees thought would be more useful to readers of the Official Guide.

That said, as you know the takeoffs, including the Law Library Statistical Tables, are confidential except to the extent that data contained in them are included in public documents. There of course is no objection to a school's making public its own data that are included in a takeoff, or generalized data (such as medians, means, and the 25<sup>th</sup> or 75<sup>th</sup> percentiles) gleaned from the takeoffs. However, we would, and regularly do, object to a school's making public data concerning other specific law schools that are obtained from the takeoffs. This is a general policy from which we have not deviated. As I hope you will understand, it is not feasible for our office to make selective determinations as to what portions of school-specific data obtained from the takeoffs may be made public.

I hope this provides the information that you need.

The authors note that this information is not truly confidential as all of it is sent to all the other ABA-accredited law schools, and much of it is available from the public schools under the various Freedom of Information Acts within the states. Also, the information we sought to publish was only this year's version of data released in previous *Official Guides*. To determine that those categories of data previously disclosed to the public in *Official Guides* can be made public hardly presents an issue of feasibility or of complex decision-making. However, getting all the law schools to agree to the release was not feasible.

That being the determination of the ABA, we faced a dilemma of consistency versus the currency of data. So, we compromised. We decided to use the data for the last year available for the three items related to the physical plant size on the premise that the information would not be substantially different this year for most schools. For the other categories we used the newly-provided items most closely approximating the items in the previous five editions of the book. These are detailed in the discussion of each factor included below.

We offer a brief rationale for each of the 40 selected factors. Note that each of these factors can affect the overall ranking of any school by only 2.5%.

**Total J.D. Enrollment**-The total enrollment of a law school reflects its success in attracting students, its appeal to those interested in legal education, and its ability to carry out its institutional mission. While size alone does not assure quality, it does permit a school to offer its students a greater variety of courses, programs, and activities. All other things being equal, a good big school is better than a good small school.

**Total Minority Enrollment**-Law school has always been an avenue for social mobility and the integration of minority groups into the mainstream of American civic and commercial life. The extent to which law schools open their doors to minority students measures their contribution to the American dream.

**Percentage of Minority Students**-The relative percentage of minority students, rather than the total number of such students, reflects the overall composition of the student body. Comparing percentages of students allows another perspective regarding access to a school's program.

**J.D. First-Year Matriculant Rankings**-Total enrollment figures reflect a three or four-year result. Using first-year matriculation figures show a school's most recent results in attracting new students.

**J.D. First-Year Minority Enrollment Rankings**-While the size of an entering class reflects the general opportunity each school provides for access to legal education, the number of minority students admitted each year demonstrates each school's overall annual contribution to access for minority students.

**J.D. First-Year Minority Percentage Rankings**- Just as with total enrollment, the relative percentage of matriculating minority students, rather than the total number of such students, reflects the overall composition of the incoming student body. Comparing percentages of students allows another perspective regarding access to a school's program.

**J.D. Foreign National Students**-Globalization has swept our country, created economic upheaval, and led to increasing demands that law schools address international legal and human rights issues. The enrollment of foreign national students reflects the interest of each school in international education, as well as in bringing differing perspectives to classroom and social interactions.

**J.D. Foreign National Percentage Rankings**-Just as with the number of foreign national students enrolled, the relative percentage of foreign national students in a student body reflects the interest of each school in international education, as well as in bringing differing perspectives to classroom and social interactions. Comparing percentages of students allows another perspective regarding access to a school's program.

**Median Percentile Undergraduate Grade Point Average**-The quality of a student body is often measured by its level of performance at the undergraduate level. Taken as a whole, students with higher grades tend to be better college students than those with lower grades. The conventional wisdom is that students with higher undergraduate grade point averages will do better in law school than those with lower grades.

**Median Percentile LSAT Scores**-The LSAT is a test designed to level the playing field when comparing undergraduate grade point averages, particularly when attempting to compare grades among students with different major fields of study at different colleges and universities. Taken as a whole, students with higher LSAT scores have a better potential for success than those with lower scores.

**Total Applications**-Applications represent a way to determine the market share of a law school. Schools with high application volumes demonstrate a measurable level of demand among potential law students, a reflection of perceived quality.

**Number of Full-Time Faculty**-Full-time faculty members are the heart of every educational endeavor. The larger a school's full-time faculty, the greater the possibility of providing a wider and richer variety of courses, programs, and activities taught and supervised by those whose sole responsibility is the education of its students.

**Number of Part-Time Faculty**-Part-time faculty enrich a school's program of legal education, bringing diversity of experience, the practitioner's view of the demands and ethics of law practice, and a depth of knowledge in specialty areas not available in all instances among full-time faculty members.

**Total Teaching Faculty**-The educational resource of a school is its faculty. The larger the overall size of a faculty, the more likely that school can deliver a complete educational program that satisfies the needs and demands of its students. Larger size enhances the access to teachers among students, the variety of role models, the diversity of scholarly opinion, and the opportunity for intellectual exchange. Administrators and librarians who teach are excluded from this total.

**Number of Minority Faculty**-Just as minority enrollment levels reflect access to the opportunity for a legal education, the number of minority law school faculty members reflects access to the highest levels of the legal profession.

**Student-Faculty Ratio**-Faculty size alone does not assure contact with students and smaller class sizes. The ratio of students to faculty reflects the potential for greater individual contact in smaller classes. In general, the lower the student-faculty ratio, the better the chances that small group and individual contact will occur.

**Typical First-Year Section Size**-Section size reflects the potential for enhanced interchange between faculty and students and opportunity for more attention to individual students. It also reduces the burden on faculty members. Conventional wisdom

concludes that the smaller the section size, the better the potential for high-quality instruction.

**Number of Course Titles Beyond the First Year**-Another aspect that relates the positive effect of large size to the quality of legal education is the diversity of course offerings for students at advanced stages of their legal education. A larger number of advanced course offerings means not only that more students can study a wider variety of legal topics of particular interest to them, but also that more students are able to obtain a greater depth of understanding of and practice in those advanced topics.

**Full-Time Resident Tuition**-The cost of legal education is a significant factor affecting law school selection. All other things being equal, the lower the cost of legal education, the better. Put another way, extra expense should bring proportionate extra benefits to the student. This factor favors public school education over private school education, since the taxpayers subsidize the cost of legal education at public schools.

**Full-Time Non-resident Tuition**-The parameters change somewhat when the cost of attending an out-of-state school are considered, because many schools charge a large tuition premium to non-residents. Although taxpayers still subsidize some of the cost for non-residents, the subsidy is not as extensive, so public schools are not so much of a bargain for non-resident students.

**Percentage of Students Receiving Grants/Scholarships**-Legal education costs are lowered through various forms of grants and scholarships. Schools that offer the broadest coverage reduce the overall educational cost to the greatest number of students.

**Median Amount of Grants/Scholarships**-The percentage of students receiving aid measures the breadth of tuition relief; the median amount of such support measures the depth of such aid.

**Full-Time Resident Affordability Rankings**-The cost of legal education limits access and consigns many law school graduates to debtor status. Schools combat this by offering some combination of tuition and grant or scholarship support. The relative cost of attendance at each school can be determined by computing the cost of attendance for a student based upon the resident tuition the school charges, reduced by the median amount of grants and scholarships offered, and computing the weighted average cost for all students. See the Cooley web page at [www.cooley.edu](http://www.cooley.edu) for details.

**Full-time Non-Resident Affordability Rankings**-The cost of attendance increases greatly when a student attends a public law school as a non-resident. Affordability can be determined in the same manner as for resident students, using non-resident tuition.

**Library Materials Expenditure**-In general, the amount a school spends on its library materials reflects its commitment to updating and expanding its collection to better serve its students.

**Total Volumes in Library**-The most common expression of the extent of a law school library is the total number of volumes in its collection. Generally, the larger the collection the better the library serves as a resource to students and faculty.

**Total Titles in Library**-The number of titles evidences the breadth of a collection. Generally, the greater the number of titles, the better the library serves as a resource to students and faculty.

**Total Serial Subscriptions**-The number of serial subscriptions measures the extent of a library's periodical collection. The larger the number of serial subscriptions, the better a library provides access to current legal materials and keeps those materials up to date.

**Number of Professional Librarians**-Access to professional library staff is important for students, faculty, and the legal community in which the library is located. A large professional library staff not only assures that students and staff will have knowledgeable resource persons when research questions arise, but also that the library's collection development and quality is actively overseen by professionals. Previous *Official Guide* editions used the "number of library professional staff."

**Library Hours per Week with Professional Staff**-Access to library professionals normally occurs only when a library is open for business. Thus, the more hours a library is open and staffed by professionals, the better it serves its research support and resource function. Previous *Official Guides* reported these hours, but the 2004 and later editions have only the "hours per week the library is open." The authors computed the 2004 ratio of hours with and without professional staff, assumed that ratio continued in the current year, and computed a new allocation of hours on that basis.

**Total Library Hours per Week**-Law school libraries serve as study centers for students. Access to a quiet place to study and at least some of the collection is particularly important to students.

**Library Seating Capacity**-To study, a student needs a place to sit. The more crowded a library, the more likely it will not be able to serve as a resource to the entire student body.

**Number of Networked Computers Available for Use by Students**-The recent explosion of technology-based research vehicles has made access to computers and the Internet an important factor. The greater the number of stations available to students, the better a school serves its students. Previous *Official Guide* editions used the "number of student computer work stations."

**Library Total Square Footage**-In general, the roomier a library, the better it serves. The physical size of the library assures adequate study space, sufficient shelving to make the collection accessible, comfortable offices and meeting space, and separate computer laboratory space.

**Non-Library Total Square Footage**-A large physical plant assures that a school has adequate classroom space, faculty offices that help to recruit and retain good faculty members, room for student organizations, suitable space for the administration of the school, and a comfortable environment for legal studies. Generally, the bigger the facility, the better a school is able to operate a high-quality program.

**Total Law School Square Footage**-The overall picture of a law school's physical plant can be obtained by considering both its library and other facilities. A large physical plant not only provides a better frame of reference and infrastructure for legal education, it also demonstrates the viability of the institution as a legal and financial enterprise.

**Percentage of Graduates Employed**-The quality of a law school is measured, in part, by the attractiveness of its graduates to potential employers. While this factor is important in assessing various schools, it understates the significance of self-employment in the world of law practice.

**Number of States in which Graduates are Employed**-Another measure of quality is the ability of a school to produce graduates who can find employment in states other than that in which it is located. Schools that place students widely tend to be those whose focus is national in scope, an important aspect in an increasingly national and international legal community.

**First-Time Bar Passage Percentage**-The only objective measurement of the quality of the educational program at every law school is how its graduates perform on the bar examination. Generally, the higher the passing percentage the better the quality of the school.

**Program Achievement Rating Rank**-The only figure reported in this system that is not evident from the *Official Guide* is a school's PAR rank. However, the figures used for this rank are found in the *Guide*. In essence, each school's reported bar passage rate is divided by a quality index computed through a combination of LSAT and UGPA scores reported for that school [the formula used is  $\text{Bar Passage Rate}/(\text{GPA} \times 15 + \text{LSAT}) \times .5$ ]. This rating measures the effectiveness of a school's academic program, since it considers each school's bar results in the context of the quality of the school's incoming classes three years earlier. See the Cooley Web page at [www.cooley.edu](http://www.cooley.edu) for details.

## **OTHER FACTORS TO CONSIDER WHEN COMPARING LAW SCHOOLS**

Although the factors that are important to one person may not be important to another in selecting a law school, we believe that common factors can be identified that will help to structure a person's inquiries about a school and assist in making comparison manageable.

We broadly categorize these into programs, people, and facilities.

**Programs:** The most important aspect of a law school's program is its mission, so learning what each school believes its mission to be is important. If its mission is not clear, it may not be efficiently run or organized in a manner that allows it to provide a good legal education. If its mission is clear, a potential student can decide if that mission is consistent with the student's personal goals.

An important consideration is a school's program of legal education. What is the school's first-year program? Does it provide basics that serve as building blocks for its second and third-year courses and programs? Does it integrate skills programs, such as research and writing, into its basic and advanced courses? Does it use skills simulations, such as moot court or trial workshop, to help prepare graduates for practice? Does it provide live-client experiences, such as externships and in-house clinics with real clients? Does it treat skills as an integral part of the educational program taught by the regular full-time faculty, or does it consider these programs as added features, best left to adjunct faculty?

How rich is the curriculum, particularly in the elective course portions? Does the school offer students a chance to specialize or concentrate elective course study in particular areas as part of a coordinated effort? Does the school allow its students to participate in foreign study as part of its elective course curriculum?

How flexible is the law school's program? Are students able to get the courses they want when they want them? Are they allowed to study both full-time and part-time, and how easy is it to switch between these options? Is evening study available? Are classes offered on weekends?

**People:** A law school's people includes its students, faculty, and staff.

As to students, the most important feature is accessibility. Will the school provide the student with the opportunity to attend? This in turn requires examination of each school's program and of its admission requirements.

Once students enter, how much support is provided to them? This includes both academic support and extra-curricular support. How easy is it to meet with faculty members, particularly for students enrolled in a faculty member's course? Are students included on faculty committees? What programs does the school offer to assist students who are beginning their studies, as well as to help those who find themselves in academic difficulty?

Conversely, what does the school ask of its students? Does it have an Honor Code? In addition to including a course on professional responsibility in its curriculum, does the school maintain standards of professionalism in its programs? Does it have high academic standards?

As to the faculty, how do students rate the teachers they have? How knowledgeable are the teachers in the areas they teach? How much actual legal

experience have they had? Did they practice law before they became teachers? How much have they written about their respective fields? How do their scholarly writings help them to be more effective teachers? Do they consider scholarship more important than teaching or service? How accessible are the faculty to their students?

The staff represents the third aspect of the “people” factor. How helpful and supportive are the school’s staff, including the librarians, the registrars, the faculty secretaries, and the custodial staff? Is there sufficient staff to support the academic functions of the school?

**Facilities:** The surroundings that a law school offers should be conducive to learning. Its physical plant should be large enough to comfortably accommodate its students, faculty, and staff. Its library should be large enough to house its collection and to provide adequate study space, and it should provide access to the technology and information systems, which are increasingly important in legal education.

Other aspects that should be considered are the quality of the school’s facilities and the level to which the school maintains its facilities. Classroom technology should support a variety of presentation formats, and should provide students with the opportunity to practice using technology commonly found in courtrooms and law offices. A variety of large and small classrooms provides the flexibility to offer education in a setting suitable to the number of students and presentation format of each class.

**A Note on Cost:** Tuition at the schools is relatively easy to compare, but applicants should also consider the amount of scholarships and grant support available to both incoming and enrolled students. Another important consideration is the cost of living in the area in which the school is located. The schools report widely-inconsistent cost of living figures, so applicants should consult the cost of living figures for each area that are provided by national and governmental organizations.

### **Should you choose a school based on what others think regardless of the facts?**

Over-reliance on reputation in the selection of a law school is unwise. A school’s reputation generally reflects its past, not its future, and is often based on an imperfect understanding of the realities about each school. We urge you to make an objective, factual comparison of the schools and to think for yourself. Use the 40 factors we have provided, as well as a structured set of questions about each school that reflect your own interests and priorities.

To reiterate, all comparison or rating systems, including this one, have an element of subjectivity and should not be used as the only basis for deciding which school is best. All schools have their individual qualities, possess unique strengths and weaknesses, and provide services and programs that make them better suited to some students than to others. We urge applicants to consider their own needs and goals and then identify and evaluate the features that will help them meet their needs and realize their goals.