

TAKE THIS JOB AND COUNT IT

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Each year, tens of thousands of people decide to attend a law school in the United States. There are currently a few hundred options, with around 200 accredited by the American Bar Association (“ABA”).¹ ABA-approved schools share considerable similarities with one another when it comes to the basic model for delivering legal education. There are, however, considerable differences in size, location, culture, class credentials, and most notably, job outcomes and reputation at the local, regional, and national levels. ABA accreditation operates only as a floor for quality assurance, signaling that a school meets minimum standards.² Prospective students must find other means to compare programs and decide where to apply and attend. Much to the chagrin of legal educators, prospective law students often turn to *U.S. News & World Report’s*

This article is meant to be read in full and in context, any partial excerpt of this article will not provide an accurate portrayal of the authors' ideas or proper representation of their work. Prior to utilizing any portion of this work please download a complete copy available at the Law School Transparency Website (www.lawschooltransparency.com/score-reports/) and the Journal of Legal Metrics Website (www.journaloflegalmetrics.org/). © Law School Transparency 2012.

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¹ More specifically, the ABA’s Section of Legal Education and Admission to the Bar (“Section of Legal Education”) accredits law schools. *About the Section of Legal Education*, AMERICAN BAR ASSOCIATION, www.americanbar.org/groups/legal_education/about_us.html (last visited June 27, 2012).

² The minimum standards provided by the ABA in its accreditation process fail to address a number of measures of a program that affect quality and would be important for applicants to know in deciding whether or where to attend law school. This article focuses on graduate employment outcomes as one critical set of criteria that are incredibly important for evaluating programs but for which there are no minimum standards set by the ABA.

“Best Law School” rankings as their primary sorting mechanism.³

But, best at what? With all due respect, *U.S. News* does not say. Even without a robust and clear ranking objective, *U.S. News* enjoys immense power by combining “best” with easy-to-consume output. Simplicity makes the rankings appear authoritative and valuable. The rankings rat race makes them a fixture of obsession and derision for deans cast under their spell, further justifying their authority and value (albeit in a backwards sort of way).⁴ Although these rankings are omnipresent in both casual and sophisticated conversations about attending law school, they are not immune to competition. In particular, packaged post-graduation employment data can (and, we argue, *should*) compete with the *U.S. News* rankings. A competitor will most likely succeed if its quality obviously eclipses that of the *U.S. News* rankings, while remaining simple enough to capture the intuition and attention of those making application and enrollment decisions.⁵

As it happens, the quality of the *U.S. News* ranking system suffers from being too simple. It incorporates a heap of data into composite figures, and then orders schools from highest to lowest. The ordinal structure encourages a relativistic analysis. *Is this law school better than that law school?* Under the *U.S. News* system, value is defined as relative superiority over another program. No ABA-approved law school is left out, providing that “enough key statistical data” suffices for inclusion as part of the “best law school” picture.⁶ By their design,

³ For an extensive discussion of some tools prospective law students use, see Kyle P. McEntee and Patrick J. Lynch, *A Way Forward: Improving Transparency at American Law Schools*, 32 PACE L. REV. 1 (2012).

⁴ The rat race further supports the belief that these rankings are relevant to sound consumer choice. In other words, if the law schools pay attention to it, then *it must signal real value*.

⁵ Only recently has employment data transparency become a priority in legal education. Today, far more employment data exist for public consumption than ever before. Some of this has happened through voluntary disclosures by schools following immense external pressure, but most has been as a result of the ABA deciding to more carefully regulate law school employment data collection, reporting, and disclosure.

⁶ See *Methodology: Law School Rankings*, U.S. NEWS & WORLD REPORT, www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/03/12/methodology-law-school-rankings?page=3 (last visited June 27, 2012) (“Unranked means that *U.S. News* did not calculate a numerical ranking for that law school. The school or program did not supply *U.S. News* with enough key statistical data to be numerically ranked by *U.S. News*. Schools or programs marked as Unranked are listed alphabetically and are listed below

these relative rankings serve to rubberstamp decisions by prospective students who already decided to attend law school and just need help in deciding where to apply or enroll. The effective message is the same as the ABA's stamp of approval: one of these choices is the right one for you (although some may be more right than others).

In relying on the ABA's accreditation standards to determine fitness-for-rank, the *U.S. News* rankings assume that the expected benefits of the programs exceed their costs. If we reject the premise that ABA approval automatically renders every school a sound pursuit of time and money, then it follows that there may exist some number of schools that are ABA-approved yet unfit for attendance – their expected costs exceed the expected values of degrees that they confer. But the *U.S. News* ranking system does not contemplate leading some users down a path that does not end at a law school. While neither implicitly nor explicitly suggesting alternatives sounds perfectly reasonable for law school rankings, it runs counter to the equally commonsense notion that some choices may simply be unwise.

For all the influence of the *U.S. News* rankings, lacking an internal risk signal is an enormous structural flaw.⁷ A proper law school sorting mechanism should come equipped with an exit – put differently, it should cause the reader to consider whether it might make sense to simply not attend law school. While *U.S. News* assuredly considers its structure a feature rather than flaw, and encourages students to use other tools in addition to their rankings,⁸ there is no exit to the sorting system.

those marked as Rank Not Published.”).

⁷ This sense of the rankings being ‘flawed’ is quite different from the normal criticisms levied against the magazine, usually in the name of law schools or the ABA. We do not reject the idea that an independent third party should be in the business of comparing law schools or influencing how they manage their programs. If it is clear that neither law schools nor the current regulatory system is capable of informing prospective law students in a fair and accurate manner, then someone else should do the job. Our critique is that the rankings do not adequately identify schools that provide sufficient value, or those which should be avoided. This is problematic from a consumer choice perspective, particularly given the projected debt levels for people who choose to pursue a juris doctorate (“J.D.”).

⁸ Bob Morse, *Law School Rankings Too Powerful, Writers Say*, MORSE CODE BLOG (Feb. 23, 2012), www.usnews.com/education/blogs/college-rankings-blog/2012/02/23/law-school-rankings-too-powerful-writers-say.

For all of its flaws, prospective law students use the *U.S. News* rankings to find the school that best meets their personal and career objectives. One popular belief is that the *U.S. News* rank of a law school is strongly correlated with the first job it affords graduates. The lack of transparency and meaningful analysis of school-specific job outcomes for years has propagated this myth. Fortunately, we now have access to data that allows us to review actual employment outcomes rather than supposing that the *U.S. News* rankings work as a reliable proxy. Our new tool utilizes graduate employment data to help prospective students make application and enrollment decisions.

For many prospective students, deciding whether to attend any given law school requires two considerations. First, is attending law school, in general terms, better than other education and professional paths? We believe that before deciding which law school is the best option, prospective students should ask which schools, if any, make sense. Second, do any of the specific schools they have been admitted to fulfill their reasons for wanting to attend law school generally? Relativistic rankings do not encourage prospective students to ask this question, instead jumping to the question of which of the options is best, hiding the possibility that the student may actually be deciding which of the options is least bad.

We do not want to make this mistake. Rather than using a ranking system to determine worth, we use numbers that correlate to the chances of becoming a lawyer and chances of underemployment to sort schools. Our new tool's "escape hatch," so to speak, stems from the tool's structure. If the chances get too low for a user's taste, he or she is immediately confronted by this fact. In other words, the tool signals value by outcomes, rather than by being relatively better than another program.

Part I introduces our new online tool, the Law School Score Reports, and the methodology and reasoning behind its three core scores: the Employment Score, the Under-Employment Score, and the Unknown Score. Part II summarizes the scores from 195 ABA-approved law schools.⁹ Part III discusses the problems with the *U.S.*

⁹ 195 law schools reported employment data to the Section of Legal Education. Three Puerto Rican schools did not report data; other ABA-approved schools, including the

News rankings as a proxy for employment outcomes using the Employment Scores and Under-Employment Scores. Finally, Part IV discusses how to use the tool. Ultimately we hope to have produced a tool that legitimately impacts and helps application and enrollment decisions.¹⁰

I. LAW SCHOOL SCORE REPORTS

The Score Reports use employment data to help prospective students sort schools. Very few law schools are legitimately national schools, so the sort function operates on job destination data. In short, the Score Reports are a collection of reports designed to home applicants in on the schools and locations with a synergetic history. Instead of putting all schools on the same scale, we encourage prospective students to think more narrowly about schools based on the career objectives that the schools can help the students achieve. Unless our tool can help prospective students make decisions based on their personal needs, the tool will fail normatively and practically. Each piece of the Score Reports has been designed with this objective in mind.

To begin, users first indicate where they want to work. For example, if a user wants to work in New York, she will pull up the New York Score Report, which includes all schools known to place graduates in New York.¹¹ Likewise, if a user wants to work in Tennessee, she will pull up the Tennessee Score Report. Once the search is narrowed geographically, users can sort the relevant schools using a variety of simple metrics. While the Score Reports include cost data, admissions data, and other critical information, the reports star three proprietary scores based on employment data: the Employment Score, the Under-Employment Score and the Un-

Judge Advocate General's law school and University of California – Irvine, did not graduate any J.D. students for the class of 2011.

¹⁰ The data underlying our tool is available on our website (www.lawschooltransparency.com/) and the *Journal of Legal Metrics*' website (www.journaloflegalmetrics.org/).

¹¹ A school is considered to place in a state or region if at least 5% of its graduates obtained a job in that location. It is important to note that schools get credit for *any* graduate working *any* job in a state or region. This could change if schools instead presented data as outlined in the LST Proposal. See *supra* n. 3, at 51. We discuss this weakness *infra* Part IV.C.

known Score.

The Employment Score represents the percentage of graduates who have successfully started a career in the practice of law, though it does not judge the quality of that start. The Under-Employment score represents the number of graduates underusing their skills and credentials, not having successfully started any professional career nine months after graduating law school (shortly after their first loan payment was due). The Unknown Score rounds out the trio, showing how many graduates either did not report what sort of job they had or an employment status at all.¹²

Each of these scores helps to answer a different question. We foresee prospective students using the Employment Score to answer, “What are the chances I will have a legal career?” while the Under-Employment Score answers, “And if I’m not on track out of the gate, what are the chances that I underutilize the skills and credentials I obtain through law school?” The Unknown Score interacts with the two other scores by indicating their degree of completeness and reliability. Each score boils complex data into a single percentage so users can see intuitive, upfront approximations of risk. Whether a user decides a school is too risky because so few graduates successfully enter the legal profession, because so many are underemployed, or because so many are conspicuously absent from the dataset, the user can decide whether a particular score resides in dangerous territory using their judgment, not ours. The underlying structure of the Score Reports recognizes that the ABA’s approval does not preordain sound choice, while projecting intuitive information that effectively guides applicants through the admissions process.

From here users begin the process of unbundling the school’s outcomes and value. By combining the scores with geographic lookups, the Score Reports help users begin to understand how well

¹² The three scores will not add up to 100% because there are jobs that do not fit within the Employment or Under-Employment Scores, such as jobs that require professional skills or training, or where the J.D. is a demonstrable advantage. Little is known about these jobs, including what the graduates are actually doing and whether graduates would have considered them to be an acceptable outcome when making the decision to attend law school.

individual schools facilitate entry into the legal profession in various markets. This only reflects the beginning for prospective students. They will still want to understand the kind of legal jobs graduates obtain, how much these jobs pay,¹³ and how much attending a school will actually cost. They will want to know whether they can get in, whether the education they receive will be high quality, and whether the education they receive will be relevant to their career aspirations. There is no magic potion that can reduce the relevant data into a single metric, but by coupling basic sorting with more detailed information in individual school profiles¹⁴ we can simplify things to a useful and less overwhelming degree. Using this framework for choosing schools can help prospective law students apply with a more secure idea of how well different schools meet their individual career objectives. Nevertheless, at the end of the day, prospective students will need to continue investigating for themselves.

The remainder of this Part explains our scoring system more thoroughly. In particular, we discuss the reasoning behind each score, the steps we take to calculate each score, and a brief discussion about some job categories we notably included/excluded from the Employment Score and Under-Employment Score.

A. The Employment Score

We want our Employment Score to have value for the majority of prospective law students, so we start with the conventional assumption that the bulk of people attend law school aiming to pursue

¹³ A note about salaries: the Employment Score does not distinguish jobs based on salary. First, salary response rates are too low, especially among lower paying jobs, so we cannot adequately distinguish jobs on these grounds. Further, the acceptability of certain salaries varies widely by person. A job paying \$45,000 may be perfectly acceptable to one who has graduated without debt, especially if the job is in the practice setting and/or area the graduate prefers. The same job may be ruinous to a student who has graduated with \$250,000 of debt. The salary situation is further compounded by government hardship programs and school-provided loan repayment assistant programs. We think it makes the most sense to leave it out of the score, and to make it easily accessible for students to make their own judgments.

¹⁴ Individual school profiles include all of the raw employment data we have for the school, along with various summaries of placement, additional scores, some basic rates, and as much salary information as we have collected.

a career practicing law. As such, the Employment Score reflects employment outcomes that proxy a successful start to a legal career. This is not a measurement of whether the graduate is in a position to repay his or her debt, or whether the outcomes justify the cost of attendance. Further, it is not measurement of the preferability of job outcomes. The score is about practicing law and becoming a member of the profession in more than a nominal sense.

i. Score Calculation

1. Start with jobs that require bar passage. This is the intuitive starting point, since people in these jobs are generally engaged in the practice of law.

Employed – Bar Passage Required

A position in this category requires the graduate to pass a bar exam and to be licensed to practice law in one or more jurisdictions. The positions that have such a requirement are varied and include, for example, positions in law firms, business, or government. However, not all positions in law firms, business, or government require bar passage; for example, a paralegal position would not. Positions that require the graduate to pass a bar exam and be licensed after beginning employment in order to retain the position are included in this category. Judicial clerkships are also included in this category.¹⁵

2. Remove graduates in Part-Time positions. These graduates are underemployed, as explained in the Under-Employment Score section.

Part-Time

A part-time position is one in which the graduate works less than 35 hours per week.¹⁶

Full-Time

A full-time position is one in which the graduate works a minimum of 35 hours per week.¹⁷

¹⁵ Art Gaudio, *Memorandum Regarding Reporting of Law School Placement Data*, AMERICAN BAR ASSOCIATION (Nov. 8, 2011), www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/2011_questionnaire_memo_re_placement.authcheckdam.pdf.

¹⁶ *Id.*

¹⁷ *Id.*

3. Remove graduates in Short-Term positions. These graduates are underemployed, as explained in the Under-Employment Score section.

Short-Term

A short-term position is one that has a definite term of less than one year. Thus, a clerkship that has a definite term of one year or more is not a short-term position. It also includes a position that is of an indefinite length if that position is not reasonably expected to last for one year or more. A position that is envisioned by the graduate and the employer to extend for one year or more is not a short-term position even though it is conditioned on bar passage and licensure. Thus, a long-term position that is conditioned on passing the bar exam by a certain date does not become a short-term position because of the condition.¹⁸

Long-Term

A long-term position is one that does not have a definite or indefinite term of less than one year. It may have a definite length of time as long as the time is one year or longer. It may also have an indefinite length as long as it is expected to last one year or more. The possibility that a short-term position may evolve into a long-term position does not make the position a long-term position.¹⁹

Note: Jobs that are both short-term and part-time have only been deducted once.

4. Remove Solo Practitioners. We exclude these from the score because starting a sustainable practice shortly after graduating law school is unlikely. This is not to say it is impossible, but we do not know enough about their successes to include it. We do know that these jobs do not come with benefits and that solo practitioners struggle with fee collection, especially early on; thus, these positions have low to no income to start out, in addition to the capital costs required to hang a shingle.

Law Firm – Solo Practice

The category of “solo practice” applies to a graduate who has truly established his or her own solo practice. It does not apply to a

¹⁸ *Id.*

¹⁹ *Id.*

graduate who is unemployed, but who may be willing to take an occasional client while still seeking employment.²⁰

Note: Solo practitioners that are either short-term or part-time have already been deducted.

5. Divide by the total number of J.D. graduates. The result (a percentage) is the Employment Score.

ii. Notable Exclusions

1. Alternative Careers

There are certainly people who attend law school with other aims, and they may find desirable work outside of the practice of law. By not including these jobs we are not saying they are bad jobs, only that they are not jobs in the practice of law. We also contemplated how including alternative careers would affect the utility of the scores.

For people interested specifically in a non-legal career, including these jobs in the Employment Score would not make the score more meaningful. Such a mixed score would be determined primarily by legal job placements, and as such a mixed legal/non-legal score does not really tell prospective students about alternative job placement. For people interested in only a legal career, the addition of non-legal jobs greatly depreciates the value of the score by including a number of jobs they are not interested in.

The only group that would be well served by a mixed score is a group who would be okay with pretty much any job upon graduation. While there may be some third-year students and recent graduates scrambling for any job they can obtain, we believe few people have such an attitude before entering law school. Further, this group needs only to add the Employment Score with whatever other job classifications they find satisfactory. We feel it is easier for prospective students to add in additional numbers than to try to slice our score apart to find the sector they are interested in.

²⁰ *Id.*

2. Solo Practitioners

We chose to exclude solo practitioners from the score for much the same reason as we exclude people taking non-legal jobs. Including solo practitioners makes the score less meaningful for people who are planning to seek traditional employment practicing law. At the same time, including solo practitioners would not make the score more valuable for people who plan to have a solo practice upon passing the bar – employment rates are not terribly meaningful to people planning to be self-employed.

However, solo practitioners may represent opportunities lost for law schools in terms of people who could have been counted in the Employment Score, but self-selected into solo practice. Schools may object because self-selection away from other jobs into solo practice reduces how well the score reflects a school's opportunities. Yet, we submit that people are far more likely to open a solo practice when they do not have other opportunities. If a school prides and sells itself on its ability to incubate solo practitioners, it ought to find another way to prove its graduates are different. We would like to think schools in this category would want to do this.

iii. Debatable Inclusions

1. Judicial Clerkships

Although graduates taking clerkships are not engaged in the practice of law, these jobs count as “Bar Passage Required,” and even though they have a definite duration, they count as long-term employment. The reason for treating clerkships this way is that they have long been understood as being even more competitive than law firm employment and leave the graduate with strong career options. Indeed, some judicial clerks receive offers during law school to work at a firm once the clerkship is complete. It is worth noting that there are insufficient published data to support the common understanding of post-clerkship employment, and some anecdotal evidence suggests that even graduates in prestigious one-year federal clerkships are having trouble finding gainful employment these days.²¹

²¹ Law schools, with some exceptions, do not typically release data regarding post clerkship

However, at this time we have decided to hold with conventional wisdom on the matter. This is despite the precarious employment situation that results from a clerkship's definitive end date. (In fact, this point applies to our inclusion in the Employment Score of any graduate with a long-term, legal job that has a definite instead of indefinite duration.) At least these jobs grant the graduate an extra year to search for employment. Additionally, the clerkship experience should aid the law graduate in his or her job search, which the graduate can undertake in the open and with immense job security.

2. School-Funded Jobs

School-Funded Jobs

A position is law school or university funded if the law school or the university of which it is a part pays the salary of the graduate directly or indirectly and in any amount. Thus, a person employed by the law school in the law library or as a research assistant, research "fellow," or clinic staff attorney has a law school funded position. Similarly, if the position is in the university's library, the position is university funded.

The position is funded directly if the graduate is on the payroll of the law school or the university. The position is funded indirectly if the law school or the university funds another entity in any way and in any amount to pay the salary. The position is also funded indirectly if it is paid through funds solicited from or donated by an outside supporter. Thus, a position in the law library is funded directly by the law school. A position in a legal services office or a law firm that is funded in any amount by the law school is funded indirectly by the law school.²²

School-funded jobs present an interesting issue for any measurement of employment outcomes because they can span a range of jobs from the desirable to the illusory. On one end are year-long, full-time appointments in jobs that involve substantive legal work, provide valuable experience, and genuinely advance a recent gradu-

outcome. Yale is an example school that does. *Career Development Office – Employment Statistics*, YALE LAW SCHOOL, www.law.yale.edu/studentlife/cdoprosectivestudentstats.htm (last visited June 23, 2012).

²² Gauido, *supra* n. 15.

ate's career. On the other end are part-time positions that last only a short time and are timed to coincide with the nine month employment survey. With increasing attention drawn to school-funded jobs, and several schools employing more than 10% of their graduates, any measurement of employment outcomes would be remiss if it did not take these positions into consideration.

Our Employment Score makes no adjustment for short-term and part-time jobs funded by the school because none is needed. These jobs – often created with an eye towards inflating employment statistics – are already accounted for when we discount for short-term and part-time jobs. For full-time, long-term jobs funded by the school, we could not exclude jobs in this category even if we wanted. First, we cannot justify the assumption that all (or a critical mass) of long-term, full-time jobs funded by the school require bar passage – non-legal jobs have already been excluded and we do not want to risk excluding graduates twice.

Second, some of these jobs might actually be jobs with an indefinite term instead of a definite, one-year term. (It might be tempting to exclude definite-term jobs because of the likelihood that these jobs were structured to inflate employment statistics.) Jobs in clinics, as librarians, as writing instructors, or as professors each could have an indefinite term. Overall, the uncertainty here demonstrates how critical it is that schools disclose significantly more data on school-funded jobs.

3. Law Firm – 2-10 Attorneys

Calling this debatable is an overstatement, but it warrants discussion nevertheless because there is a certain amount of skepticism about these jobs. To start, if a group of recent graduates band together to start their own firm, each counts in this category instead of as a solo practitioner. What causes us to exclude solo practitioners, then, would also cause us to exclude this segment of the 2-10 Attorneys category. But, because we do not have adequate data to create an assumption that a certain percentage of attorneys in this group should be excluded, and generally disfavor internalizing estimations, we do not make any adjustments to the Employment Score. We do caution Score Reports users to pay attention to the

salary response rates for this category as it provides some insight (albeit imperfect) into how these graduates are faring.

B. The Under-Employment Score

Our Under-Employment Score represents graduates who are underusing their skills and credentials. These graduates have not started a professional career, legal or otherwise. It is composed of unemployed graduates seeking work, those in any part-time or short-term job, those in non-professional jobs, and those pursuing another advanced degree.

i. Score Calculation

1. Start with unemployed graduates.

Unemployed – Start Date Deferred

The graduate has accepted a written offer of employment by the February 15th reporting date, but the start date of the employment is subsequent to February 15th. In order to qualify in this category, the start date must be identified with certainty, or the employer must be compensating the graduate until actual employment begins.²³

Unemployed – Not Seeking

As of February 15, 2012, the graduate is “not seeking” employment outside the home and is not employed. Graduates who are not seeking employment because of health, family, religious, or personal reasons are included. A graduate who is performing volunteer work and is not seeking employment is included. Also included is a graduate who is offered a position, turned it down, and is not seeking further employment as of February 15, 2012.²⁴

Unemployed – Seeking

As of February 15, 2012, the graduate is “seeking” employment but is not employed. A graduate who is performing volunteer work and is seeking employment is included. Also included is a graduate who is offered a position, turned it down, and is seeking another position as of February 15, 2012. A graduate who is studying for the bar exam and is not employed as of February 15, 2012, is considered to be seeking employment unless classification of the graduate as “not seek-

²³ *Id.*

²⁴ *Id.*

ing” can genuinely be supported by the graduate’s particular circumstances. A graduate who is employed as of February 15, 2012 but seeking another job should be reported in an employed category.²⁵

2. Remove unemployed graduates for whom their start date is after February 15, 2012. We do not know enough about these graduates’ career paths, although they have something lined up, to consider them underemployed.

3. Remove unemployed graduates who are not seeking work. They are not wholly attached to the labor force.

4. Add graduates in Short-Term and Part-Time positions. These jobs fall within the common usage of the term “underemployment.” We further believe that such underemployment is accurately described as less than a successful start to a career. Some of these jobs may eventually lead to long-term, full-time employment, but that would require a significant change from the status quo attitudinally, by those in the profession, and substantively through significant job creation.

Note: We do not add a graduate with a part-time, short-term job twice.

5. Add graduates in Non-Professional positions. These jobs are not part of a career path.

Employed – Non-Professional

A position in this category is one that does not require any special professional skills or training.²⁶

Note: We do not add a graduate working in a non-professional capacity twice.

6. Add graduates enrolled in advanced degree programs. These graduates have not yet started a professional career, but are instead in the process of acquiring further credentials.

Pursuing Graduate Degree Full Time

The graduate is pursuing further graduate education as of February

²⁵ *Id.*

²⁶ *Id.*

15, 2012. Such academic programs include degree-granting and non-degree granting programs. Whether a graduate is enrolled full time is determined by the definition of full time given by the school and program in which the graduate is enrolled.²⁷

7. Divide by the total number of J.D. graduates. The result (a percentage) is the Under-Employment Score.

ii. Notable Inclusions

1. Advanced Degree

People seeking an additional advanced degree span a wide range of scenarios. Some graduates are in highly competitive PhD or SJD programs and will later gain a coveted tenure-track professorship. Others are merely waiting out a bad job market by spending another year in school, or hoping to enhance a degree that has proven insufficient for finding suitable work. Regardless of what drives graduates to pursue further education, people seeking an additional degree have not yet started a full-time professional career any more than someone who just started law school has become a lawyer. Unlike those in the “not seeking” category, these people’s removal from the job force has more to do with insufficient credentials rather than personal reasons. They are not ready to seek employment.

iii. Debatable Exclusions

1. Unemployed – Not Seeking

Though graduates in this category are unemployed, they are unemployed in a way that makes their status of little interest to a prospective student looking at employment outcomes. A prospective student looking at employment statistics is almost certainly planning to seek work after graduation and is thus primarily interested in outcomes of other people who are seeking work. While we exclude these graduates from our Under-Employment Score due to the category’s definition, we must note that the category raises serious concerns and is ripe for abuse.

²⁷ *Id.*

For 2010 graduates, 2.9% were not seeking work, and for 2011 graduates, 2.4% were not seeking work either. These are rather high percentages for a group like law school graduates, especially compared to the 1.7% of the national workforce not actively seeking work.²⁸ Part of the reason may be that the category combines two very different groups – people who have voluntarily opted out of the labor force and people who want to work but have become discouraged and given up (however the school defines this). While a prospective student would not be concerned with people who voluntarily leave the work force, they would be very interested in people who have had such a bad experience seeking work that they have lost hope.²⁹

Despite our concerns, we have decided that our suspicions are not enough to go on, and thus we assume for now that schools do not abuse the category. However, to guard against opportunism, we will flag Under-Employment Scores when the “not seeking” category is suspicious.

C. *The Unknown Score*

Our Unknown Score points out the holes in the data. It tells how many graduates either did not report what sort of job they had, or did not report an employment status at all. If we do not know these employment outcome characteristics, we do not know whether to

²⁸ In February 2012, there were 2.6 million people not seeking work but “marginally attached” to the workforce; that is, they had sought work in the last year but were not actively seeking work at the time of the survey. The total size of the workforce at the time was approximately 154 million. *The Employment Situations – February 2012*, BUREAU OF LABOR STATISTICS (Mar. 9, 2012), www.bls.gov/news.release/archives/empsit_03092012.pdf.

²⁹ The Bureau of Labor Statistics (“BLS”) uses a categorization of “marginally attached” that would be useful for law schools to replicate. In BLS employment data, people who are not presently seeking work but have sought work in the last twelve months are considered marginally attached. Those who have sought work in the last year but not in the last four weeks are further categorized as “discouraged.” Law schools could adopt a similar categorization to avoid this problematic aggregation. See *BLS Glossary*, BUREAU OF LABOR STATISTICS, www.bls.gov/bls/glossary.htm#M. (last visited July 3, 2012) (defining “Marginally attached workers” as “Persons not in the labor force who want and are available for work, and who have looked for a job sometime in the prior 12 months (or since the end of their last job if they held one within the past 12 months), but were not counted as unemployed because they had not searched for work in the 4 weeks preceding the survey. Discouraged workers are a subset of the marginally attached.”).

put these graduates in the Employment Score or Under-Employment Score. Nor do we know enough about what these graduates are doing post-graduation to consider them part of that murky middle category that resides between legal employment and underemployment.

1. Start with graduates for whom no employment data were gathered.

Employment Status Unknown

The law school does not have information from or about the graduate upon which it can determine the graduate's employment status.³⁰

2. Add graduates who were employed, but details were unavailable about whether the job fell into the Bar Passed Required, J.D. Advantage, Professional, or Non-Professional category.

Employed – Job Category Undeterminable

The graduate is employed, but there is insufficient information available to determine into which [] categories the position should be placed. This category should rarely be used and then, most often, only when the career services office knows nothing more than the fact of employment.³¹

3. Divide by the total number of J.D. graduates. The result (a percentage) is the Unknown Score.

II. SUMMARY OF SCORES

These summaries of our three scores provide insight into the status of employment and underemployment on a national scale. While these summaries are of almost no value to prospective students, and should not be used in application or enrollment decisions, we believe they are useful for understanding the overall legal employment situation and for informing legal education policy decisions. Prospective students will be well served by looking to placement data in a regional Score Report. We provide an abridged example of a report below in Part III.

³⁰ *Id.*

³¹ *Id.*

TAKE THIS JOB AND COUNT IT

A. The Employment Score

According to the national Employment Score, 52.9%, many graduates from the class of 2011 significantly struggled to find ES Jobs.³² The employment market affected law schools across the spectrum, whether public or private, or at traditionally high and low ranking schools. Simply put, law schools graduate too many students each year, and ES Jobs rarely appear from thin air. The following tables illustrate the distribution of these historically low rates.

TABLE 1

		Percentile						
Min	10th	25th	50th	75 th	90th	Max	Avg.	
16.70%	34.00%	41.10%	51.10%	60.30%	68.70%	94.70%	51.80%	

TABLE 2

Employment Score	# Schools	% of All Schools
< 25%	4	2.1%
< 33%	16	8.2%
< 40%	46	23.6%
< 50%	89	45.6%
> 50%	104	53.3%
> 52.9%	89	45.6%
> 67%	24	12.3%
> 75%	15	7.7%
> 90%	3	1.5%

Some schools, especially among the top performing ones, did manage to create ES Jobs from thin air. For example, the law schools at George Washington University, New York University, and the University of Virginia created jobs for 80 (15.4%), 56 (12.0%), and 64 (17.0%) members of their graduating classes, respectively. These school-funded jobs are long-term, full-time positions and were all or mostly all bar passage required, qualifying them for the Employment Score.

³² “ES Jobs” are jobs that count towards the Employment Score, defined in Part I.A., *supra*. These jobs are long-term, full-time jobs that require bar passage, excluding solo practitioners.

Traditional gauges, such as LSAT scores and undergraduate GPA, do not appear to indicate a successful rate of obtaining ES Jobs, mostly due to simple market saturation. The University of Washington, for example, places at the 50th percentile of Employment Scores, with only 51.1% of graduates finding ES Jobs. The median student at Washington has an LSAT in the 90th percentile (164), a 3.67 GPA, and attends the highest ranked school in the state, yet this student’s chances of an ES Job outcome by nine months after graduation are only slightly better than a coin flip.

Looking at schools at the top of the curve, there is not much improvement. Baylor and Emory are at the 90th percentile for Employment Scores, with 68.8% and 68.4% of their graduates finding ES Jobs. Baylor’s median LSAT (162) is at the 86th percentile, while Emory’s (165) is at the 92nd percentile. These schools have median GPAs of 3.69 and 3.70.

Comparing employment outcomes to admissions data shows that law schools accept the brightest of college graduates without offering them bright employment prospects. Put bluntly, the quality of law school applicants far outpaces the quality of law school employment outcomes. It is not a stretch to say it is bad for the U.S. economy to have many smart, hard workers sitting on the sidelines for three years while obtaining mountains of debt for a degree they will not directly use.³³

B. The Under-Employment Score

According to the national Under-Employment Score, 26.4% of 2011 graduates were underemployed. As with the Employment Score, schools across the spectrum had many underemployed graduates.

TABLE 3

Percentile							
Min	10th	25 th	50th	75th	90th	Max	Avg.
3.10%	13.40%	19.70%	26.60%	34.30%	40.00%	61.00%	26.90%

³³ In fact, this is a view shared by at least one Supreme Court Justice. See Ashby Jones, *Scalia: ‘We Are Devoting Too Many of Our Best Minds to Lawyering’*, THE WALL STREET JOURNAL LAW BLOG (Oct. 1, 2009, 8:40 AM), blogs.wsj.com/law/2009/10/01/scalia-we-are-devoting-too-many-of-our-best-minds-to-lawyering/.

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TABLE 4

Under-Employment Score	# Schools	% of All Schools
< 2%	0	0.0%
< 5%	5	2.6%
< 10%	15	7.7%
> 10%	180	92.3%
> 20%	144	73.8%
> 25%	109	55.9%
> 26.4%	99	50.8%
> 33%	57	29.2%
> 40%	20	10.3%
> 50%	4	2.1%

At the 50th percentile of Under-Employment Scores, the University of Southern California had 26.6% of its graduates underemployed nine months after graduation. Despite more than a quarter of graduates winding up underemployed, admissions standards at USC are extremely tight, with a median LSAT of 167 (95th percentile) and median GPA of 3.69. At the 90th percentile are Northeastern and the University of Oregon, with underemployment rates of 39.6% and 40.2% respectively. The median LSATs are 162 and 159. These students have done quite well academically prior to law school. Yet, despite being in the top quarter of LSAT takers, two out of five will find themselves underemployed.

Only five schools have Under-Employment Scores of less than 5%, and the lowest median LSAT of these schools is 170, at both University of Virginia and Stanford. While these underemployment rates are low compared to other schools, compared to the cost of attendance the rates are still quite high. Without scholarships, the lowest cost of attendance of these schools is the \$245,000 paid by a University of Virginia student receiving an in-state tuition discount.³⁴ At the high end is Columbia's \$289,000 cost. Looking at

³⁴ We use 2011-2012 tuition & fees prices and 2011-2012 indirect costs (room & board, etc.) to project debt owed by Class of 2015 graduates. *E.g.* *American University Washington College of Law School Profile*, LAW SCHOOL TRANSPARENCY, www.lawschooltransparency.com/clearinghouse/?school=american (last visited June 23, 2012). These projections assume a 3% annual tuition increase and 2% annual indirect cost increase each year. Interest calculations are time-sensitive – based on semester disbursement periods – and use a blended interest rate. The first \$10,250 each semester is weighted at 6.8%, the rest at

Columbia’s *U.S. News* ranking of #4 and seeing that it is the best school nationally in terms of underemployment might make it seem like a no-brainer. However, a 3.1% chance of underemployment is a significant risk for someone who will owe nearly \$300,000 when that first loan payment comes due.

C. The Unknown Score

As usual, law schools did a very good job collecting data about their graduates. Nationally, only 3.9% of graduates had an unknown employment status or had a known status but an unknown type of job. The national score is 33% lower, only 2.6%, if we exclude the 15 outlier schools with scores over 10%. Because the Unknown Score is a reliability indicator, it shows that the Employment Scores and Under-Employment Scores are generally very reliable.

TABLE 5

	Percentile						
Min	10th	25 th	50th	75th	90th	Max	Avg.
0.00%	0.00%	0.60%	2.00%	4.60%	7.30%	31.60%	3.40%

TABLE 6

Unknown Score	# Schools	% of All Schools
0%	32	16.4%
<1%	66	33.8%
<2%	97	49.7%
<3%	123	63.1%
<5%	154	79.0%
<10%	183	93.8%
<15%	189	96.9%
<20%	191	97.9%
>20%	4	2.1%

7.9%. The result is debt owed when a law school graduate must make their first loan payment six months after graduation.

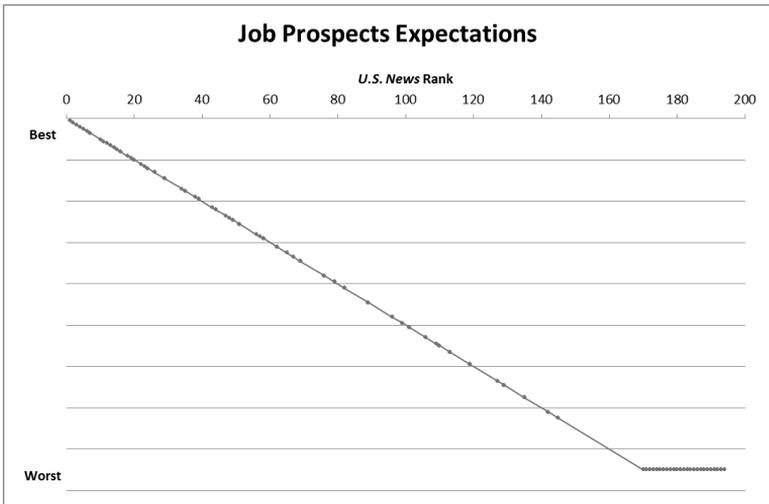
III. JUDGING THE *U.S. NEWS* RANKINGS AS A SORTING MECHANISM

“[M]ost applicants know that there is a direct correlation between where a student graduates from [and] their starting salary and career prospects, which is likely why rankings are consistently the most important consideration by far.”

– Jeff Thomas, director of pre-law programs, Kaplan Test Prep³⁵

Sometimes finding the school that best meets one’s personal and career objectives proves so challenging that seeking a shortcut actually becomes a rational path. The following chart illustrates how somebody would compare schools when holding the belief that *U.S. News* approximates expected job outcomes. As a school’s ranking goes down, so too do expectations about how well the school’s graduates fare in the entry-level marketplace.

GRAPH 1



The average applicant applies to 7 schools.³⁶ Some are reach or safety schools, in terms of admission chances, while others are targets. This variety commonly results in the dilemma: *should I take the*

³⁵ Karen Sloan, *Survey suggests prospective law students still have stars in their eyes*, NAT’L L.J. (June 19, 2012), www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202560100618.

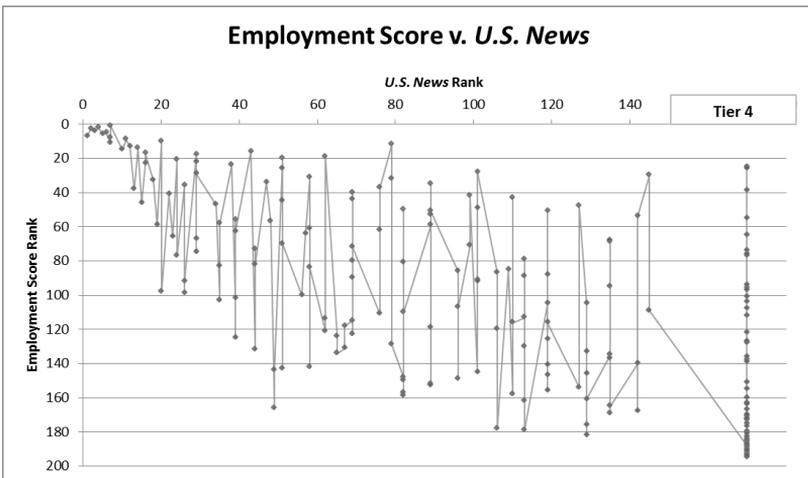
³⁶ *LSAC Application Volume Summary*, LAW SCHOOL ADMISSION COUNCIL, www.lsac.org/LSACResources/Data/lvac-volume-summary.asp (last visited July 4, 2012).

higher ranked school with little or no scholarship money over the lower ranked school with substantially more scholarship money? This is foremost a question because of the ranking disparity, though we could expect prospective students to think that schools willing to offer greater discounts on tuition offer worse job prospects or educational quality. The decision then boils down to whether the additional ranking spots justify the price difference.

As it turns out, the *U.S. News* rankings do not correlate well to job outcomes past the very top-ranked schools.³⁷ Neither do the *U.S. News* rankings correlate well to predicting underemployment. The *U.S. News* rankings fail in two critical ways. First, ranking does not correspond to job outcomes in the legal profession. Second, the margin between the ordinals of two schools does not predict the margin in job outcomes. Both failings make it inadvisable to use the *U.S. News* rankings as a way to pick schools when job outcomes are a concern.

A. Predicting Job Outcomes

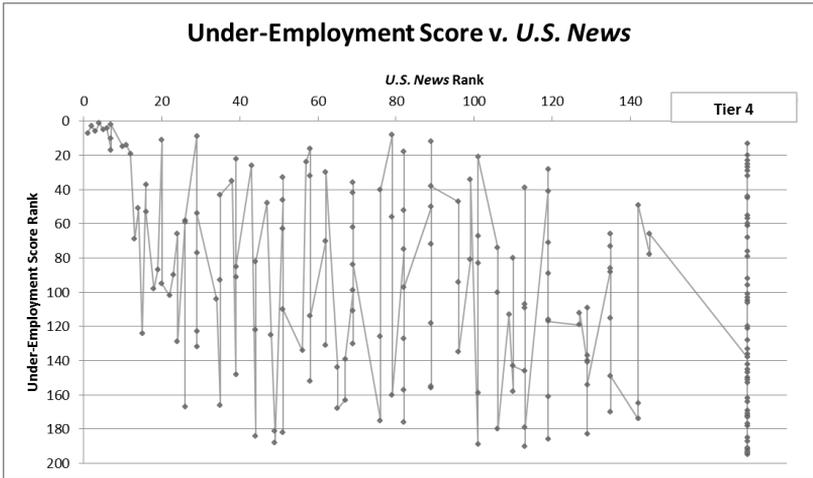
GRAPH 2



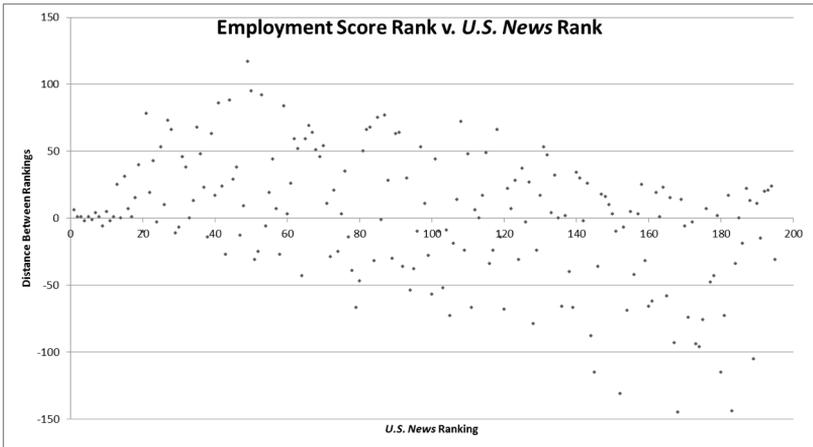
³⁷ Because *U.S. News* does not rank the bottom 49 schools, we assign these schools all a rank of 170, a point between the total number of schools (195) and the last ranked school (145).

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GRAPH 3



GRAPH 4



Graph 2 shows many wild swings between the Employment Score ranking and the *U.S. News* rankings by plotting the two rankings for each school. Graph 3 likewise shows many wild swings when comparing the Under-Employment Score rankings to the *U.S. News* rankings. While the common belief about *U.S. News* as a job prospects proxy does not explicitly contemplate underemployment, it is a natural corollary to the outcomes captured by the Employ-

ment Score. If *U.S. News* did well for either, the relevant graph would look much more like Graph 1.

Graph 4 captures the degree of difference between the *U.S. News* rankings and a ranking of schools by Employment Score. It plots the positive and negative difference values, underscoring the (lack of) connection between the *U.S. News* rankings and job outcomes. The further a dot is from the zero line, the less connected the *U.S. News* ranking is to real job outcomes. The graph emphasizes that using the *U.S. News* rankings to gauge job prospects carries substantial risk. Considering that students use small ranking differences to drive application and enrollment decisions, anything more than a five spot difference will upset informed decision making. Just 30 schools fall within five spots of their *U.S. News* ranking. If we exclude the top 18 schools, only 18 schools differ by five spots or fewer.

It is possible that we have simply chosen a bad measure of employment outcomes, or that *U.S. News* captures longitudinal differences in job prospects that the available employment data just cannot capture. Perhaps the latter is true, but we see no evidence anywhere to support that proposition, nor does *U.S. News* suggest that this is the case. As for using the Employment Score and Under-Employment Score to judge whether the *U.S. News* rankings successfully track job prospects, no short-term measure adequately tracks them. We compared the *U.S. News* rankings to large firm employment, federal clerkship employment, and even the employment rate that *U.S. News* integrates into its methodology.³⁸ None of these metrics resulted in *U.S. News* aptly predicting job outcomes.

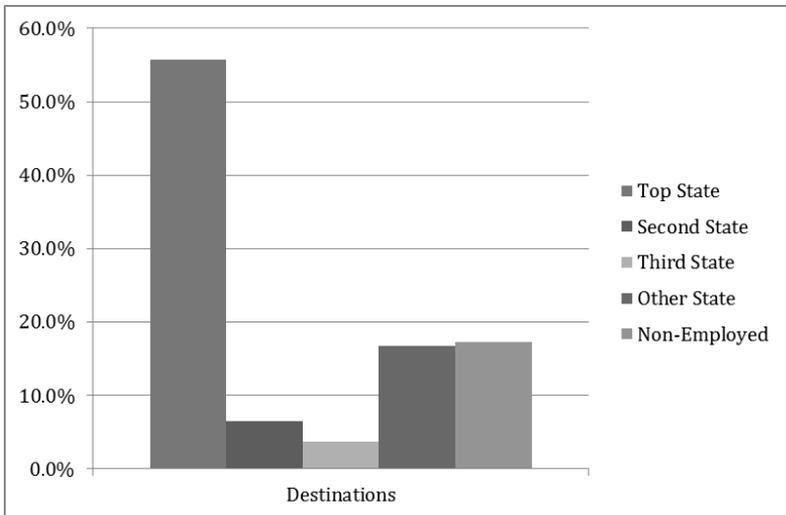
We think *U.S. News* fails to predict job outcomes because it places all ABA-approved law schools on a single, national scale. Law schools tend to place locally or regionally. So within each region – a moving target to be sure – schools fit into a hierarchy that is captured by outcome measures like employment and underemployment. These regional hierarchies are lost on a national scale. Rare is the school that sends graduates all over the country. One hundred and thirty-two schools place at least half of their graduates in one

³⁸ See Appendix A.

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state, almost always the state in which the school is located. The top state destination for each school accounts for 67.4% of employed graduates. A much smaller 7.8% of employed graduates go to a school's second most popular destination, with just 4.5% of employed graduates working in the third most popular destination. This means that only 20.2% of employed graduates (16.7% of the entire class) end up in a state other than the top three.

GRAPH 5



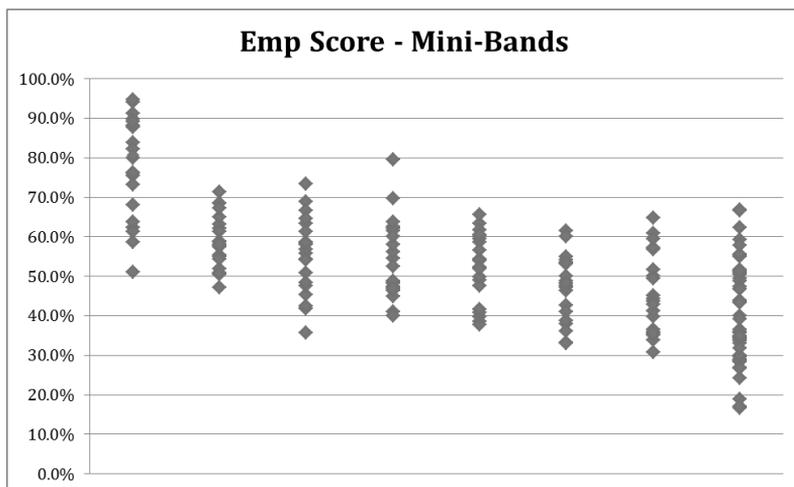
This renders national comparisons barely relevant for prospective students and probably causes them to consider schools that make little or no sense for them individually. Students who would like to work in any of Atlanta, Nashville, or Birmingham should not be particularly concerned with how Emory, Vanderbilt, and the University of Alabama compare to the University of Minnesota or Arizona State, though our experience indicates that this is all too common. That Arizona State passes Emory in *U.S. News* shortly before deposits are due should be of no concern to applicants who rationally choose among schools. Yet we can rest assured that applicants who were admitted to both will lie awake at night wondering what a ranking change means.

B. Ordinal Margins

Even if we were to suppose that it makes sense to rank law schools on a single scale, the *U.S. News* ordinal rankings do not indicate the degree of difference between schools.³⁹ That is, the rankings do not tell users how near or far apart the schools are, making it very difficult to serve as a useful proxy. This leads users to believe that the margin between the schools ranked #60 and #70 is the same as the margin between the schools ranked #70 and #80. Combined with the common belief illustrated in Graph 1, this translates to treating the margin in expected job prospects similarly.

As it turns out, the *U.S. News* rankings grossly overstate the ordinal distance between schools for job outcomes. Graph 6, below, demonstrates this fact. We segment schools into eight bands (Groups 1-8), according to *U.S. News* ranking, and plot the Employment Score. The first six bands include 21 schools; the seventh band includes 20 schools; and the eighth band includes the 49 un-ranked schools. Table 7 provides each band's distribution.

GRAPH 6



³⁹ *U.S. News* does provide each school's score, but it is available only with a paid subscription, and is rarely referenced. See also *infra* n.40

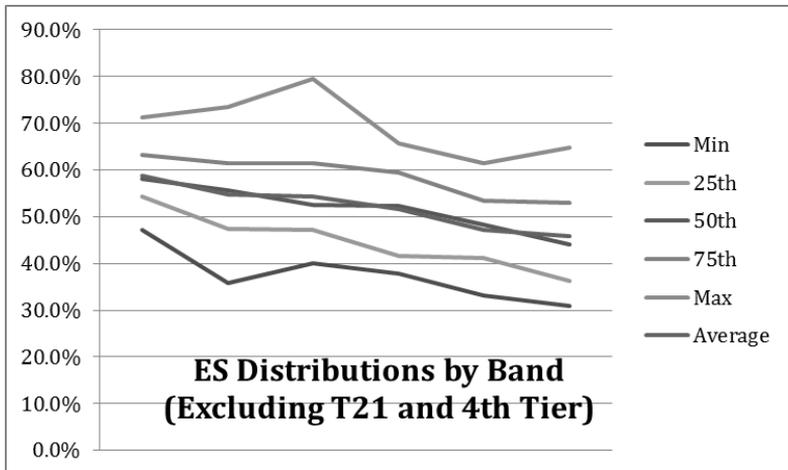
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TABLE 7

Group	Average	Min	25th	50th	75th	Max
#1	77.5%	51.1%	68.1%	80.0%	88.2%	94.7%
#2	58.7%	47.1%	54.4%	58.0%	63.2%	71.3%
#3	54.7%	35.8%	47.5%	55.7%	61.4%	73.4%
#4	54.3%	39.9%	47.3%	52.6%	61.4%	79.5%
#5	51.6%	37.8%	41.6%	52.2%	59.5%	65.6%
#6	47.1%	33.1%	41.1%	48.3%	53.4%	61.5%
#7	45.7%	30.9%	36.3%	44.0%	53.0%	64.7%
#8	40.1%	16.7%	29.9%	36.0%	50.5%	66.9%

While there is a slight downward trend in outcomes, that trend is eclipsed by the overwhelming overlap between Groups 2-8. Every one of these groups has a non-negligible number of schools that performed better than the Group 2 median (58.7%). At the same time, Group 2 had five schools perform below the medians of Groups 3, Group 4, and Group 5. Except for one outlier in Group 3, American University (35.8%), each band progressively adds worse performing schools. However, the middle 50 percent, band by band, remain remarkably consistent. This is especially stark upon removing the first (top 21 schools) and last band (49 unranked schools) from consideration, leaving 135 schools in a cluttered middle (Graph 7).

GRAPH 7



Ordinal ranking invites purely relativistic comparisons, *i.e.*, that a school is better or worse than some other school, or some number of other schools. This marginalizes the role of thinking about the value of law school in real terms. Knowing that one school is better than another does not tell a prospective student whether either school, or perhaps neither, is a wise decision for that particular individual. The latter consideration is of greater importance as the cost of attending law school increases and the job market remains weak.

A relative ranking can also give the impression that a school has changed in quality based solely on changes in closely ranked schools. It is impossible to tell just from Stanford replacing Harvard as the #2 school whether Stanford improved, Harvard declined, Stanford improved and Harvard declined, or that both schools moved in the same direction but to different degrees. In other words, when schools increase tuition every year, the *U.S. News* rankings do not indicate if the school has also increased its value. Deciding where, and if, to attend requires carefully weighing costs and benefits, a process that cannot be done with only relativistic rankings.⁴⁰

IV. AFFECTING APPLICATION AND ENROLLMENT DECISIONS: HOW TO USE THE SCORE REPORTS

Our goal with the Score Reports is to help prospective law students make informed application and enrollment decisions.⁴¹

⁴⁰ Likewise, the ordinal ranking may hide very real changes at schools that did not result in a rank change. For instance, in 2011 Yale placed 33.2% of graduates in federal clerkships compared to 30.0% in 2010. *Yale Law School Profile*, LAW SCHOOL TRANSPARENCY, www.lawschooltransparency.com/clearinghouse/?school=yale (last visited June 30, 2012). Of course, Yale's rank stayed at #1 instead of climbing to #0.95. Yale not being able to receive an A++ may seem trivial, but ordinal ranking does make a difference when there are large market shifts. During the recession, the Top 50 contained the same number of schools as it did during the hiring boom of the mid-2000s (save for some minor differences due to ties), despite the value of these schools undergoing significant changes. Looking at school scores for *U.S. News* rather than ranks is no better in this regard. *U.S. News* normalizes the scores, so it always places the top school at 100 and the bottom school at 0. Should Yale remain in the top position next year it will keep the same score of 100 regardless of any improvements or declines in actual quality. While this is not relevant for somebody thinking relativistically about law school choices, it is extremely important for somebody doing a cost-benefit analysis.

⁴¹ Though we focus on employment data, we do not believe this is the only factor prospec-

We sort law schools by significant placement in a target location because the vast majority of law schools operate all-but-exclusively in a local, state, or regional bubble. Once narrowed, we sort for users based on the Employment Score. From here users can begin unbundling a school's outcomes and value to make application and enrollment decisions.

The decision process is complex. *Can I get in? What kind of jobs can I get? What's the cost? Can I afford the loans? What else should I think about?* And despite the desire, there is no formula that can reduce the relevant data into a single, useful metric. Knowing this, the best a prospective student can hope for is an intuitive sorting tool that integrates a few related factors, plus the opportunity to navigate more detailed information. The Score Reports help prospective students through the imperfect process, allowing them to eliminate irrelevant comparisons and streamline evaluation. The result is concentrated attention on the differences between schools that ought to be competing.

A. Geographic Lookup

Start with a prospective student, Gary, interested in practicing law⁴² in Georgia. He will select the Georgia Score Report and find a list of nine schools: Atlanta's John Marshall, Emory University, Faulkner University, Georgia State University, Mercer University, Samford University, University of Alabama, University of Georgia, and University of Tennessee. These schools are known to LST to have at least 5% of their 2011 graduates working in Georgia.⁴³ Depending on Gary's LSAT score, GPA, and other factors, he may apply to all or some of these schools.

B. The State Score Report

The Georgia Score Report takes these nine schools and separates them into two groups (Table 8). The first group is the batch that has

tive students should consider, and we do not represent that the Employment or Underemployment Score gives a definitive answer on application or enrollment decisions.

⁴² This detail is quite important, as our Score Reports are aimed at students planning to practice law and may be of less value to students with other career goals.

⁴³ Schools have been given the opportunity to provide LST with additional state and regional data. As of the end of June, we only have the top three state destinations for each school.

Georgia as its top destination. The second group is the batch that has Georgia as its second most popular destination.⁴⁴ By default, we sort the schools within each by the Employment Score, though Gary can override the default sort by clicking another column. For example in Table 8, Gary can sort by the non-discounted cost for a debt-financed degree, or by how many graduates are employed in Georgia. The live, online version includes significantly more data for comparison, including but not limited to admissions data like LSATs and GPAs, tuition, financial aid, bar passage, and specific job categories such as federal clerkships, large law firms, and public service.

TABLE 8

School	Emp. Score	UES	UNK Score	% in Georgia	Projected 2015 Cost
Emory University	68.4%	22.2%	0.4%	44.0% / 99 (#1)	\$253,131
Georgia State University	64.5%	11.3%	2.2%	83.9% / 156 (#1)	\$185,029
Mercer University	61.5%	23.8%	4.6%	56.9% / 74 (#1)	\$200,318
University of Georgia	61.2%	27.3%	0.0%	66.5% / 151 (#1)	\$186,688
Atlanta's John Marshall	28.8%	34.1%	0.0%	73.5% / 97 (#1)	\$208,940
University of Alabama	71.3%	7.9%	1.2%	7.9% / 13 (#2)	\$175,886
Samford University	59.5%	19.6%	3.4%	8.1% / 12 (#2)	\$206,609
University of Tennessee	56.2%	24.7%	2.7%	6.8% / 10 (#2)	\$195,927
Faulkner University	49.5%	23.8%	0.0%	12.9% / 13 (#2)	\$198,132

Now imagine that Gary, a South Carolina resident, applies to and is admitted to the University of Georgia and Mercer.⁴⁵ Gary has

⁴⁴ Based on the present data, Georgia is not the third most popular destination for any school.

⁴⁵ This hypothetical is based on an actual Georgia-based (and presumably Georgia-bound) applicant who has anonymously registered on Law School Numbers, a website that distributes self-reported application data. The user, "al01727," self-reports as a female African American applying for enrollment in 2012 with a GPA of 3.5 and an LSAT score of 159. It is worth noting that this LSAT score places her in perhaps the top 77th percentile of

been offered an unrestricted full tuition scholarship from Mercer of \$36,830 per year and no money at UGA. Gary views the Georgia Score Report with his general career objectives in mind. He sees that the Employment Scores for UGA and Mercer are nearly the same and that UGA fared worse in underemployment, but that Mercer had an unknown score that may be masking a higher rate of underemployment. He also notices that more UGA graduates tend to leave the state, though he does not know why and should note that he needs to research further.

Ignoring the cost of attendance still, it would be reasonable to consider these two schools close in terms of job outcomes, even though UGA is ranked considerably higher in *U.S. News* (#34 vs. #110). In such a situation taking a full ride at Mercer would appear to be a no-brainer, but without drilling down into the Employment Scores and Under-Employment Scores, Gary would be stopping short of understanding the outcomes at each school. As luck would have it, he can do that here. He can click through to each school's individual school profile, which includes a wealth of employment information for recent graduating classes, including salary information and the type of employers, including law firm size, to round out his understanding of these two schools.

Using *U.S. News*, along with the common belief about its predictive power for job outcomes (Graph 1), Gary might think a 76 rank disparity is too much to overcome, even with a full ride at Mercer. Fortunately, by looking at actual outcomes instead of hypothetical outcomes based on a proxy, Gary might see that the schools are closer on the job outcome measure than commonly thought. He might still determine that UGA is the better choice, but it will be far more informed than slavishly following the rankings. Perhaps

all test takers, and that both her GPA and LSAT are well above what it takes to get into an ABA-approved law school. For example the lowest median LSAT of an ABA-approved school, currently at 145 for Southern University Law Center, roughly equates to the 26th percentile of all test takers. With an LSAT score at the 50th percentile, a 151, applicants with a 3.5 GPA and who identify as an underrepresented minority (such as al01727) become competitive for admission to over 130 of the 200 ABA-approved law schools. A 159 LSAT is therefore very competitive when taking into consideration the full spectrum of test takers who end up being accepted to an ABA-approved school.

more importantly, by engaging the user in this fashion, we hope that Gary will now be asking important questions about what distinguishes the two schools and will give more thought to which fits his objectives rather than relying on one size fits all ranking.

C. Score Reports Weaknesses

Ultimately the Score Reports suffer from a variety of weaknesses and applicants need to be conscious of what the data do and do not mean. Many of these problems are due to inadequacies with the underlying data, which will hopefully be reduced in the future. Despite these limitations, the Score Reports are still a better tool to use than relativistic rankings that follow no clear guiding principle. These weaknesses have only to do with the scores as being a reliable indicator for their purpose, rather than whether or not these scores solve all of the problems in want of a solution.

i. Self-Selection

While prospective students are concerned with the job options they will have upon graduation, schools do not collect those data. Instead we have information about actual employment outcomes, and must use those outcomes as a proxy for opportunities. Consider New York University. 43.1% of 2011 NYU graduates went to work for firms with 101 or more attorneys, and 24.9% of the class went to work in public service.⁴⁶ We do not know how many graduates working in public service could have worked for a large firm, nor how many graduates at large firms could have gone into public service. That information would be valuable – perhaps more valuable than outcomes – to a prospective student. Ultimately, opportunities and outcomes are not necessarily the same, so the risk is that relying exclusively upon outcomes neglects very real differences in job prospects.

There is the additional problem of geographic self-selection. By facilitating state and region-based sorting using a single year of geographical outcomes, we risk under and overestimating placement by

⁴⁶ *New York University School of Law Profile*, LAW SCHOOL TRANSPARENCY, www.lawschooltransparency.com/clearinghouse/?school=NYU (last visited July 1, 2012).

location. For any number of reasons, a school may have more or fewer graduates in a location in a given year. This is not ideal, though the problems will only be at the edges because schools only show up on geographic reports if the total number of graduates working in a location meets a minimum threshold.

ii. Not All Law Jobs Created Equal

With the Employment Score, we treat all long-term, full-time legal jobs the same. For example, a job with a large law firm counts the same as a job with a very small law firm, even though we have data for this distinction. We do not, however, have data for distinguishing among lawyer jobs in large law firm jobs. Wide variances in by pay, prestige, practice settings, and practice specialties exist. Neither do we have data that distinguish among placement in alternative internal staffing tracks, e.g. staff attorneys versus associates at law firms.

iii. Incomplete Picture of Outcomes

Because data are collected nine months after graduation and published four months later the data are perpetually outdated and may not accurately reflect the present employment situation.⁴⁷ There may be no feasible solution to this problem, but it is a weakness that prospective students ought to know. The data also give only a snapshot, showing placement in first jobs without looking further into a graduate's career. Some graduates in temporary jobs will have found permanent work, while some permanent jobs will unexpectedly come to an end. Though the first job is extremely important, the picture is incomplete. This flaw could be largely remedied if additional surveys were conducted, such as at 3 years and 6 years after graduation.

Similarly, the Employment and Under-Employment Scores only reflect school-wide data. It is plausible, and quite likely, that a school will have differing levels of success in different states, so

⁴⁷ Emphasis squarely focuses on outcomes immediately following graduation in part because roughly 9/10 graduates debt-financed at least some of their J.D. education. Initial loan payments are due shortly after graduation, whether or not the graduate's outcome reflects the successes he or she will find or lose throughout a career.

placement in other states may either inflate or deflate the scores. Using Georgia as an example, the Employment Scores for UGA and Mercer may not match the success rate for Georgia. The scores could be higher or lower if we could instead focus only on those graduates obtaining work in Georgia.⁴⁸

V. CONCLUSION

When prospective students decide which law school to attend, they often look to the *U.S. News* rankings to gain an idea about both the school's overall quality as well as to proxy job prospects. While the *U.S. News* rankings might serve some purpose, such as providing an annual stimulus to law blog traffic, we believe, and have demonstrated, that it cannot be used as a proxy for employment outcomes. With application decisions being as important as they are challenging, we think it is important that prospective students have a better tool to assist them when making choices about where to apply and whether to enroll.

Law school websites do not fill this role. Indeed, they have not done a better job than *U.S. News* in helping prospective students make informed decisions. The familiar joke, "Two lawyers, three opinions," fits law school websites quite well. Look at ten law school websites, and you will find employment statistics represented in a dozen different ways.⁴⁹ Some will on their surface be rather

⁴⁸ Were the data available, the scores would still suffer from the self-selection problem. For instance, graduates may be inclined to move across state lines only after having received a job offer. This would create a very high Employment Score within that state, but would not take into account students who want to move but have not found jobs. Likewise, students may cross state lines because they have been unable to find work in their preferred state and believe another state presents better opportunities.

⁴⁹ For instance, Pace University School of Law has a "Quick Facts" publication which contains some employment data, and also has Employment Data sheets under its Career Development tab. Pace Quick Facts, www.pace.edu/school-of-law/sites/pace.edu.school-of-law/files/futurestudents/QuickFacts.pdf (last visited June 5, 2012); Pace Law School Employment Data, www.pace.edu/school-of-law/career-development/employment-data (last visited June 5, 2012). The Quick Facts provides a list of job categories with the number of graduates in each, while the Employment Data page provides mostly the same information, but in a pie chart form with percentages of the class represented. Both sources combine the "Bar Passage Required" and "J.D. Preferred" categories without stating how many graduates are in either group; neither page discloses that 15% of the class of 2010

useful, others so opaque or outright misleading as to be useless. Though law schools should make their website as useful and honest as possible, prospective students cannot wait for schools to figure out how to upload a PDF.⁵⁰

Similarly, prospective students cannot bide their time until certain reforms intended to address some of these problems instituted by the ABA Section of Legal Education take effect. In particular, the Section is attempting to combat hard-to-compare, sometimes dishonest employment reporting tactics through two key initiatives. First, the Section makes employment data available on a website.⁵¹ The site provides individual school profiles with tabular employment data, as well as a spreadsheet with data from all law schools.⁵²

was unemployed, creating an overly optimistic and misleading impression about job placement.

Pace's publication of opaque and misleading information is the rule rather than the exception. These problems are replicated across many law school websites and recruitment materials. Among other things, law schools differ on the grouping of job types, reporting of part-time and short-term work, and the sorts of salary information made available. For Pace's part, the Employment Data sheet for the class of 2011 is much improved, containing far more data and in a format similar to the NALP report.

⁵⁰ Consider NYU, a school which claims to be making great strides in providing employment information. Following a third request that NYU make its NALP report for the class of 2010 available, on March 28, 2012 NYU's Dean Ricky Revesz told us following:

I expect you are aware that, since the end of last year, we have added a substantial amount of employment data to the NYU Law website. If there is more information that would be suitable and helpful for us to provide, we are happy to consider doing that. For example, we are now looking into posting data of the type found in Table 12 of the NALP form (Source of Job by Employer Type), since that would likely be of interest to prospective and current students.

Dean Revesz Email on Mar. 28, 2012 to Law School Transparency (on file with Authors); also Derek Tokaz, *NYU Plays Hide the Ball*, LAW SCHOOL TRANSPARENCY, www.lawschooltransparency.com/2012/05/nyu-plays-hide-the-ball-with-employment-data/ (last visited June 30, 2012). Table 12 represents just one of seven data sets contained in the NALP report but not shared publicly by NYU. The table shows how graduates found jobs (*e.g.*, on campus recruiting, returning to a prior employer, direct mailing) on a simple, 8x7 table. The data had been in NYU's possession for 14 months when Dean Revesz said the school was looking into publishing it. NYU has since then added data for the class of 2011 to its website. As of July 1, 2012, the Table 12 information is still absent. *Employment Data for Recent Graduates*, NYU LAW, www.law.nyu.edu/careerservices/employmentstatistics/in dex.htm (last visited July 1, 2012).

⁵¹ *Section of Legal Education – Employment Summary Report*, AMERICAN BAR ASSOCIATION, placementsummary.abaquestionnaire.org/ (last visited June 5, 2012).

⁵² *Id.*

Second, the Section of Legal Education will adopt a new Standard 509 – a consumer protection standard – that requires schools to disclose on their websites the same tabular data and also requires that schools follow certain guidelines in advertising employment outcomes.⁵³ These initiatives are important and remarkable, but they still fail to provide a tool that is convenient for prospective students, leaving them with little more than a mountain of data.⁵⁴ Tabular data can be difficult to make heads or tails of, and it is even more difficult to use when making direct comparisons between schools without significant intermediate steps.⁵⁵

Our Score Reports aim to provide students with the most relevant data to help them make their enrollment decisions, *i.e.*, employment data as compared against other schools that are placing graduates in the same market. Though we present the data in a form that is easily digestible, we are also conscious of differences among student career objectives and provide additional information that allows students to disaggregate and drill down into the data. We will be the first to tell prospective students that the Score Reports should only be the beginning of their research, and we hope that the

⁵³ For links to the proposed Standard 509 and its accompanying chart, as well as LST's public comment to the Section of Legal Education council, see *Update to the ABA Accreditation Standards*, LAW SCHOOL TRANSPARENCY, www.lawschooltransparency.com/2012/03/updates-to-the-aba-accreditation-standards/ (last visited June 30, 2012).

⁵⁴ Yes, we argued for this. It is important that schools are transparent about the data they have collected. But we have always envisioned third-parties, be it the ABA, LST, or a for-profit entity, entering the market to inform people using these data. Step one for informed decision-making (and broader legal education reform) had to be uncovering the data which underlie the basic employment rate and salary information.

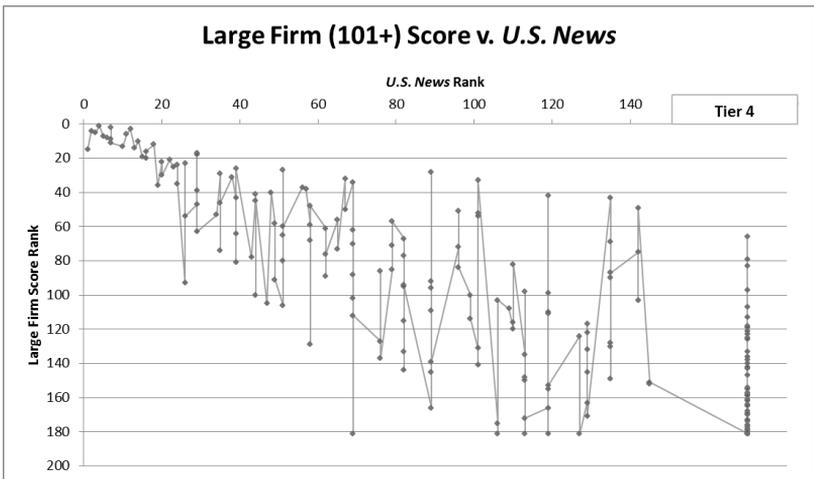
⁵⁵ In 2010 we launched a Data Clearinghouse that attempts to add color and meaning to tabular data from previous years, presenting the data in a format that demonstrates gaps in information and allows consumers to draw comparisons across programs. *Data Clearinghouse*, LAW SCHOOL TRANSPARENCY, www.lawschooltransparency.com/clearinghouse (last visited June 27, 2012). We think, and have been told by many, that the Clearinghouse significantly helps prospective students. But a lack of simplicity affects the breadth of its influence, with especially pronounced limits as to initial application decisions. In other words, by the time someone has learned enough about graduate employment to fully understand what the clearinghouse demonstrates, they are usually already far along in the application process and no longer open to the possibility that their best option may be choosing a different school than the ones they applied to, or choosing not to attend one at all.

Score Reports prompt them to ask meaningful questions and undergo significant financial planning and introspection before they select a school.

The Score Reports must be understood as not the culmination of transparency efforts, but a launching point for more sophisticated ways of thinking about law school. The technology is first generation, and certain to undergo many functionality changes. The idea of providing honest and complete employment data is also young, with the vast majority of schools still refusing to show their cards.⁵⁶ We fully expect the Score Reports to improve as more data become available and more resources (whether financial, intellectual, or technological) are dedicated to helping prospective students make informed decisions about their careers.

APPENDIX A

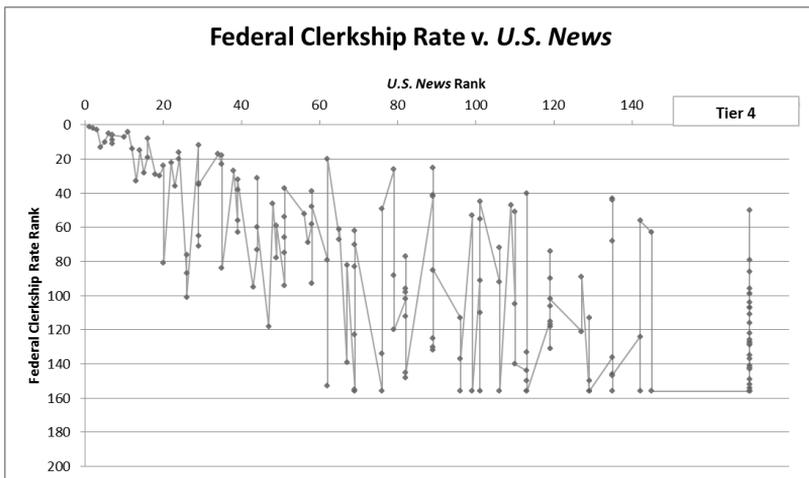
LARGE FIRM (101+ ATTORNEYS) SCORE⁵⁷ RANK V. U.S. NEWS RANK



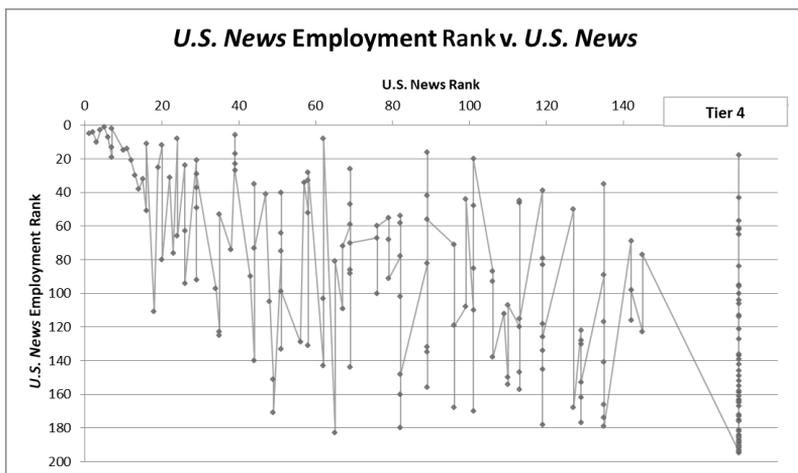
⁵⁶ To date, 50 schools have made their class of 2010 NALP reports public. *Class of 2010 NALP Report Database*, LAW SCHOOL TRANSPARENCY, www.lawschooltransparency.com/clearinghouse/2010-nalp-report-database/ (last visited June 29, 2012).

⁵⁷ Total graduates employed long-term and full-time by a law firm with at least 101 attorneys divided by total graduates. The score, however, includes non-attorneys, staff attorneys, and associates. Better data are not publicly available.

FEDERAL CLERKSHIP RATE⁵⁸ RANK V. U.S. NEWS RANK



U.S. NEWS EMPLOYMENT RATE⁵⁹ RANK V. U.S. NEWS RANK



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⁵⁸ Total graduates employed in full-time, long-term federal clerkships divided by total graduates.

⁵⁹ Total employed graduates divided by all graduates.