

# LAW

## SCHOOL RANKINGS



PASKUS STUDIO

— Dean Kenneth B. Davis, Jr.

Each fall the UW Law School, like the other 187 law schools approved by the American Bar Association, responds to surveys by publishers seeking to rank the law schools numerically. Despite general agreement that these surveys are flawed and have little to do with actually identifying the quality of a law school, they have been an outstanding commercial success for several of these publishers, particularly for *U.S. News & World Report*, a magazine now known primarily for its college and graduate school rankings.

Like most law school deans, I have serious concerns about the rankings and have sometimes imagined not responding to the surveys and tossing them in the trash. But, of course, that is not realistic. We are dependent on how outside constituencies value what

we do, and *U.S. News* is one of the current measurement schemes to which many outsiders look. The rankings have become pervasive and influential. Not to be included regularly in what *U.S. News* terms the “top tier” of national law schools would seriously hamper our ability to recruit top students and outstanding faculty, and it also would have an impact on the employers who interview and hire our students. So, each October, we join law schools across the country in responding to the 194 questions on the *U.S. News* survey, and each April we see how the data we supplied have been interpreted.

Don't misunderstand my concern. I believe providing comparative information about law schools is generally a worthwhile endeavor. My problem is with the *U.S. News* methodology. First, it relies principally on only those measures that can readily be quantified. For example, our graduating

students regularly give very high marks to the quality and commitment to teaching by our classroom and clinical faculty. Visiting faculty from other schools say the same thing. But quality of teaching is nowhere reflected in the ranking criteria. *U.S. News* instead looks at measures such as the level of faculty salaries and faculty-student ratios. This means that at Wisconsin, where we have long prided ourselves on doing more with less, we're effectively marked down for using our resources efficiently.

I am likewise baffled by the idea that someone can assign specific weights to the various factors and arrive at a seemingly scientific numerical “score” for each school. Ask yourself — is an additional \$1,000 of student financial aid 1.5 times as important for the school's overall quality as an additional ten books in the library? Or is it only 0.5 times as important? You get the idea. Most troublesome of all is

that I have never heard of a single legal educator being consulted about what the various factors and weights should be. To the best of my knowledge, they are entirely the product of the magazine's editors.

Legal academics have long taken the position that the formula *U.S. News* uses with its various weightings is impossible to rationalize in any principled way and that the rankings suggest a much greater difference in quality among the schools than actually exists. They have also pointed out that more than half of the criteria that go into the final score can be manipulated and that more than a third of the criteria favor small and private schools and penalize large and public schools. Nevertheless, increasingly as I meet with alumni and friends, I am asked about the *U.S. News* rankings and how we are ranked. It is an important topic for many.

The *U.S. News* methodology, which uses twelve different factors in five different categories, has varied a bit over time but has remained relatively constant since 1999.

The most heavily weighted individual factor in the survey is *Academic Reputation*, which is based on a survey that asks the dean and three faculty members at each school to rate schools from "marginal" to "outstanding" on a 1-to-5 scale. That factor, combined with a survey in which a small number of judges and large-firm lawyers are asked to rate schools, make up the *Quality Assessment* category that accounts for 40 percent of the survey weight.

The other heavily weighted area is the *Selectivity* category. This category includes the entering class's median LSAT score, its median undergrad GPA, and the proportion of applicants who were accepted.

The remaining categories are *Placement Success*, which is determined by employment rates at

graduation and nine months after, and by bar passage rate, and *Faculty Resources*, encompassing a number of factors, including student-teacher ratio, financial aid, average expenditure per student, and library resources.\*

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In the more than fifteen years that *U.S. News* has ranked law schools, the University of Wisconsin Law School's overall score based on the survey's twelve criteria has remained relatively consistent, as has our *Academic Reputation* — ranking 6 or better among public law schools. Nevertheless, our overall numerical ranking has bounced up and down. We have been ranked as high as 21 and as low as 43, with a great deal of fluctuation from year to year. Currently, we are ranked 31 out of the 177 law schools included, and we are sure to bounce up and down again over the next few years.

We have chosen to focus our limited financial resources on educating our students, rather than playing the *U.S. News* publicity game that now involves sending multiple glossy brochures, wall posters, calendars, and even toys and trinkets to other deans and the voting partners in big firms.

In addition, our size, the continuing state budget crisis, our small endowment, and our policy of using not just an applicant's LSAT score and grade point average but a variety of criteria indicative of long-term success make it difficult for us to maintain a consistent position at the top of the rankings, although we continue to strive for that.

For me, the most frustrating aspect of the rankings is that they do not reflect the fact that this is a time of great strength at the University of Wisconsin Law School. We have had record numbers of applications, our young faculty is as strong as at any time in the Law School's history, our students have successfully competed for the most prestigious fellowships and jobs, and the current learning environment and student culture are outstanding.

Nor do the rankings measure what makes Wisconsin such a great place to study law — a faculty that is creative, knowledgeable, and committed to classroom teaching and to mentoring and nurturing students; a rich curriculum that includes small classes, hands-on learning, and extensive opportunities for supervised practical experiences; highly qualified students from a variety of backgrounds who contribute to an academic and social atmosphere that is supportive and conducive to learning; and, of course, our Law in Action approach to teaching and learning the law.

Over the next few years, I know that we will talk much more about these magazine rankings and their impact on our Law School. It is a complex and challenging issue. Nevertheless, I want to assure you that although our rankings may go up and down, the quality of your Law School, its faculty, and its students is getting stronger every year on multiple fronts that are too complex to be measured by the *U.S. News* numerical formula. Of course, we must work hard to maintain this quality . . . and we will.

I am grateful to all of you for your enthusiasm, commitment, and financial support. You are the key to our continued success. ■

\* See page 40 for more information on *U.S. News* rankings.