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**LSAC RESEARCH REPORT SERIES**

- **Fear of Falling: The Effects of *U.S. News & World Report* Rankings on U.S. Law Schools**

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## Executive Summary

Law school rankings have received much attention in the world of legal education, but to date there has been little systematic empirical study of their effects. The goal of this study is to begin to redress this absence by developing a more precise understanding of the effects that law school rankings have had on legal education. To this end, we examine how rankings transform activities and work within law schools, how rankings influence external audiences' perceptions of the legal education field and to what effect, and which characteristics help explain variations in the effects of rankings. We also discuss how distinctive these effects are to legal education.

### Data and Methods

The primary source of data for this study was 140 in-depth, open-ended interviews with law school administrators, faculty, and staff. These interviews, conducted both in person and over the telephone, averaged 45 minutes in length and centered on how rankings have affected legal education. Other data sources were also incorporated: Data were collected and analyzed for a quantitative study of the effects that the *U.S. News & World Report* (USN) rankings have on prospective law students; 17 short interviews were conducted with law school admissions personnel as well as 93 brief interviews with prospective law students; organizational material produced by law schools and public information concerning law schools were analyzed, including school web sites, public Internet chat rooms, advertising material, and media accounts; and 30 in-depth interviews were conducted with business school administrators to provide comparative information.

### General Effects

#### *Redistribution of Resources and Gaming Strategies*

One general effect of the USN rankings on law schools is that it has created pressure on law school administrators to redistribute resources in ways that maximize their scores on the criteria used by USN to create the rankings, even if they are skeptical that this is a productive use of these resources. This redistribution is illustrated by two examples mentioned consistently by the administrators interviewed: (a) increases in marketing expenditures aimed toward raising reputation scores in the USN survey and (b) increases in merit scholarships intended to improve the statistical profile of incoming classes. A more subtle form of resource redistribution is also described in this section: the adoption of strategies by some schools to "game" the rankings.

#### *Transformations of Authority Relationships*

A second category of effects is the transformation of authority relationships within law schools. One manifestation of this change is that the rankings create a new avenue through which internal and external constituents can question decisions made by the administration and attempt to influence future decisions. This new form of accountability, although providing some informational benefits to these audiences, has also diminished the autonomy of administrators and the value of the expertise upon which this authority is based. In addition, it has required administrators to reallocate their own time and energies in order to develop defenses and explanations of their school's position in the rankings. A second manifestation of these changes in authority relationships is the effects of the rankings on the work of administrators and faculty within the law school. Job requirements of positions within the law school, especially for those in career services and admissions, now emphasize the management of rankings, while tending to lessen the importance of other forms of expertise previously associated with these jobs.

#### *Consequences for School and Individual Identity*

A third category of effects addressed in this report is the influence that rankings have on the identities of schools and their members. Although less tangible than other categories of effects, administrators consistently called attention to these consequences of the rankings. Two examples most often discussed by administrators are highlighted: (a) the weakening of control that schools have over their own reputations because of the rankings and (b) the psychological effect of rankings, most notably the demoralization experienced by those associated with schools that drop in the ranking.

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## Effects on External Constituents

This research indicates that a powerful mechanism for explaining the influence of rankings on legal education is that administrators perceive that the behavior of influential external audiences is affected by the USN ranking of their law schools. This goes a long way toward explaining why, despite the disdain that many administrators have for the rankings, they expend the energy and resources to improve the rank of their school. In this section, we present administrators' views about the effects of rankings on external audiences. Then, focusing on the most influential of these audiences, prospective students, we offer evidence from other data sources to corroborate the perceptions of administrators. Most tellingly, a quantitative study of the effects of school rank on total applications received, total applications received from elite students, and matriculation rates shows that the rankings have a significant effect on the decisions of prospective students. The effects that rankings have on other external audiences—including employers, alumni, and university administrators—are also discussed.

## The Case of Business Schools

A more restricted study of business school rankings and their effects was conducted in order (a) to assess the generalizability of the effects of rankings on law schools, and (b) to determine how different types of rankings might produce variations in effects for different fields of education. Business schools experience many of the same effects as law schools as they respond to the pressures created by the rankings. They also report, for example, redistributing resources, the existence of gaming strategies, and, to some degree, a loss of autonomy. The existence of multiple rankings for the field of business education, however, weakens some of the most common negative effects reported by law school administrators. The ambiguity created by these multiple rankings, according to business school deans, decreases the impact of small changes in rank, allows a greater degree of control over reputation, and, to some extent, increases skepticism about the validity of the rankings among external audiences.

## Conclusion

USN rankings have changed the status system of legal education in the United States. By imposing a standard metric on all law schools, rankings establish a precise, hierarchical relationship for each school in which status is strictly defined relative to every other school. In shaping the stratification of legal education, rankings affect all schools. As the summary above suggests, the effects of rankings are wide ranging. Rankings create incentives and generate pressure on schools to boost their standing, they influence the distribution of resources—such as time, money and attention—within law schools, and they have become a routine consideration in decision making. Rankings have also influenced admissions and placement policies and have altered authority relationships, including the terms under which administrators are held accountable by external audiences. Moreover, rankings shape how members of the law school community interpret their own and others' status, and they influence members' identification with their schools.

While the effects of rankings are broad, they are not the same for all schools or for all units of schools. A number of factors may influence the effect of rankings, including whether a school's ranking places them on the cusp between two tiers, their general position in the rankings, their ranking trajectory, their geographic location and its competitive environment, and their mission. Within law schools, the units that typically experience the most pressure as a result of rankings include the dean's office, admissions, and career services. Most administrators believe that the effects of rankings are largely harmful to legal education, but there is also a minority view that sees the incentives created by rankings as improving the performance of law schools and providing useful information to external constituents. More empirical research is needed to develop or revise the findings of this research, especially to further specify variation in effects or rankings.

## Introduction: Research Goals and Overview

In 1990, the weekly news magazine *U.S. News & World Report* (USN) began publishing its rankings of all accredited law schools in the United States. These ranking issues sell well and have proved to be lucrative, visible, and widely disseminated evaluations of law schools. While it took a few years for the impact of rankings to be felt, during the 1990s USN rankings became an increasingly important arbiter of educational status and reputation. Law school rankings have affected law schools in varied and often significant ways, and even though many law school administrators and faculty remain critical of these rankings, most now regard them as inevitable or, in the words of one dean, "a fact of life." Prospective law students routinely consult USN rankings when deciding where to apply to and attend law school, administrators monitor them closely, and many schools have adapted policies intended to influence or respond to their ranking. Despite the considerable media attention that rankings have received and the controversy they have generated, before this report there has been little empirical research on their effects.

Our research focused on two key questions: (a) What effects do law school rankings have on legal education in the United States? and (b) How do the effects of rankings vary, both within and among institutions as well as across



constituents? To answer these questions, we designed and executed a multimethod project that built on findings from a pilot study we conducted in 2001–2002. Our research activities included interviews with deans, administrators, and legal educators from a broad range of law schools; visits to seven “focus” schools, where we interviewed administrators, faculty, and staff to learn how the effects of rankings are distributed within schools; and analyses of admissions statistics and organizational documents.

While there is considerable variation among law schools, our findings suggest that rankings have had broad effects on legal education. Rankings have altered the way resources—including time, money, and attention—are distributed within law schools. Rankings have become a routine component of decision making. They have changed admissions and placement policies, sometimes so significantly that these administrative positions have been redefined. Rankings have altered authority relationships within law schools; they have, for example, shaped the timing and terms under which administrators are held accountable for their performances by various constituents. Rankings are a common topic of discussion at staff and faculty meetings, in the chat rooms of prospective students, and in queries from alumni. In addition to shaping law schools’ external reputation, rankings shape how members of a law school’s community interpret their own and others’ status, and they influence members’ identification with their schools. Within law schools, the units that experience the most pressure as a result of rankings include the dean’s office, admissions, and career services; however, at many schools, the influence of rankings spreads throughout the institution.

This report outlines our research activities and summarizes our main findings. It is divided into three main sections: the general effects of rankings for law schools, the effects of rankings on influential external constituents, and a comparison of the effects of law school rankings with the effects of rankings on business schools. These sections are preceded by a review of our data and methods and an overview of the general dispositions toward the rankings of the administrators we interviewed. We conclude by outlining directions for future research in this area.

## ***U.S. News & World Report Rankings: Background and Methods***

### **Background**

Rankings of U.S. universities have existed for almost a century (Webster, 1992), but historically these evaluations were almost exclusively prepared for and used by academics and administrators.<sup>1</sup> It was not until the 1980s that popular media began producing rankings of colleges and graduate programs intended for *consumers* rather than educators. USN helped pioneer rankings when, in 1985, it published an issue that ranked colleges; 2 years later the magazine followed up with an issue ranking graduate programs and professional schools. In 1988, *Business Week* published its first ranking of MBA programs. Beginning in 1990, USN began publishing rankings annually of both undergraduate institutions and graduate and professional programs.<sup>2</sup> These educational rankings quickly became profitable enterprises, providing new information to prospective students and others who wanted measures of “organizational success” (Caron & Gely, 2004, p. 1509).<sup>3</sup>

USN’s first law school rankings relied exclusively on a simple opinion survey, appearing as part of the 1987 issue devoted to graduate schools. The magazine polled 183 law school deans, receiving responses from 96; it then calculated the top 20 law schools based on which schools appeared most frequently on the dean’s top 10 lists.<sup>4</sup> In 1990, USN began

<sup>1</sup>In 1910, James Cattell’s *American Men of Science* included the first rankings of American colleges and universities based on the number of eminent scientists they produced (Webster, 1992, p. 19), and the American Council on Education also conducted early surveys for the purpose of ranking graduate programs. Other models emerged as well. Consumer Reports began ranking products in 1936, and *Fortune* started ranking the 500 largest companies in 1955. The National Research Council (part of the National Academy of Sciences) evaluated research-doctorate programs in the United States in two influential reports in 1982 and 1995.

<sup>2</sup>In addition to the two issues featuring rankings, USN also publishes two annual guidebooks that summarize rankings for colleges and graduate programs. These popular guidebooks are available in bookstores year round. USN has also created an elaborate website, which posts rankings as well as offering information and guidance for prospective students. Initially, access to this website was free. On the day that rankings were posted in 1998, the site received 3.3 million hits. At peak times, the site was accessed 160 times/second (PR Newswire 1998). Beginning in 2003, USN started charging for access to the complete website. While we don’t know how many people pay to visit the site, it remains popular with the prospective law students we interviewed. Rankings have proved lucrative for USN. According to Mel Elfin, the USN editor who helped launch them, “[Rankings] became, essentially, our franchise” (Parloff, 1998). Their success has prompted some to dub the USN’s ranking issues, in reference to the *Sports Illustrated* best seller, their “swimsuit issue” (ibid).

<sup>3</sup>The success of rankings issues prompted a bandwagon effect among magazines and newspapers, with a dramatic proliferation of rankings of all sorts. In education, for example, rankers of the academic quality of undergraduate and professional schools now include *Atlantic Monthly*, *Business Week*, *Financial Times*, *U.S. News & World Report*, and *Wall Street Journal*. Rankings are now an international phenomenon as well: Prominent rankings of universities are published by magazines in, for example, Australia (*Australian Good University Guide*), Canada (*Macleans*), Germany (*Der Spiegel*, *Stern*, *Focus*), the United Kingdom (*Times Higher Education Supplement*), and Asia (*Asiaweek*); there are also several rankings of institutions worldwide (e.g., in *Asiaweek* and *Times Higher Education Supplement*). This list does not include rankings of other aspects of schools produced by similar publications; for example, *Princeton Review* is famous for its “Best Party Schools,” *Mother Jones* ranks the Best Activist Schools, and *Money* has ranked the those colleges and universities it considers the “best value.” Similarly, *Newsweek* issued its first rankings of the best high schools in the United States. In addition to evaluating colleges and graduate programs, USN also ranks hospitals; other magazines rank, just to give a few examples, the most livable cities, the best companies to work for, the best law firms, the best cities for walking, the best firms for women or African Americans, and the best doctors or lawyers in a particular city.

<sup>4</sup>This method closely resembled that adopted by Marguiles and Blau (1973) and Blau and Marguiles (1974) in the rankings of law schools they constructed for *Change*. Those rankings included only the top nine law schools.

ranking law schools annually. Using a formula that combines opinion surveys with measures of school performance, law school rankings are published in a popular issue that also ranks medical, business, education, and engineering schools, as well as graduate programs in disciplines ranging from sociology to chemistry to music.<sup>5</sup>

Law schools are treated differently from other professional schools ranked by USN. Where only the top 50 or 25 schools in the other professional fields are ranked, beginning with the 1992 rankings, the magazine has published the rank of every law school accredited by the American Bar Association (ABA). During most of the period since 1990, law schools were divided into four tiers: The top tier listed the 50 highest-rated programs in order of rank, and then schools were separated into the second, third, and fourth tiers and listed alphabetically within these tiers. Beginning with the 2004 rankings, however, USN reported the top 100 law schools by rank, and divided the remainder of the schools into the third and fourth tier, again listing these schools alphabetically. As will be discussed in detail below, one reason rankings have had a powerful effect on law schools is that USN publicly evaluates *every* school, not just those at the top of the field.

USN's law school rankings are composed of four general categories: reputation, selectivity, placement success, and faculty resources. While some adjustments have been made in the methods used to construct the rankings, their basic structure has remained the same.<sup>6</sup> Reputation decides 40% of a school's overall score and is determined according to responses to surveys that are sent to academics and practitioners. Respondents are asked to rank each of the approximately 185 accredited law schools in the United States according to a 5-point scale. The ratings of academics are weighted more heavily in the overall score (25%) than are the ratings of practitioners (15%). The survey of academics is sent to the dean, associate dean, chair of recruitment, and the last tenured faculty member of each ranked law school.

The selectivity of the law school accounts for 25% of the overall score and is determined by three factors: (a) LSAT scores (50% of the selectivity ranking, 12.5% of the overall score); (b) GPA (40% of the selectivity ranking, 10% of the overall score); and (c) the acceptance rate (i.e., ratio of students accepted to number of students who applied) of the school (10% of the selectivity score, 2.5% of the overall score).

Placement success accounts for 20% of the overall ranking. It is determined by three measures: percentage of students employed at graduation, percentage employed 9 months after graduation, and the bar passage rate. These factors account for 30%, 60%, and 10% of the placement score, and 6%, 12%, and 3% of the overall ranking, respectively.

Finally, faculty resources represent 15% of the overall ranking, and this category is composed of four separate measures: expenditure rate per student (for instruction, library, and support services), student–faculty ratio, “other” per-student spending (primarily financial aid), and number of books in the law library. These factors account for 65%, 20%, 10%, and 5% of the faculty resources indicator, and 9.75, 3, 1.5, and .75 of the overall ranking, respectively.

To compute the final ranking, each school's score is standardized. These scores are then weighted, totaled, and rescaled so that the top school receives a score of 100 and other schools receive a percentage of the top score. In addition to these composite rankings, eight specialty programs are also evaluated. Less information is available about how these rankings are created, but they are based on surveys sent to legal educators who pick the top 15 schools for the designated specialties. In the most recent rankings issue, for example, USN evaluated specialties in clinical training, dispute resolution, environmental law, health-care law, intellectual property law, international law, tax law, and trial advocacy. Table 1 summarizes the components of USN composite rankings.

<sup>5</sup>Rankings of professional schools are produced annually. Rankings are accompanied by stories of innovative departments or successful climbs in the rankings, and at least the top 50 schools are ranked for each profession. In contrast, rankings of graduate programs are updated only every 5 years, are accompanied by no text, and rely on simpler methodology. Fewer schools are ranked (no more than the top 25 schools are ranked, and for some disciplines only the top 10 are ranked), and rankings are derived solely from opinion surveys.

<sup>6</sup>USN, however, has consistently altered its methods over time, making the rankings increasingly comprehensive and precise. The 1987, 1990, and 1991 issues only ranked the top 25 law schools; the 1992 and 1993 issues ranked the top 25 schools ordinally and listed the next 25 (which they labeled “Tier 1”) alphabetically; the remaining schools were divided into Tiers 2,3, and 4 and listed alphabetically within those tiers. From 1994 to 1996, the top 50 law schools were ranked ordinally, but the second 25 was dubbed “The Second Tier;” the remaining schools were now divided into tiers 3, 4, and 5 (meaning some schools dropped tiers without moving positions in the status order) in which they were again listed alphabetically. From 1997 to 2002, the top 50 schools were ranked ordinally but were now all considered by USN to be in the “Top Tier,” while the remaining schools were again listed alphabetically in the three remaining tiers which were now called Tiers 2, 3, and 4. Finally, the 2003 issue of the rankings ordinally ranked the top 100 schools, and divided them between the Top 50, the Second 50, the third tier (listed alphabetically) and the fourth tier (listed alphabetically).

TABLE 1  
*U.S. News rank weighting by category of evaluation*

| General Categories | Weight in Overall Score | Sub Categories  | Weight in General Category | Weight in Overall Score |
|--------------------|-------------------------|---|----------------------------|-------------------------|
| Reputation         | 40%                     | Academics (dean, associate dean, chair of recruitment, last tenured faculty member) | 62.50%                     | 25%                     |
|                    |                         | Practitioners   | 37.50%                     | 15%                     |
| Selectivity        | 25%                     | Student LSAT scores   | 50%                        | 12.50%                  |
|                    |                         | Student GPA   | 40%                        | 10%                     |
|                    |                         | Acceptance rate   | 10%                        | 2.50%                   |
| Placement success  | 20%                     | % employed at graduation  | 30%                        | 6%                      |
|                    |                         | % employed 9 months after graduation  | 60%                        | 12%                     |
|                    |                         | Bar passage rate  | 10%                        | 3%                      |
| Faculty resources  | 15%                     | Library expenditure rate per student  | 65%                        | 9.75%                   |
|                    |                         | Student faculty ratio   | 20%                        | 3%                      |
|                    |                         | Other per-student spending (e.g. financial aid)                                     | 10%                        | 1.50%                   |
|                    |                         | Volumes in library  | 5%                         | 0.75%                   |

Source: *U.S. News & World Report*, America's Best Graduate Schools (2005). Reprinted from Sauder and Espeland (2006).

Each year USN requests that schools prepare an elaborate report that contains much of the information that the magazine uses to compile rankings. Initially, some schools refused to send this material to USN, but USN responded by estimating the missing information. Representatives of these schools wondered about the bases of these estimates and complained that these estimates were coercive since they were almost always conservative, ensuring that schools that did not provide the information to USN were ranked lower than they would have been had they submitted the information. While gathering the information for these reports was a time-consuming activity for many years, the requested information has become standardized to conform to that required by the ABA, which has made the process more efficient for schools.

USN rankings dominate legal education. While other law school rankings are published and disseminated—such as the *Educational Quality Rankings of U.S. Law Schools* published by Brian Leiter, the *Gourman Report of Undergraduate Programs, 10th Edition: A Rating of Undergraduate Programs in American and International Universities*, and those published in *Barron's 2009 Guide to Law Schools: 18th Edition*—none of these rankings have had the impact of USN. The law school administrators interviewed for this study all agreed that the USN rankings were by far the most consequential.

### Data

This research is informed by five main types of data: interviews, conducted in person and by phone; statistical data about law schools compiled from various sources; documents prepared and disseminated by law schools; observations of internet bulletin boards used by prospective law students; and media accounts about rankings. We also included data from two other research projects that were incorporated into this project: a recent ethnographic study of college admissions and a study comparing the professional socialization of law and business students.

Our most important data source is interviews with law and business school administrators, faculty, and staff. We conducted a total of 170 interviews. Of these, 140 were in-depth, open-ended interviews with law school personnel and persons involved with legal education. These interviews ranged from about 30 minutes to 100 minutes, but the average duration was 45 minutes. Approximately half of these interviews were conducted in person and the other half over the telephone. All but four interviews were tape-recorded and transcribed. For phone interviews, we obtained verbal consent from each subject. For interviews conducted in person, we obtained signed consent forms from each subject. In all cases, interviews were conducted with the understanding that the identities of the individuals and their institutions would be kept confidential.<sup>7</sup> The only time we named individuals or institutions in our research is when we were quoting from public sources.

<sup>7</sup>In several cases, respondents expressed their willingness to have their views attributed, but we chose not to reveal their names. We interviewed several deans two or more times, but we counted these as a single interview. To protect the identity of institutions, we sacrificed some precision. For example, quotes are edited to remove identifying characteristics, and we use general terms (e.g., “elite” or “second tier”) to indicate a school's ranking or describe its trajectory.

Of the law school interviewees, 37 respondents were current or former deans of law schools; 45 were other law school administrators—most frequently, directors or deans of admissions and career services as well as associate deans, but also deans of academic affairs, deans of students, deans of multicultural affairs, deans or directors of external relations, and deans or directors of development. Thirty interviews were conducted with current faculty members and 9 interviews with persons from other positions within the law schools (e.g., directors of marketing, librarians, administrative assistants, or other staff). Of the some 200 accredited law schools in the United States (a figure that varies slightly over time), 70 are represented by our interviewees. We interviewed administrators from 21 different schools that have been ranked in the fourth tier, 26 schools in the third tier, 22 schools in the second tier, and 18 schools in the first tier. Of the first-tier schools, interviews include 12 people from schools that had been ranked in the top 25 and 5 from schools in the top 10. We also interviewed six current or former representatives of national organizations related to legal education.<sup>8</sup>

We constructed two nonprobability samples of law school respondents: (a) administrators, primarily deans, representing a broad range of law schools and (b) members of “focus” law schools. The first sample included 65 interviews and was derived using theoretical and snowball sampling techniques.

*Theoretical sampling* involves selecting respondents to produce variation that may prove theoretically significant (Glaser & Strauss, 1967, pp. 45–55; Denzin, 1978). We included respondents based on the variation they represented, including variation in school ranking (i.e., which tier and where in the tier a school is located), ranking trajectory (i.e., whether their school’s ranking has changed significantly in the past 10 years), school location (i.e., region of the country, whether it is located in a large metropolitan area or a smaller city), and the mission/niche of the school (e.g., whether it attracts and places students nationally or regionally, whether its goals are to provide opportunities for disadvantaged students, whether it emphasizes corporate law or public service). We also sought out administrators who had previously expressed strong opinions about rankings, especially those who favor rankings—a distinct minority among law school administrators—as well as administrators of varying lengths of tenure. When respondents had worked at more than one law school, they were asked to compare their experience with rankings at each school.

*Snowball sampling* relies on respondent networks to identify potential interview subjects (McCall & Simmons, 1969). At the end of each interview, we asked subjects to recommend others who might have unique or insightful opinions about the rankings, and then solicited interviews from these persons. We continued to solicit interviews using both of these strategies—the theoretically informed sample and the secondary snowball sample—until additional interviews generated little or no new information about the effects of rankings, what Glaser and Strauss (1967) describe as “theoretical saturation” (p. 61).

Our second sample is composed of 70 open-ended interviews conducted with members of the seven focus schools we visited. Interviews at focus schools were designed to provide information about the effects of rankings in different parts of the organization, including how these effects overlap and interact, as well as to allow us to compare and corroborate accounts from people in different positions.<sup>9</sup> At focus schools we interviewed deans, administrators, staff, faculty, and some students. We selected focus schools to highlight variation among schools, again including tier, trajectory, geography, and mission. Our seven focus schools are located in four states, with four on the East Coast and three in the Midwest. All four tiers are represented in the seven focus schools: Two schools have moved between tiers; two have experienced significant movement within tiers over the past 14 years; and the ranking of two schools has remained relatively stable. When possible, we included interviews with administrators and faculty of varying tenure, including those whose tenure predated rankings and new assistant professors or administrators.

Interviews in both samples included questions about respondents’ professional backgrounds, their job experience, their direct experience with rankings (including whether rankings shape their interactions with colleagues and peers at other schools), and their views about the effects of rankings at their and other law schools. Since these interviews were open-ended, their content varied across respondents. Depending on their particular expertise, we asked more specific questions about the influence of rankings on their particular job. Copies of our interview schedules are included in the Appendix.

In addition to interviews with people associated with legal education, we conducted 30 interviews with business school administrators to determine whether the effects of rankings vary across educational fields. Depending on the magazine ranking consulted, only the top 25 or 50 business schools are ranked, so this sample focused on elite schools. In these 30 interviews, 25 schools were represented. As with the law school sample, we included representatives from schools that varied in rank, trajectory, and size. Since there are a number of magazines and newspapers that rank business schools, we also sought out deans from schools whose ranking varied across sources. These interviews averaged approximately 30 minutes in length and were all conducted over the telephone, tape recorded, and transcribed.<sup>10</sup>

<sup>8</sup>The total number of schools represented in these totals exceeds the number of schools represented because schools were double-counted if they appeared in more than one category of rankings since 1990. For example, a school that had moved between the second and third tier would be included in both the second- and third-tier categories according to our scheme.

<sup>9</sup>We obtained permission from the dean for each focal school. All but two of the focus school interviews were conducted in person. Those unavailable during our visits were conducted by phone.

<sup>10</sup>Dental schools organized a successful boycott of the rankings, refusing to send the information requested by USN. We conducted four interviews with administrators associated with dental education to learn more about their response to rankings and the consequences of not being ranked by USN.

Other qualitative data informed this research. In addition to the interviews described above, we received permission to attend a law school forum organized by the Law School Admission Council (LSAC). An additional 17 short, informal interviews (averaging about 10 minutes) were held with law school admissions personnel about the influence of rankings on admissions policies. We also conducted brief interviews (averaging 3–5 minutes) with 93 prospective law students about the types of information they used to decide where to apply to law school. We observed admissions staff interactions with students, attended some of the informational programs, and collected some promotional material from law schools.

In addition to the qualitative interview data, we also compiled a data set that included ranking information from the 1993–2003 editions of the *U.S. News & World Report Guide to Graduate Schools* and student application information from the 1996–2003 editions of *The Official Guide to U.S. Law Schools*, now jointly published by LSAC and the ABA. This data permitted a quantitative analysis of the effects of USN rank on total applications received by schools, applications received from high-quality applicants, and matriculation decisions.

We collected a range of organizational material produced by law schools and public information about law schools. During 2003–2004, we solicited information and application materials from each accredited law school to learn whether rankings were discussed in the brochures they sent to potential applicants. We also surveyed the Web site of every accredited law school to learn if and how USN rankings were incorporated into them. These data reveal whether and how rankings are discussed when schools present themselves to the public and permit comparisons between this public use of rankings and the views administrators express during interviews. We also collected a large sample of marketing materials that law schools send to administrators and faculty at other law schools, as well as other organizational documents that members of focus schools shared with us. These organizational documents varied across schools but included, in addition to promotional materials, speeches given by administrators, copies of strategic plans, marketing plans, and some internal memos.

Postings on the Princeton Review pre-law bulletin board for prospective law students (<http://discuss.princetonreview.com/forums/>) were monitored weekly by an undergraduate research assistant over one school year cycle (from October 1, 2003, to May 31, 2004). Students' often candid discussions provide insight into how they use and think about rankings when deciding where to apply and matriculate.

We also conducted a content analysis of media stories about rankings. Using Lexis-Nexis, Proquest, and traditional archival research to generate articles, we collected media stories about law school rankings from 1991 to 2004 from national news sources catering to general audiences (e.g., *New York Times*, *Wall Street Journal*, *Washington Post*, *Time*, *Newsweek*, *U.S. News & World Report*, and *Slate*) and specialized legal publications (e.g., *The American Lawyer*, *National Jurist*, and *ABA Journal*). We found 218 articles and coded them based on general themes in an attempt to discern trends in coverage over time.

Finally, in addition to our primary data, we incorporated data from two related studies conducted by Schleef (1992) and Stevens (2003). Schleef's data include interviews conducted from 1992 to 1994 on random samples of the entering law and business school cohorts at the fictitious "Graham University." Schleef interviewed 37 law students and 42 business students. Most respondents were interviewed twice. The samples are representative of the entire class with respect to gender and race. Her interview data include discussions on why students decided to attend law school and business school where they did, including the various sources of information they used in making their decision. Schleef reanalyzed and recoded these data, emphasizing the role that rankings played in students' decisions and in their identification with their school.

Stevens' (2003) data include hundreds of pages of field notes collected during the 2000–2001 and 2001–2002 academic years describing his 18 months of participant observation in the admissions office of a private, selective liberal arts college. These field notes are supplemented by informal interviews with high school guidance counselors, athletics coaches, and private admissions consultants. Stevens reanalyzed his field notes and his interview data for their relevance to rankings. Since USN rankings of colleges and universities evaluate schools according to different niches—national, liberal arts, master's level, and bachelor's level—his data help us better understand the significance of distinguishing among types of educational institutions or missions in determining the effects of rankings.

### **The View of Administrators**

Before reporting our findings, we briefly describe the range of opinions people express about rankings. The vast majority of administrators we interviewed held negative views of rankings: Most believed that rankings were more harmful than beneficial to their particular schools as well as to legal education generally. This result was not surprising considering that for each of the past 10 years nearly every law school dean (173 of 181 deans of accredited law schools in 2005—a typical proportion in the 4 years we have kept track of these numbers) signed a letter publicly condemning the rankings. This letter, sent to every student who registers to take the LSAT, questions the quality of information provided by USN, alleging that the rankings cannot take each student's "special needs and circumstances into account" and fail to measure many factors that students claim are most important in their choice of law school. These omissions include measures of the quality and accessibility of teachers, faculty scholarship, racial and gender diversity within the faculty and student body, the size of first-year classes, the strength of alumni networks, student satisfaction with their

education, and cost.<sup>11</sup> This letter summarizes one common criticism of ranking methodology: that USN fails to measure many important attributes that constitute a quality law school.

A second common methodological criticism is that the measures used by USN to estimate law school quality are bad proxies for the actual quality of the schools. Klein and Hamilton (1998) conclude, for example, that 90% of the overall differences in ranks among schools can be explained by the median LSAT score of their entering classes; this finding suggests that despite their stated weights, the numerous other factors that comprise the rankings have small effects.<sup>12</sup>

Many deans criticize the quality of USN measures. To take one example, many suggest that respondents to the reputational surveys are ill-informed about the schools they evaluate and that their evaluations are strategic responses. As one dean put it:

The data on the reputational survey are so bad ... I don't understand how you get anything other than some consensus... There is clear consensus of the 10 or 12 schools that should get a five [where five is "outstanding" and one is "marginal"]. How is there any difference between Chicago and Yale based on reputation? Anyone who doesn't put Yale, Harvard, Chicago, Michigan, NU, or Berkeley as a five, is either being instrumental or is an idiot.

Lempert (2001) characterizes the USN rankings as "pseudoscience" and, examining each component, characterizes every factor used by USN as flawed.

Early public assessments of the rankings were very critical, and often expressed a sense of disbelief that the rankings—produced by journalists and statisticians with no expertise in legal education—were being taken seriously. For example, after USN published its first ranking issue in 1990, Guido Calabresi dean of Yale Law School (ranked number 1) called the rankings "an idiot poll," while Dean Robert Clark of Harvard (ranked number 5) pronounced them "Mickey Mouse," "just plain wacky," and "totally bonkers" (cited in Parloff, 1998; Webster, 1992). As one administrator described his and his colleagues' reaction to the initial rankings:

The survey came and we sort of looked at it and said, "Isn't this interesting, somebody's doing a survey." And then we probably filled it out and that was about it. And then all of the sudden some rankings came out and we were in the top 25 which was a good thing for [our school]. It looked so crazy and arbitrary that we started laughing.

The opinion of many deans and other administrators has remained critical. In 1997, Judith Wegner, then dean of the University of North Carolina's law school said, "U.S. News' methodology is so seriously flawed that it makes any thinking person despair of journalistic ethics" (Rovella, 1997). Carl Monk, executive director of the Association of American Law Schools, called them "dangerous and misleading" (Cotts, 1998). Of the administrators we interviewed, a majority shared these criticisms—some vehemently:

The reification of this stuff to the decimal point that makes it into "science" is what makes [rankings] so destructive.

We hate [rankings]. And we hate the [guide] book. And it comes out at the wrong time, and it has the wrong information.

I wish Al Qaeda would make USN their next target.

It is important to note, however, that a minority of administrators believe that rankings have had a positive effect on legal education.<sup>13</sup> These deans suggest that the rankings provide a less subjective measurement of law school reputation (which they believe should be desirable to administrators), that they hold schools accountable to their constituents for their performance, and that they encourage schools to identify and address weaknesses. As one dean argued:

USN has forced law schools to place students well; to do a better job of this. Before [rankings] there wasn't a number that was running around. ... In the past a dean could pontificate about how great his program was, but now it's harder to pull the wool over people's eyes. With these numbers, you can't just talk. The basic things that law schools do are still all there: we want to get the best students, the best faculty, and we want our students to be successful. Our job and our career goals haven't changed, but now we have metrics. I think it's just like *Consumer Reports* for cars. You can quarrel with individual things, you can quibble with the formula, but we

<sup>11</sup>The letter, titled "Deans Speak Out," is published along with a list of the deans who signed it on LSAC's website at [www.lsac.org/deans-speak-out-rankings](http://www.lsac.org/deans-speak-out-rankings).

<sup>12</sup>This is not inconsistent with the fact that small changes in other factors in a compressed distribution can significantly affect a school's ranking.

<sup>13</sup>These administrators constitute less than 5% of those we interviewed, even though we purposefully sought out those whose opinions about the rankings diverged from the majority.

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have a wonderful product, and it's good for people to know that. Most deans think all this is horrible—I'm a real outlier on this. No one would argue that *Consumer Reports* is a bad idea, just that what we provide is more complex and has more variables than what their formula shows.

Others with more favorable views of rankings suggest that although rankings are imperfect measures of law school quality, they do represent the aspects of legal education—such as the quality of student body and job prospects—that matter most to students. Even some deans who are critical of rankings see some benefits:

You could argue that making us all a lot more conscious of the consumer and worrying about how many graduates are employed nine months after graduation is a good thing. We all spend much more time now keeping track of our students, and that's a good thing; bar passage rate is a good example of this.

If the stakes weren't so high, the rankings wouldn't be so bad. We ought to have been asking some of the questions that USN has forced us to ask. We ought to have been asking who is in our pool of students and why. We ought to have been asking where do our graduates go, how successful are we at getting them jobs when they walk out the door. And if we would have been having bar passage problems, presumably we would have been asking questions about that. On all of that kind of stuff, it does serve as a benchmark, and if you are out of line with your peers, it makes you ask why you are out of line. And that really is helpful.

Another argument that was made in favor of the rankings was that they help new deans justify changes that they want to make to their schools:

Frankly, as a newcomer I have to acknowledge a significant value to the rankings. I think to the extent that the rankings led me to focus on the academics of the student body and the reputation of my faculty with other faculties, it will have a beneficial impact institutionally on [my school]. Because it both gives me leverage [with the administration] in terms of what kind of faculty I want to hire and ... with the faculty in getting them to consider those folks and a reason to go after them.

The case of a new administrator using the rankings to implement desired changes highlights another aspect of this issue: When potential deans interview for jobs, they often must now be prepared to propose a strategy for dealing with the school's current and future ranking. All of the deans that we interviewed who had been hired in the last 3 years acknowledged that the ranking of the school, either explicitly or implicitly, was an important issue during the interview:

It was a huge issue in the search. I would say that it was the number one issue in the dean's search. The rankings—because there are just those rankings that was really what people were talking about when they talked about reputation and visibility. And it's exactly what graduates were talking about.

I have been involved in a couple of dean's searches as a possible dean, and it does enter into the conversation. [One school], for example, which I think in many ways is a very superb school, was ranked really low for a superb school, and they are profoundly concerned about that. And they realize to get the kind of students they want, they have got to turn that around. So that was an element. The strategic plan I had worked on was of interest to them, and they wanted to hear all about it and what it was.

One implication of this development is that new deans cannot dismiss the rankings as easily as some deans in the past were able to do. They are now resigned to the fact that the rankings are not going away and that rankings must be managed. While our data on this point is limited, there is some evidence that the emphasis on rankings management in the dean search process is producing a new generation of deans who, even if they are not proponents of the rankings, are at least less hostile toward them. In our interviews, deans with shorter tenures tended to be less fervent in their criticisms of the rankings, instead viewing them as a taken-for-granted organizational constraint. This change could be a sign of the institutionalization of rankings among administrators. It is also possible that their opinions may change over time as they gain more experience with, and become accustomed, to the rankings.

### **General Effects of Rankings**

One of the important findings of our research is that the rankings have had pervasive effects on law schools: Virtually no aspect of legal education is untouched by the influence of rankings at some school at some time (Espeland & Sauder, 2007). We want to be careful to point out, however, that this is not to say that the rankings pervade every aspect of every law school. According to their specific dispositions, choices, available resources, and position in the ranking hierarchy, particular schools respond to the rankings in different ways. While some schools, for instance, alter their student-faculty ratio, others change their hiring practices and still others redouble their efforts to make sure that as

many of their graduates are employed 9 months after graduation as possible. In short, there are a wide range of responses to the rankings as schools attempt to react according to their specific needs and assets.

Some of the effects of rankings, however, are much more consistent across schools and, because of this, have been more broadly consequential to legal education generally. We have divided these general effects into three categories: redistribution of resources and gaming strategies, transformation of authority relationships, and consequences for school and individual identity. We conclude this section by highlighting different characteristics of schools that produce some variation in the consequences schools experience as a result of the rankings.

### **Redistribution of Resources and Gaming Strategies**

One effect of the USN rankings consistently noted by administrators was that they put pressure on the school to redistribute resources in ways that would maximize their scores on the criteria used by USN to create the rankings. There are many different ways that rankings influence the distribution of resources, including money, time, and attention. For example, some schools cut class size and forego tuition revenue in order to boost their LSAT scores, while others invest heavily in labor spent on tracking placement statistics. In this section we highlight the two examples of redistribution of resources that administrators mention most: increases in marketing expenditures and increases in merit scholarships. Not surprisingly, these are also the criteria that are given the most weight in the formula used by USN. In addition, we include a discussion of the gaming strategies schools employ to maximize their rank. While these strategies often involve the reallocation of resources, they are characterized by their attempts to change the ranking of the school without making significant changes to the school itself. These strategies are a common concern of administrators, and many view them as ethically questionable.

#### *Marketing Expenditures*

According to the administrators interviewed for this study, one of the clearest effects of the rankings is the tremendous proliferation in the amount of promotional material from other law schools received by deans and faculty members.<sup>14</sup> Reputational rating is the most heavily weighted criterion in the USN ranking formula and therefore has become an obvious target of attention. Law schools are spending substantial amounts of money<sup>15</sup> on brochures and other marketing publications that are distributed to those who have a vote, or even might have a vote, in the USN survey (e.g., other deans, administrators, faculty members). Administrators note that they receive these brochures throughout the year, but they arrive in very large quantities in the weeks immediately prior to the October release of the USN reputation survey, what one marketing director referred to as “sweeps week.” Many report that these mailings usually end up in the garbage unread.<sup>16</sup> Regardless of their effect on reputation ratings, these brochures represent a large expenditure of resources that could be used for any of a variety of other purposes. Among the alternatives mentioned were new faculty members, writing centers, scholarships, and library volumes—purposes that, according to most administrators, would more directly benefit the school in terms of educational quality. Not surprisingly, this is a hot-button issue for these administrators:

I could hire a faculty member for the amount of money spent on this; I could support twenty students for this price; I could buy a substantial number of books for our library; all of which strike me as what this enterprise ought to be about ... I could almost support an entire legal writing program, I could fund a clinic, I could do any of those things. Instead I'm putting out a magazine which goes out to people who aren't interested in it and perhaps to some who are interested in it. But those who are interested in it would be the alums, not the federal judges in Milwaukee.

When I got here I began to look at our budget and I discovered—numbers that might interest you—that I had one full-time employee out of a very lean staff who did nothing but put together this magazine. I discovered that the cost of the magazine, distributed to our quite small mailing list ... all of our alums, which is roughly 4,800 people, all the federal judges—that's something they're all interested in—the managing partners of the largest law firms in the country, and a large number of [in-state] legal presences. So that was a pretty limited mailing list by the standards of some of these things, but this [cost us] in excess of \$100,000 per year, just the production cost and the mailing list, and one whole person. And we were really, really modest in terms of the

<sup>14</sup>As one dean put it, “The difference between ten years ago and now in the volume of mail I get is astounding. The amount of money that law schools are spending—if you want to know, without question in my mind, the biggest impact that USN rankings have had, it's on the profits of printers.”

<sup>15</sup>“If you look to see what the costs are of design, when you start looking at the competition for photography, for graphics and you multiply it by these huge amounts. We're talking in many cases millions of dollars, hundreds of thousands of dollars are spent by some institutions in order to get the design, the photography.”

<sup>16</sup>“I don't read the ones that are mailed to me. My secretary has instructions to throw them away upon arrival. Who reads those things? I don't. I don't keep them—they literally go from the mail room to the trash can.”



mailing list and the publication. And the person who did it was a fairly low level staffer with no training in design or writing and so that then was one whole body out of an administrative staff that was very lean, and \$100,000.

As these passages illustrate, many deans see brochures as a waste of money and interpret their costs in terms of alternative ways that the resources used to produce the brochures could have been used.<sup>17</sup> So, why do they continue to spend such large amounts of money on these mailings? Administrators provide two general types of answers to this question. The first answer is that they feel that they must demonstrate to outside audiences that they are doing something to address the school's rank; a law school that dropped in the ranking and had not produced this type of marketing material would be vulnerable to criticism from external audiences. One dean explained:

We're doing that not because we think it will do any good, but because we think that if we don't do it, it is probably not good. So, it's kind of a case where everybody's doing it everywhere.

The second explanation of this practice relates to the fact that very small changes in the measures that are used to determine a school's rank can lead to seemingly significant changes in the school's overall rank. Administrators are afraid (a term they use quite often when discussing this issue) that these brochures do actually catch the eye of one or two people and that, in the end, this small influence could affect their ranking in an apparently meaningful way:

There are more publications for a broader audience, and the reason for that is you are afraid not to. Because if you don't, then you're afraid that some guy in Utah or Montana will think that they haven't heard anything about you, so they'll put you in the fourth tier.

I know why we moved down to the 4<sup>th</sup> tier: I did not spend money. I thought that we had all of these wonderful programs and we had four Supreme Court speakers in here and we did all this stuff, but I made the strategic mistake of not sending out magazines and brochures about all of our programs to the immediate world.

These two responses are, of course, related. Brochures, even if perceived as a fruitless activity by those who send them, are nonetheless tangible public symbols that the school is acknowledging the importance of its rankings. These symbols are important for the sake of appearance to outside audiences, but also have the potential—however slim—of signaling to other schools that a school is more reputable than they had previously thought. It is a testament to the power of the rankings that so many resources are used on activities that many administrators believe are unproductive.

### *Scholarships*

While it is true that LSAT scores have been an important factor in admissions decisions for a long time, the rankings have increased focus on these measures as law schools attempt to raise their median LSAT scores in order to better their rank. In the USN formula, LSAT scores account for 12.5% of overall rank. However, Klein and Hamilton (1998) demonstrate that it is in fact far more determinative of composite rank because variation in LSAT scores accounts for 90% of the variation in the overall ranks of the schools. Another reason LSAT scores have influence disproportionate to their weight in the USN formula is that schools are able to manipulate them much more directly than measures such as reputation by, for instance, basing admissions decisions more directly on these scores.

Increased emphasis on the LSAT has, like expenditures on marketing, influenced the distribution of resources within the school. One strategy that many admissions administrators have employed to raise their schools' median LSAT scores is to increase the money spent on merit scholarships in order to encourage students with high LSAT scores to attend their school:

The biggest things that you can have an impact on are the LSATs and GPA scores of the incoming students. And the main way to impact that is money. The more you spend on scholarships, the better the credentials of the class that you're going to have. And this is where I find dealing with USN extremely unpleasant like everybody else.

Moreover, many admissions administrators explained that this increase in money spent on merit scholarships has corresponded to a sharp decrease in need-based scholarships:

<sup>17</sup>Not all marketing done by law schools is intended to influence rankings, and factors other than rankings contribute to an increased emphasis on marketing. Some believe that marketing is a crucial tool for distinguishing one's school. Nevertheless, most respondents attribute the increase in marketing materials to efforts aimed at influencing rankings.

I have had to shift dollars away from need-based to the merit-based. The purpose of that is to pump the numbers up to get LSAT scores up. Again, this is not nuclear physics to understand.

The extent of this shift was confirmed by a group of four admissions deans at an LSAC fair for prospective students. When asked if the rankings had changed how scholarship money was distributed, they all agreed without hesitation that merit scholarships had come to all but replace need-based scholarships, prompting one member of the group to state somewhat sanctimoniously, “But I still give out a few need-based scholarships each year.” This discussion, which was consistent with our interviews with other admissions personnel, made it clear that merit-based scholarships now take primacy over scholarships based on need, and this prioritization is much different than in the recent past.

Despite the correlation between LSAT scores and first-year success in law school, administrators—especially those who work in admissions—believe that there are costs to putting so much weight on this single measure. Administrators are concerned that they are losing some of their discretion and autonomy because they are often forced to make decisions, especially in regard to the students who complete their pools of accepted students, based solely on numbers instead of on the student’s overall profile; we discuss this concern in more detail below. This concern highlights the tension between the expert judgment of these professionals and the USN definition of what makes a good law school. In addition, many administrators believe that this attention to admissions criteria distracts schools from their central purpose of providing legal education. As one dean said, “We are all chasing the same applicants, and spending so much time and energy and money on that doesn’t increase the training that we give to our students.”

The effect that this emphasis on LSAT scores will have on the diversity of their student bodies is a second important concern of administrators. Those interviewed consistently expressed deep commitments to diversity and believed that most people in legal education shared these commitments. However, because nontraditional students of all types<sup>18</sup> tend to score lower on the LSAT, administrators often feel forced to choose between a higher median LSAT score and a more diverse student body, a decision that the rankings have made much more difficult than in the past:<sup>19</sup>

When pushed you’re going to drop in the rankings with your diverse student body *or* you’re not going to drop but have a less diverse student body, I’m not sure how [most schools] make that choice. Some would make a choice, and say, “Let’s go for the ranking,” and others would say, “Let’s go for the diversity.” But overall I don’t know how they’d balance the two.

The most pernicious change is that I know a lot of schools who have become so driven by their LSAT profile that they’ve reduced the access of people who are non-traditional students. I think that more than anything else has been a pernicious effect. ... Particularly, the higher echelon you are, the more worried you are that if you let your student numbers slide to reflect your commitment to diversity, you’re going to be punished in the polls for that.

On the whole, many administrators believe that the rankings unnecessarily pressure schools to be less diverse at a time when law schools are making a concerted effort to increase their diversity. This issue is further complicated by the fact that many administrators feel that the LSAT, more than any other admissions criteria, favors the wealthy because of their backgrounds, their educational experiences, and their access to test-preparation courses. As a faculty member at a first-tier school explained:

We’re making it much more difficult for those who aren’t upper-middle class kids to get into law school. Because there is clearly a correlation between family income and how you do on that test—whether you can afford preparation on that test. I teach half the students in a tax class every year and I’ve always done a poll, which I use for pedagogic reasons, where I’m correlating family income to attitudes toward valuated tax issues like progressive rate structure. And I don’t do it anymore because last year in my class there was only one person who indicated that their family income was less than \$40,000. The school has always been somewhat that way, but it has been much more extreme in the last few years.

While the two examples of resource redistribution described here were the ones most often discussed by administrators, many other examples of such redistribution were cited by those interviewed. Many of these other forms of redistribution—such as increasing career services staff, hiking tuition, hiring junior instead of senior faculty, and spending more money on record-keeping for the surveys—reflect particularistic responses to the rankings rather than overall changes in legal education: Schools in certain positions in the ranking hierarchy and schools with different characteristics adopt different strategies to respond to rankings. For example, USN also publishes a subranking of the top

<sup>18</sup>This was usually defined broadly; as one dean described the category, “people who have overcome economic hardship, diversity however you define it, whether it’s geographic, or racial, or religious, or ethnic, or whatever.”

<sup>19</sup>It is important to note, however, that some people we interviewed believed that this reasoning was misguided. They pointed out that as long as USN relies on the median scores, schools can maximize the median and still emphasize diversity or other characteristics among students who score below the median.

10 schools in specific specialty areas each year. In that these subrankings are alternative indicators of quality to the audiences that use the rankings, they encourage schools—especially those in lower tiers—to concentrate resources in these highlighted sub-fields in order to create a market niche.<sup>20</sup> This money, some administrators fear, is taken away from nonranked specialty programs and innovative or new programs.

### *Gaming Strategies*

Attempts to manipulate or “game” the numbers to maximize one’s rank is a different, but consequential, form of resource redistribution. The distinction between gaming and other strategic behavior is not always clear. We define *gaming* as an effort to manipulate numbers in ways that are unconnected to or even undermine what the measures are intended to measure. Efforts to game rankings involve improving rankings factors without improving the characteristics those factors are designed to measure. Administrators in this study consistently mentioned that these gaming strategies were a serious concern,<sup>21</sup> and the former president of the Association of American Law Schools (AALS) publicly identified them as a problem in need of redress (Wellen, 2005; Whitman, 2002).

Administrators described a wide range of gaming strategies in which law schools engage, although—because of the ethically questionable nature of these strategies—few admitted to their own school’s participation in these activities. Because some of the strategies described by deans may be very uncommon or possibly even apocryphal, our discussion here focuses only on strategies that have been publicly documented, that interviewees have described at their own schools, or of which we were provided multiple specific examples; all of these strategies also received mention in Whitman’s letter to AALS members (Whitman, 2002).

An early and particularly naked illustration of this type of manipulation of the numbers used by USN to calculate ranks was when schools reported higher median LSAT scores to USN than they did to the ABA. The 1995 USN rankings issue identified 29 schools with this discrepancy, and USN responded by publicly embarrassing the offending schools by listing their names along with the discrepancies in scores, which ranged from 1 to 4 points (*U.S. News & World Report*, March 20, 1995). This strategy was effective: Only 13 schools were listed for the same discrepancy in the following year’s issue (*U.S. News & World Report*, March 18, 1996) and none thereafter. Moreover, because USN now gets its LSAT data directly from the ABA, and because schools are very unlikely to purposefully misrepresent their data to their accrediting body for fear of losing their accreditation, this strategy is no longer feasible for schools.<sup>22</sup>

Although less blatantly misleading, schools employ a wide variety of gaming strategies with an intent that is similar to that of schools that had reported higher LSAT scores to USN than to the ABA. One example of this type of strategy is reclassifying some admitted students as “part-time” or “probationary” so that they are not included in the calculation of median LSAT scores for the school.<sup>23</sup> These uncounted students are those who have low LSAT scores or GPAs, but who have other qualities or characteristics that are desirable to the school (e.g., minority students, older students returning to school, or students from lower socioeconomic backgrounds). As one administrator informed us:

I know for a fact that [School X] and [School Y] have created these artificial probation programs where students with low scores come in and they don’t have to count them as part of their LSAT. That’s complete nonsense. . . . They have huge numbers of people on probation and it’s only in the first year, and it all disappears in the second year. And they do it by taking one fewer course in the first year and then they take a makeup course in the summer. That’s the rankings. We suffer because they do that and we don’t.

<sup>20</sup>A dean of a third-tier law school, for example, noted that the USN rankings had altered how the school thought about its specialty programs; “Now we’re making strategic decisions; we’ve decided, for example, to invest huge resources in our Intellectual Property program because it’s attracting students who come to us who turn down [other more highly ranked schools] . . . because it’s such a fantastic program. We’re going to make decisions this fall about what other areas we want to build on that model, so that we can attract a core of excellent students who come for particular programs who might not otherwise consider [our school]. So . . . we think more strategically about what we’re about, and the rankings are a definite part of that.”

<sup>21</sup>One experienced dean said of gaming strategies: “I think the inducement to act dishonorably is not good. We are supposed to be teaching people about an honorable profession. We are what we are . . . it took [many decades] to be [the school] we are and if we want to be something different—being something different isn’t being higher ranked, it’s about the actual outcomes. And I think we’ve lost sight of a lot of what’s professional. And I don’t think it’s driven by the deans, I think it is driven by the market, by the faculty, by comparison and there is some sort of psychic value to being more respected, and the university affiliation is a powerful one. USN creates a real tension within the academy. And [tension] among the deans, there are clearly some people who are dishonorable—at least that’s the way I see it, they don’t see it that way. They think what they do is justified.

<sup>22</sup>Many are suspicious, however, about the accuracy of the placement numbers produced by some career services departments. While these numbers are also produced for the ABA as well as USN, there is currently no procedure for auditing these numbers. Such an audit would be difficult because it would be very time-intensive—auditors would virtually have to duplicate the work of the career services personnel to confirm a school’s employment score.

<sup>23</sup>All of the strategies used to raise median LSAT scores were also mentioned, although far less frequently, in relation to median GPAs. While LSAT medians are weighted slightly more heavily by USN, variations in LSAT scores have been shown to be most determinative of overall rank (Klein & Hamilton, 1998) and high test scores are rarer than high grades.

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A similar gaming strategy is to create smaller cohorts by admitting fewer applicants into the full-time program and more students into the school's part-time program. This strategy serves both to improve median LSAT scores and the school's student-faculty ratio. As a faculty member who was the chair of admissions at a school ranked in the top 50 explained:

It's in the nature of any well-structured game that it's subject to strategic choice and strategic influence. So, one thing that we did was to shift students from our full-time into our part-time program, and I'm aware of other schools doing that.

This particular school moved 30 students from its full-time to its part-time program and is considering further cuts of class size because of USN. Other, mostly highly ranked schools cut class sizes for these same benefits, but instead of expanding or creating part-time programs, they solicit transfer students from local or regional schools that are ranked lower—a strategy that schools losing students resent. Some deans complain that minority students are special targets of this strategy.

Another example of a gaming strategy employed by law schools, one that demonstrates the detailed degree to which schools attend to the rankings, is pressuring faculty members to take their leaves in the spring rather than fall term. The motivation for this change is that, following the ABA reporting guidelines, USN uses the number of full-time faculty teaching in the fall term for its calculation of the student-faculty ratio; if a faculty member is on leave during the fall, the school's ratio suffers. Several of the administrators interviewed for this study admitted that their schools did this, and many claimed that it is currently a common practice among law schools. Despite the fact that the student-faculty ratio accounts for just 3% of a school's overall USN rank, it is striking that schools are taking measures to ensure that they optimize their scores even in this area.

Many similar strategies were described by our interviewees. Some schools, for example, have hired their unemployed graduates for short periods of time to improve their employment numbers, while others have made concerted efforts to solicit more applicants—including obviously unqualified applicants—to improve their selectivity numbers (although we believe this strategy is rare). One general consequence of this type of gaming is that many administrators report becoming distrustful of other law schools. The belief is that certain schools will do anything they can to raise their numbers, even if these strategies entail ethically questionable or unethical activities.

#### *Conclusion: The Effects of Rankings on Decision Making*

The redistribution of resources discussed above demonstrates how the rankings influence the decision-making process of the administrators of these schools. In deciding how to distribute the resources available to the school, administrators determine what (if any) and how many resources they devote to improving or maintaining their rank. Moreover, because budgets are finite, the resources allocated to improve a school's rank are unavailable for other uses. As one dean explained:

This is the kind of pressure this brings to bear: If you need \$100,000 for a new academic program that will really help your students become better lawyers, and you also need \$100,000 to improve physical facilities, and you also need \$100,000 for merit scholarships to maybe raise your LSAT score one point, how do you decide what to spend that money on? Whatever the right balance of decision-making is, it's clearly been tilted a long way towards spending that money on the things that will help you in the rankings. That's not all we do—we keep sight of the academic mission—but enormous pressures are put on that sense of mission by this pressure to do well in the rankings.

It is at this point—the point at which decisions about how to use the school's resources are made—that the consequences of having to deal with the USN definition of quality legal education become very tangible to law school administrators. They are put in a position where they must choose between what they, as experts, believe will be best for the educational quality of the law school and what will be best for the school's rank:

What happens, unfortunately, is that I end up making decisions with an eye toward those rankings rather than—I'm overstating this to make a point—rather than what's best for the school. The best thing for the school might not be student-teacher ratio right now; maybe I should be putting the money I'd pay a faculty member into something else. But I'm thinking, "Oh man, if I can get that student-teacher ratio from 14.6 to 13.6, that will look very, very good in the rankings." As I'm sure you know, we spend unholy amounts of money trying to trick our colleagues into thinking we are a better school than we are.

What has happened is that we have moved away from focusing on the best education for the student and to focusing on engineering the variables that are utilized to construct the rankings. ... A good number of the dollars that you spend on the rankings, you are taking away from improving the quality of the education. There

is very little value added in the classroom, but there is a lot of money being spent on a lot of other things that are catering to the rankings.

We are right now, as institutions, generally between a terrible rock and a hard place, between what our values are and how we're going to choose.

A central general manifestation of the rankings' becoming an important factor in the decision-making process of law school administrators is that the finite resources of the organization are redistributed in ways that, according to the deans, at least cloud and at most actually contradict the school's aim to provide the best education possible for their students. They fear that the rankings pressure schools to sacrifice educational substance for appearance (Carrington, 2003) and that the values that define legal education (at least according to the administrators) are being compromised as schools increasingly defer to the judgment of the rankings.

### **Transformations of Authority Relationships**

#### *Accountability*

One result of the way that the rankings have characterized the status system of law schools is that they have provided a vehicle for constituents (both internal and external to the organization) to question and attempt to influence future decisions. The rankings, by restricting the definition of what a good law school is, often place schools on the defensive as external constituents—especially prospective students—question why a school ranks where it does and why it doesn't rank higher. These prospective students recognize the divide between the school's claims and how the school is ranked:

I do routinely get the questions, where is [your school] ranked? What do you think of the rankings? Or, why isn't [your school] ranked higher? However they come at it, it always has to do with, "If you're as good as you've been telling me, how come it isn't reflected in a 'respected national publication.'"

The rankings permit prospective students to question the claims of law schools; this new avenue of influence also provides at least some students with better positions from which to negotiate financial aid and scholarships. Because the rankings have placed a premium value on test scores, the rankings provide high-scoring students with an opportunity to pressure schools into better financial packages in ways that they could not have before. As one admissions dean said:

[Some prospective students] will say, "I have a scholarship offer from a higher ranked school. I'll consider coming to your school, but you'll have to pay more." USN has turned this business into a marketplace with all the good and bad things that go along with marketplaces.

While this change has certainly benefited students with high test scores, it has complicated the jobs of administrators. As we explained above, schools increasingly "buy" top-scoring students, and administrators must find new resources to compete for these students; because financial resources are finite, money for these merit-based scholarships is taken from other sources, such as funds for need-based scholarships.

New avenues of influence created by the rankings, however, have now also opened for constituents within the school. Because individual self-appraisals are closely tied to the reputation of their institutions, current students as well as some faculty members will question administrators about the rankings. Current students both question the decisions the administration is making in regard to the rankings and in some cases demand that more attention and resources be earmarked for this purpose. When asked if current students discuss the rankings, one dean remarked:

Oh, yes! I hear it all the time, and sometimes they're a little snotty about it. I wanted to give an award for I guess public service. And I asked students to nominate other students and I got one form back that said, "Well this is all nice, but what are you doing to get us out of the third tier? We don't need awards, we need results."

Describing reactions to a school's drop within the first tier, another dean expressed a similar questioning of the administration by students:

The student body took a very aggressive stance with the dean and said, "There is absolutely no reason why we should suffer in our job prospects and salary outlooks because of this phenomenon, and we want you to do something about it." So she invested in areas where the school would tend to get points [in the rankings].

There are clearly both advantages and disadvantages to these new channels of access.<sup>24</sup> Proponents of the rankings argue that the rankings have created a greater degree of transparency in legal education and that law schools are now accountable for the quality of their product. Those in the legal community counter that the rankings are not a good judge of law school quality, and that the increased means of pressure from external audiences has encouraged schools to “play to the test” of the rankings<sup>25</sup> rather than do what they think is best for providing quality legal education.<sup>26</sup>

Even if schools resist playing to the test of the rankings, it is clear that they must now generate more accounts and justifications of their actions than they have in the past. Because the representation of the status system created by USN is a powerful influence on external audiences, law schools must explain how the decisions they make will affect the school’s rank, why the school ranks where it does, and, at times, why the school fell in the rankings.<sup>27</sup> As a dean of a law school that one year fell several spots in the first tier explained:

I had alumni writing me left and right, I had my board of directors asking me what had suddenly happened that [our school] had suddenly ... it was an irrational response because the people writing mostly actually knew about the school. I had my student body protesting, and they’re here and they know in the course of one year that nothing had happened. But they all essentially were saying, “What did you do?”

Many deans acknowledged that they are now often “on the defensive” and include explanations of their school’s rank in their Message from the Dean or other public statements to their constituents. New forms of communication, in the form of email and explanatory letters, are generated in order to justify the school’s rank:

[My former school] experienced a drop of two positions, and the Dean really kind of went into overdrive to send out letters to alumni and in their alumni magazine to make a very elaborate explanation of that. And you say, “Why would anybody care? It doesn’t mean a thing. It’s just one of those minor statistical variations that is always going to occur from time to time.” But that sort of tiny little change was seen as very threatening to the school and really required some sort of emergency program to combat it.

Since I’ve been here e-mails [to alumni and other constituents] have gone up that say, “This is where we are and this is what’s happened, and we’re very proud about what we’ve accomplished. This is what we’ve accomplished, and all we can do is stay the course and move ahead.”

The need for these accounts is exacerbated by the fact that the rankings are often newsworthy—local papers run stories comparing the ranks of local law schools or noting changes in rank. In this way, schools are asked to give accounts not only to their constituents but also to the general public:

There was a newspaper story on the front page of the [local city paper] 2 years ago. They talked to all three law schools in [this area]. They asked for editorial comments and everything else like that, and ... I had to justify the rankings to people that I would not normally have to justify them to.

The rankings require administrators to be accountable to standards with which they often do not agree. The pressure that accompanies this accountability is most difficult to dismiss when it originates from the most powerful of the school’s constituents: university presidents, boards of trustees, and state legislators. The rankings provide these constituents with seemingly objective measures of school achievement by which they can evaluate the performance of the administration. As one dean put it:

The pressure the surveys are creating is a lot higher than it was ten years ago. Just more people are paying more attention to them, [and] by more people I don’t mean just student-consumers, but boards of trustees, central administrative officials, legislators, and everybody else. I think they all understand that these are imperfect

<sup>24</sup>Although not as dramatically, the rankings have also provided faculty members with a new basis for pressuring the administration about school matters. As we discuss below, at nearly every school there are at least some faculty members who pay close attention to the rankings and strongly believe that the school must do whatever it can to raise its standing. As one dean said, “[Our ranking] affects our faculty. They immediately look at it and say, ‘We’ve got to do something about admissions. We’ve got to do something about ...’ whatever [measure they want to change].” Faculty, like students, can use the rankings to register dissatisfactions they have about the school and the administration.

<sup>25</sup>Evidence from studies of the effects of audits on organizations suggests that “playing to the test” is a common result. In their examination of the effects of audits on the British system of higher education, for example, Shore and Wright (2000) found that audited schools, for fear of the punishment that accompanies noncompliance, tend to ensure the “quality of control systems” rather than “quality itself” (see also Power, 1994).

<sup>26</sup>Some opponents of the rankings also bristle at the commodification legal education implies when it is compared with other types of “products.” This comparison was first made by USN when it justified its initial ranking: “The sad truth is that it is easier to learn about the relative merits of compact-disk players than it is to compare and contrast America’s professional schools. And some educators prefer to keep it that way” (*U.S. News & World Report*, March 19, 1990, p. 50).

<sup>27</sup>The effects of drops are experienced by more schools than one might at first imagine: Fully 140 of the 175 law schools that have been ranked since 1993 have dropped in the rankings at least once during this time.

instruments, but there are so few measures of output that these things just count more than they should or than they ever did before.

Although not all deans report receiving such pressures from these sources, those that do can ignore it only at the risk of their jobs and, in the case of state schools, funds for the law school:

[During] my second year here, I was meeting with the president and the executive vice-president for academic affairs ... about an entirely different matter, and all of the sudden the president rears up, he says, "And I want the law school's strategic plan for how it's going to get into the second tier" ... I told him, "We're going to work on that next year." He said, "No, you're going to work on it now, and I want it in six months." What happened was the trustees were chewing on him, so he did what any president would do: he chews on the dean.

And clearly schools that have to report to universities ... fear what their ultimate relationship might be with university or funding sources if a school doesn't rise in the rankings. Or, if schools start to fall, does it make for the personal undoing of the dean or anyone else? Those dynamics certainly are there.

In summary, the definition of the status system created by the rankings provides a means by which external (and sometimes internal) audiences can pressure schools to spend more time and resources on maintaining and improving their standing on this scale of law school status. Although administrators may resist these pressures, their authority is no longer such that they can dismiss these complaints out of hand; their own definitions of law school quality—definitions most often based on long-term experience in the field—are now contested, and administrators must justify their actions in terms of the definition offered by USN.

#### *Effects on Work and Policies Within Law Schools*

The rankings have transformed authority relationships within law schools a second way as well: by redefining how work is done within these schools. Specifically, job requirements—especially for those in career services and admissions, but also in the dean's office and among faculty—now often emphasize successfully managing the school's ranking. This change can effect more permanent changes than the allocation of resources and gaming strategies as new hires are made with different skill sets and talents in mind.

*Career Services.* Rankings have changed the job roles of career services personnel by pressuring schools to pay more attention to quantitative measures and placement statistics. USN includes two indicators of placement in its criteria: percentage employed at graduation and percentage employed 9 months after graduation. To improve these factors, career services personnel now expend much greater effort on learning their graduates' employment status.<sup>28</sup> For example, one director of career services told us that she and her staff of four spent the better part of 6 weeks each year trying to track down students who had graduated but who had not replied to their multiple requests for employment information. She admitted to "exploring the possibility of hiring private detectives to locate missing students," but ultimately rejected the idea.

While there are obvious benefits of these changes for students—they want a career services department to be extremely motivated to find them jobs—there are also drawbacks. Personnel complain that time spent on tracking students' job status decreases time spent actually counseling students, networking with law firms, and conducting employment seminars. One director estimated that she spent 1 day a week on employment statistics. As the only career counselor for more than 600 students, she said "That's time when students can't come to me." Another director reported:

The time I spend tracking down those 33 students who don't respond, I should be spending on strengthening employer contacts, developing new programs to help students be successful in their searches. [Searching for missing graduates] is the most aggravating part of my job—but the dean wants those numbers.

This emphasis on ranking criteria has changed how employees experience career services work. Most of the career services personnel we interviewed reported that they had entered this line of work because they enjoyed advising students and helping them find satisfying jobs. This aspect of their jobs, however, has been compromised as the pressure to maximize the numbers for USN has increased:

The best piece of this job typically is when you are helping people, and that's why most people go into it. When you are helping people figure out what they want to do or helping them get a job, that is the piece of it that sort of makes up for everything else. And it is sort of becoming much more statistically oriented; we're a big school

<sup>28</sup>The University of Texas School of Law demonstrates the stakes of not doing so. In 1998, the school dropped from 18 to 29 in USN rankings because 61 recent graduates failed to return their employment surveys, and USN assumes that 75% of non-respondents are unemployed (Brooks, 1998).

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to begin with, so our resources here are stretched a little bit, and the more resources that we spend on USN and on the statistics, the less time we have for the students.

This stress on placement statistics creates a pressure comparable to that experienced by many deans; personnel report feeling torn between boosting numbers and helping students find the best job for them:

What we did not have to deal with before [rankings] was intense administrative pressure to get the numbers up ... not to help people develop career plans or help people understand how they might be able to use their gifts ... Now it's like, "Can you get a job in the beauty salon painting nails until these numbers are in?" So it's something that has happened on a national level with career services people, and it really has a devastating effect.<sup>29</sup>

What do you do when you have a student that has a job offer that is not perhaps what you would want for them, and they come to you for some guidance? Do you tell them to hold out a little bit longer ... Or do you tell them to take the job and worry about it later. And I think a lot of folks at this point would tell the students just to take the job and move on to the next one. And you're not helping the students any when you do that.

And if career services personnel cannot or do not reorient their work to boost their placement statistics, they risk being fired:

We have focused more closely on placement numbers—we're very concerned about placement numbers—and our placement director is in the process of being forced to resign right now, and that is clearly related to the numbers.

By all accounts, turnover rates are high; many compare their plight to that of athletic coaches who must produce results quickly or lose their job. Moreover, it is reasonable to assume that if people are let go because they do not manage the numbers well, then this skill will be heavily emphasized as a school chooses its replacement. This further institutionalizes these changes to career services work.

Admissions personnel report a similar pattern, noting a significant increase in the emphasis on LSAT scores of entering classes. Many in admissions believe rankings have, in the words of one director of admissions, "completely changed the application and admissions process" as decisions are based on ranking considerations rather than professional judgments about which students would best fit the school. While LSAT scores have mattered in admissions to U.S. law schools prior to the rankings and most in admissions say they are one useful indicator of success, the rankings have made them an almost obsessive concern of many law schools. There are several strategies admissions people use to boost LSATs scores but, as discussed above, the most common one is to offer merit scholarships to students with high scores.

While there are a number of consequences of this emphasis on quantitative criteria on the everyday activities of admissions personnel—for example, many noted that they now spend much more time recruiting students with these high scores—the most important effect of this emphasis is that it has changed the nature of their job. In becoming more oriented to the bottom line of the admissions numbers, the profession has become less like what its members once considered it to be.

One manifestation of this change is the loss of the decision-making authority of admissions personnel. They no longer feel they can decide who to admit without considering the numbers. At times this leads them to admit students who they believe are a bad fit for their school. As one dean said:

We are now torn between decisions that will bring a better class and a class that does better according to USN ... There was this student with a 162 LSAT score (high for this school) and a low [grades]. I thought this guy was probably immature, a slacker ... but I couldn't pass on that score so I admitted him.

And as admissions has become more numbers oriented, experienced admissions personnel have been replaced with those who are more skilled at manipulating numbers and have fewer qualms about the implications of such an approach. Our interviews produced many accounts of long-serving admissions personnel being eased out of their positions. As one faculty member explained:

So we, for example, started this huge—by our standards—scholarship program to try to get higher LSAT number students. And this effectively drove out our dean of admissions ... who did not believe that you admit on numbers alone, and we were convinced that that was how we would get our rankings up, even though the

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<sup>29</sup>As this statement implies, rankings have also changed what counts as "employed" to law schools. Since USN does not distinguish between legal and nonlegal employment, now any job counts. Pressure to improve employment statistics increases the incentive for career services personnel to encourage unemployed students to take any job just so that they can be counted as employed.



evidence shows that it wasn't exactly true and it wasn't that big of a factor. But, nevertheless, it was the one we felt we could change. ... And we got the LSAT up a point or two points, and we got a dean of admissions who was in fact paid in part based on the numbers he brought in.

As this passage suggests, not only was the previous dean pushed out of the admissions position because the dean did not agree with such a numbers-oriented approach, but the new dean's pay was actually partially tied to these numbers.

In addition, many in admissions expressed concern that the people who are now entering admissions positions are not professionalized to the same extent as they were in the past. As one dean stated:

Just like for faculty where it takes a long time to become a good and effective scholar, it is also true for admissions. It's hard to break in somebody—and there are a lot of deans who are looking to take the art out of admissions and create a science. That's what a lot of people are doing and a lot of long-time people are leaving.

One consequence of this lack of professionalization among new admissions personnel is their lack of socialization: Newcomers to admissions do not learn (or do not care about) the unwritten ethical codes that were once very important in this field. They are much more likely, for example, to boast about their school's ranking or make direct comparisons between their school and other schools, practices that were shunned in the past.

Finally, the admissions profession has become much more volatile since the introduction of the USN ranking. Like career services personnel, admissions personnel often compared themselves to sports coaches in that they were expected to produce in terms of numbers or be let go. As one dean said:

As far as incentives go, it was basically, "It's your model, we are giving you the money to do it, you do it. If you don't do it, you're fired." It's like you are a basketball coach. For admissions professionals, USN has made their jobs much more like athletic coaches—we could still have a winning season and be canned. I have colleagues right now—and I don't want say what school—but they brought this clown in, and I call him a clown because he violated our agreed-upon code of ethics and that is you don't make invidious comparisons to other schools.

In both career services and admissions, greater emphasis on the quantitative criteria used by USN has decreased the discretion of these personnel, has changed the type of expertise necessary for the job, has sometimes changed which activities are rewarded, and, according to many of those we interviewed, has made the job more precarious.

*Deans.* The influence of rankings extends to the work expectations of the deans of these schools. By reducing the standing of a school to a very public number that may fluctuate over time, the rankings have made it easy for outsiders to evaluate the performance of a school and demand an explanation of the perceived failures. The annual release of USN rankings generates a flurry of meetings, memos, and emails as deans and their staff explain to various constituents why their rankings declined, improved, or stayed the same. As noted above, the rankings have provided an avenue by which both external and internal constituents can question decisions made by the deans and force them to provide accounts of these decisions. Deans similarly reported that they were compelled to write letters in alumni magazines, to call town meetings in order to explain what a change in ranking really meant, to calm the school's students and constituents, and to spend time generally defending the quality of the school.

Addressing the concerns of these constituents about the rankings has become an important aspect of the work of many deans. For example, one dean—described by his staff as a “glutton for punishment”—schedules a meeting each year with the board of visitors right after rankings are released. This meeting always includes a thorough discussion of what happened in the rankings and why. The consequences of these demands become especially problematic as deans feel increasingly pressured to make decisions based on the effects these decisions will have on rankings rather than on educational quality. In other words, the rankings, whether deans like them or not, influence how administrators make decisions about legal education:

[Deans] not only lose authority but they, in effect, feel pressured into making decisions that from an educational point of view they would really prefer not to make.

The concerns were that they were a very misguided and misleading way of assessing law schools; that they put on the members of the law school community pressures to act in ways that were not in the best interest of the law school or legal education or the students.

We have identified two striking results of the rankings on the work of deans: (a) over time, the rankings have come to affect who gets hired for these positions at some schools; and (b) compared to their predecessors, these new deans view their work differently. At many schools, having a plan about how to improve the school's ranking is a necessary part of the interview process. As one administrator explained:

It was a huge issue in the search. I would say that it was the number one issue in the dean's search. The rankings—because there are just those rankings that was really what people were talking about when they talked about reputation and visibility. And it's exactly what graduates were talking about.

Because this is a relatively new change in legal education, it is difficult to predict the effects of this change or its scope. Several deans—some speaking about themselves—noted, however, that in the current climate created by the rankings, deans must be more focused on short-term goals. Their actions are constrained by quantitative assessments, guided by the numbers, to a greater degree than in the past; being savvy about marketing is now a very desirable characteristic. The following passages illustrate this change:

[Our previous dean] was sort of an academic's academic, an ivory tower position where the world should support us because we think big thoughts, and we will improve the human condition over time, and you have to have a millennium long perspective and USN doesn't fit well into that. [Our new dean] takes much more of a perspective that we live in the real world. The budget depends exactly on where we stand and where we are going. Our ability to attract students and to attract donors depends on that, so if USN is what they are worried about—we may also engage them in thinking elsewhere—then we will improve our USN [rankings].

We've had a change of deans recently, and our old dean... was pretty much a saint. He would say, "The numbers are the numbers are the numbers." He also had the expression, "The world doesn't need another [School X, a top ten law school]." His view of the world was that we are who we are and we are not making any apologies and that's it. The new dean's mission is, I think, to take [our school] to that next level. Whether that means a top twenty school or a top fifteen school, the question remains, how are we going to measure that? The most obvious way is by using USN.

These changes to the work expectations of deans tie directly to the transformation in authority relationships discussed above. Deans consistently remarked that there is a conflict between the definition of law school quality to which the deans subscribe and the definition offered by the USN rankings. The deans' evaluation of quality is more particularistic, emphasizing aspects of the school such as class size and the fit between programs and the interest of the students. For many prospective students, however, only the number at the end of the equation—no matter how flawed the criteria used to create that number—overrides the deans' preferred mode of evaluations.

Many deans believe that their position has lost a degree of legitimacy as the definition of quality offered by USN has become so influential. This loss of legitimacy not only affects the decisions made by outside audiences—especially prospective students and employers—in regard to the school, but, and in many ways more disturbingly to the deans, it has begun to influence internal audiences as well. As the deans' definitions of what constitutes a high-quality law school are put into question, so is their ability to decide what is best for the law school. Many deans are now being put on the defensive and must explicitly justify their decisions in the face of the rankings:

This year the school slipped from third to fourth [tier]. I firmly believe that it was nothing more than a statistical aberration that had no meaning, but nonetheless it was very difficult to communicate that to the students, to the faculty, and to other constituents. Some members of my faculty became very, very anxious about this and believe that it just spelled dire consequences, and that we have to do everything we can to somehow have an impact.

The type of justification in response to the rankings described in the preceding passages has become a common job requirement of law school deans.

*Faculty.* While faculty do not experience the same pressures associated with rankings that deans, admissions personnel, and career services personnel do, they are not exempt from the effects of rankings, and they clearly pay attention to them. According to one faculty member, "It takes about four seconds after the new rankings come out for them to circulate through the whole law school." At many schools, it would be hard not to attend to rankings since they come up routinely at faculty meetings, in conversations among colleagues, and with friends and acquaintances at other law schools. In the words of one professor, rankings are "omnipresent." Some schools appoint committees that include faculty members to recommend policies designed to improve their rank. This is most common after a decline in ranking, when a new dean is appointed, when a dean is feeling pressure about rankings from central administration or from alumni, or when efforts to improve rankings are included as part of a school's strategic planning.

Faculty members vary in how much attention they pay to rankings. While some report that people at their schools are "obsessed" with rankings or that it is difficult "not to think about rankings," others suggest that the annual release of rankings generates "buzz" for a week or so, and then interest in rankings fades. Those who serve on admissions committees or have held administrative positions are often more mindful of rankings. No one we spoke with was unaware of their school's ranking, and most could describe in some detail how their school compared with other schools

on at least some ranking components. One law professor believed that faculty care about rankings because of their own experience as students at highly ranked schools. In his words:

The schools that faculty went to are all top 5 schools, and many of them really do want [their school] to be Yale... It's kind of interesting to watch. They all think they should be teaching at a highly ranked school.

Sometimes faculty members are surprised at the attention that others pay to rankings. For example, when a law professor at one highly ranked school received a copy of the USN reputation survey in the mail, he was shocked when his dean requested that he return the blank survey so that administrators could fill it out strategically, with an eye toward improving or maintaining their rank.

Interestingly, some administrators believe that it is sometimes faculty members who take the rankings most seriously. These administrators note that faculty members are often one of the key sources of pressure resulting from the school's rankings:

Frankly, most admissions people don't have the time to create a furor over something like this [drop in the rankings], but these guys on the faculty do and they will. So if you're in the school where the faculty has got the dean's ear and you get some people on that faculty who are very vocal and who see [rankings] as a goal, that's the schools where you'll see just incredible amounts of foment over the USN: "Who's doing what?" and "Is career services hurting our ranking?" and "Is admissions hurting our ranking?" I'm lucky I'm not at one of those schools.... But, I think that [faculty have] more to do with ranking pressure than anything else. If faculties would just lay off, just get a grip and go out and do what they're supposed to do, most of the places that I know where there is an extreme amount of pressure, the pressure would be relieved.

[Rankings] induce some constituencies—particularly the faculty—to be very anxious, to focus admissions on students with high LSAT scores. That's probably the single most pernicious consequence of the USN survey: It puts enormous pressure on law schools to become homogeneous and to all compete for the same students.

When asked if faculty were the biggest source of rankings pressure, this respondent replied: "Absolutely. At least at the schools I've been associated with. I believe at some other schools, the pressure comes from deans and the administration." As these quotations suggest, concern over rankings can generate finger-pointing within law schools as to which departments or which persons are most responsible for rankings pressures, a poor ranking, or a worsening rank.

While faculty are affected by some of the more general consequences of rankings highlighted elsewhere in this report—such as problems of morale, reactions of students, and changes in how decisions are made within the school—in this section we would like to highlight two important processes that are specific to law school faculty members and were often discussed as being affected by the USN rankings: recruitment and publishing.

**Recruitment.** It's difficult to judge precisely how much rankings influence recruitment. Since employment decisions are complex, candidates rarely fully disclose their reasons for selecting one school over another, and the reputation of a given school is only partly a function of rankings. Nevertheless, many of our respondents believe that rankings affect their ability to recruit candidates. Several deans we interviewed were convinced that rankings informed a particular candidate's decision to decline offers from their schools. For example, one dean of a law school in a large urban center believed that their candidate weighted school rank higher than lifestyle preferences in choosing between offers:

Last year we recruited an individual to be a faculty member who was living in [a large city], [who] had a brother that lived in [our area], and to all appearances this was a big city person. And I think if this person could choose a place to live, he would choose [a large city]. He ended up going to [a school in a much smaller, more remote city] because it's a more highly ranked school. That's really what it came down to. Our offer was actually ...higher than what he got from [the other school].

I think it probably affects faculty recruitment to some extent. A lot of [candidates] who go to the hiring conference and submit resumes look at where the school is ranked in USN. How that factors in their decision about whether or not to go to that school, it probably varies a lot.

Several faculty members reported that they had considered a school's ranking when evaluating employment opportunities. One professor who described himself as someone who "hates" rankings, admitted to consulting them when he was considering overtures made from another law school. He believed that faculty would most likely be too embarrassed to admit that they considered rankings in their decision making.

Other faculty described advice they received in making employment decisions. For example, an assistant professor said that colleagues had tried to dissuade her from choosing the school she selected:

When I was thinking about coming here, there were people who discouraged me.... They said, “You shouldn’t do that. It’s academic suicide. It’s third tier.” The rankings were invoked directly, “Don’t do it. You shouldn’t go to a third tier school.” The rankings directly involve people’s perceptions. Even though, if we look at [a specialty program this professor was affiliated with], it outranks other programs that are part of that top tier.

But it is not only candidates who respond to rankings, according to our respondents. The reverse is also true: The rankings of the candidates’ schools are believed to shape the hiring decisions that law schools make. As one dean put it:

There is still this general perception out there that the rankings make a difference in terms of faculty hiring and clearly we see that. ... You make your school better if you hire faculty from a certain rank of school, and when you talk rank you can only talk USN.

Candidates are routinely discussed in terms of whether they will attract attention to the school or contribute to its reputation. Again, the relationship between rankings and reputation is difficult to establish, but many assume that the reputation and visibility of faculty will influence USN reputation scores.

**Publishing.** Faculty members also believe that rankings shape how their manuscripts are evaluated by student editors at law review. Faculty point out that law review students are inexperienced editors who may be poorly qualified to evaluate some scholarship, especially highly specialized research. Student editors, they believe, rely on the ranking of the author’s law school as a proxy for scholarly quality. As an assistant professor described her concerns:

Of course, it’s a publish-or-perish industry. I enjoy writing, and I enjoy the intellectual pursuit, but there are those who do say that it is much more difficult to land a piece—even if it is a quality piece—if it is coming from a third-tier school than something that is incredibly mediocre coming from a top 25 or 50 school. Students who work on the law reviews pay attention to that ranking process, so even though you have some sort of great paper, if you are coming from a school that doesn’t have a good ranking the competition is much more stiff. They look at where it comes from; it’s not blind at all. People talk to me about strategies; they recommend that if I have a co-author, I should send it out under the name of the coauthor’s school, or if you have affiliations elsewhere to send it out under the name of the outside affiliation. So I’m constantly aware of that. We want people to publish well, so it adds even a greater pressure.

A full professor echoed these concerns:

[Ranking] has some effect on your ability to publish ... There is a sense of that at a lot of reviews—and you know these are student-edited and they don’t really know the material, and one of the things that they look at is the letterhead of the articles coming in. Some of them claim to have a blind process, but it feels like you have to work harder to get something published at a school ranked equivalent or higher than we are. You get a sense that someone working at [an elite school] is almost guaranteed a placement in [law reviews in our tier] because students are impressed by that. Whereas, we have to work to get it placed in our tier and work even harder to get it placed above that. On the other hand, [faculty at an elite school] get denied tenure if they place pieces in our tier. Also, law reviews in the top ten or fifteen schools get read more. So I’m more likely to read something that is outside my field if it is in one of those law reviews. And those law reviews rankings are roughly parallel to the USN rankings. So on the one hand, people pooh-poo it, but on the other hand they take it seriously.

We cannot confirm with our data the impression that rankings influence publishing, but some evidence supports this view. We did not systematically interview student editors, but several current editors with whom we did discuss this issue strongly agreed that the school reputation of submitters shaped the chances of manuscripts getting accepted in their journal. These editors reported that, given the high volume of manuscripts they receive and their limited knowledge about the subject matter, they often consider the author’s institutional affiliation in making decisions. They believe that it is standard practice at most law reviews to use institutional reputation as a signal of the manuscript’s quality, and they agree that rankings shape their views of an institution’s reputation.<sup>30</sup> It is important to note, however, that the effects of individual status and institutional reputation vary and are mediated by other factors: Even well-known faculty members at elite schools are not assured of having their manuscripts accepted.

Finally, if their manuscripts are accepted by several law reviews, some faculty members consult rankings when deciding where to publish, at least in part because bonuses are awarded for those who publish in top law reviews. One professor told us:

<sup>30</sup>We suspect that rankings are more important in judgments of institutional prestige for less elite schools, since there is broad consensus about which are the “best” schools.

Where you publish in those law reviews means everything to your career, everything. They influence where you get hired and where you are asked to visit ... So you have 25 year olds determining how much of a bonus you are going to get ... So when I am deciding where to send something that has been accepted at two different places, I do go by USN.

### Consequences for School and Individual Identity

The redistribution of resources and the transformation of authority relationships represent tangible changes to the structure and workings of law schools brought on by the USN rankings. A third consequence of these rankings, less tangible but perhaps equally important, was mentioned consistently by administrators in our interviews: identity—both of the school and of its members. In this section we highlight two examples of this effect. First, we discuss how the rankings, according to administrators, have diminished the control that schools have over their own reputations. Second, we focus on the psychological effects the rankings have for those who have tied their own identities to that of their school; here, like the administrators with whom we spoke, we focus on the negative effects—the “demoralization” or “devastation”—that the rankings have had on individual identities.

#### *Loss of Reputational Control*

The USN rankings have changed the types of legitimate claims that law schools are able to make about their reputation. Prior to the rankings, many schools could claim that they were among the elite—and, of course, they could define elite in a variety of ways: the top 10, 25, or 50 schools—and as long as the claims were not too egregious they went unchallenged. The precise definition of a school’s standing in the status hierarchy put forth by the rankings obviously makes these kinds of claims more difficult; perceptions of which schools are among the elite have become even more concretized with the proliferation of the rankings’ influence.<sup>31</sup>

However, the rankings also limit the claims that schools can make in more subtle ways. The construction of the rankings implies that all law schools are essentially the same thing: They all have the same goals and motives and can be fairly compared with each other along the same set of dimensions. This characterization of law schools contradicts the schools’ notions of themselves as unique institutions. As the following excerpts from interviews with administrators indicate, this privileges one definition of what a law school should be over all others:

The devastation of the rankings is this: Each institution has its own niche, things that it does really, really well, ambitions and goals for what it wants to be and the students it wants to admit and the kinds of students it wants to graduate and the kinds of things it likes those students to do. In terms of the whole identity process, each school is really unique. And what USN does is come in with a template, and it lays it on all law schools and says, “Well, you’re a shitty school because you’re not in the first tier.” Well, that’s not true.

It’s wrong that a school that has a mission that’s not Harvard or Chicago to be slapped and say, “Why, you’re a crummy school, because you’re not doing what Harvard is doing.” So that’s the devastation. It makes all of us spend hundreds of thousands of dollars on marketing stuff that we have to do, but it pains me.

The ability of law schools to create a reputation based on values other than those used by USN to construct the rankings now seems restricted. This is why one fear commonly expressed by members of the legal education community is that the rankings will have a homogenizing effect on the field. Schools with missions that diverge from the “ideal” law school<sup>32</sup>—as implicitly defined by the criteria and the weights assigned to the criteria of the USN rankings—face the dilemma of either modifying their missions so as to fare better in the rankings or staying true to their missions and thus risking the stigma of being perceived as a “bad law school” by those who use the rankings uncritically. In other words, if one accepts the very specific definition of the values by which law school reputation is evaluated as put forth by the rankings, and if one believes that all law schools are attempting to do as well as possible based on these criteria, then different law schools look like inferior law schools. The rankings have limited the claims that law schools can make about their standing in the law school community.<sup>33</sup>

<sup>31</sup>See Schmalbeck (2001) for evidence that there has been a surprising consistency of opinion about which schools are and have been among the elite over the last 30 years. An examination of the history of the USN rankings supports this point: Of the law schools that were ranked in the initial (1987) top 25 ranking, 24 were still ranked in the top 25 in 2003.

<sup>32</sup>Examples include schools that emphasize access to legal education, accepting under-represented students as well as those with high LSAT scores and GPAs, or schools that are committed to public interest as opposed to, for instance, corporate law (lawyers who practice in the field of public interest make substantially less money than those who take jobs with private firms; thus, average salary—one criterion of the USN ranking—will be lower for those schools that specialize in this area, leading to a lower overall rank).

<sup>33</sup>See Heimer (2001) for a discussion of how different ways of organizing information can have important effects on what is being evaluated. Schools, like people, can be assessed as either “individuals” or as “composites of numbers,” and the choice of evaluative mode will have a significant effect on how the school is evaluated.

One way to think about the effects of the USN definition of law school quality is to consider that by ranking all schools on a single dimension, USN necessarily creates a distribution along this dimension. Like all distributions, this one has a median—highlighted by the distinction that USN makes between the second and third quartiles or tiers—that separates the schools that fall in the top half of the distribution from those in the bottom half. In this way, the USN rankings have, purposefully or not, promoted the idea that many law schools are “below average” and some very much so. In sharp contrast to the hard line of ABA accreditation that has long defined the status system for members of the legal education community and its corresponding idea that “all accredited law schools are good law schools,” the USN rankings can be interpreted as saying that some ABA-accredited law schools are of bad quality—an interpretation, as we show below, that is not uncommon among external constituents. The USN rankings, then, create “bad law schools” where none existed before.

All law schools in the fourth (or “bottom”) tier, for example, have to fight the perception that they are poor-quality law schools; there is near consensus among law school administrators that ranking in the fourth tier carries a strong stigma:

If you are in the fourth tier, you are really kind of a bottom feeder.

I hate to say this, but when the USN comes out it reminds me of when I used to live at an apartment in Chicago that had roaches, and I developed a protective instinct which is that I would close my eyes before I turned on the light to give them time to run away so that I didn't really have to see them. The last time USN came out, I just closed my eyes and I looked in the fourth tier just to make sure that we weren't there because I live in dread fear that we will fall to the fourth tier on my watch. That's ridiculous; we're a wonderful law school.

However, many believe that this stigma is not limited to fourth-tier schools but begins at the third tier: An acronym used in on-line bulletin boards (one that has been circulating for at least 3 years) used by prospective and current students to describe particular schools is TTT, which stands for “third-tier toilet.”

These negative effects on the identity of the school, of course, create many tangible problems for the schools ranked in these tiers because if students perceive a school as being of bad quality, it is hard to convince them that it is worth their time and money to attend. As a dean of admissions told us:

I talk to student applicants a lot around the country, including students who are having trouble getting into law school, and there are a lot of people who desperately want to go [here] but they don't have the credentials to get in here. So I tell them about [School X], for example, which places their graduates quite well. And these students are like, “I wouldn't go to a fourth quartile law school.” They always think they are better than that. So I think they are looking unrealistically at the overall landscape of law schools.

The USN rankings, by creating an influential competing definition of law school quality, have altered the identities of many schools and limited the claims that these organizations can make about their own reputations.

### *Demoralization*

It is not just the reputation of institutions that is influenced by rankings; the feelings of self-esteem and self-worth of past and present members of these institutions are also affected. As Elsbach and Kramer (1996) demonstrate in their research on the symbolic management of organizational identity, members of organizations tie their identities and standing to that of their organizations. Administrators, faculty, alumni, and especially students often internalize the idea that the school is “bad” and that this judgment reflects on them personally:

The sad thing to me is that I've talked to students at some schools—I don't want to mention names, these are schools slightly down in the rankings from us—who've come to me and revealed that among their classmates there is a tremendous sense of having been second best by having been compromised by going to ... and then they name the school, and it's a fine school. And there should be no sense of shame about that.

[I talk to students] who feel that because they failed to get into that first-tier law school, they must be kind of a second-tier student, which makes them a second-tier person and a second-tier lawyer and the whole thing.<sup>34</sup>

Interviews suggest that faculty and administrators are also prone to tie their self-images to these assessments of their schools. These feelings become most salient when a school drops in the rankings; those who have experienced such

<sup>34</sup>As this passage suggests, the rankings have not only redefined the status system of law schools in a way that creates more schools that are thought to be “bad,” but they also change perceptions of what it means to be a “good” law school. Although second-tier schools are above the median created by USN distribution, they are now more likely to be perceived as “second-rate.” By making a hard distinction between first- and second-tier law schools, USN has made it more difficult for some schools to convince constituents that they are of high quality.

drops use words such as “demoralization” and “devastation” to describe the effect of these drops on individual faculty members and administrators. For example, Peter Shane, Dean of the University of Pittsburgh Law School since 1993, reports that after his school inexplicably dropped from second to third tier, a USN editor, in an unsuccessful effort to reassure him, told him that his school was at the top of the third tier. For Shane, “It’s hard to quantify precisely the injury that was done to the school’s reputation. But I can tell you it is heartbreaking to see faculty, staff, and students at a truly high-quality school so thoroughly demoralized by such an unfair assessment” (Cotts, 1998).<sup>35</sup> Or, as one of the administrators we interviewed put it:

[Some time ago we] slipped from the second tier of the USN rankings to the third tier, and it just devastated the faculty. And it came at a time right when a couple of faculty members we recruited and very much wanted to hire went to [another school] because they paid more and they would be teaching less there. And the faculty was just totally demoralized with those two things happening in very close proximity, and ever since we’ve been scrambling to try to lift our rankings because it’s a vicious cycle.

If faculty, students, and administrators are demoralized about their ranking, it seems reasonable to surmise that rankings may have broad consequences for the institution. In their study of the effect of *Business Week* rankings on eight highly ranked schools, Elsbach and Kramer (1996) found that, even at the top, rankings threatened members’ sense of their institution’s distinctive organizational identity. If one feels diminished by one’s affiliation with an institution, one is less likely to identify as strongly with it, feel as loyal toward it, or perhaps devote as much to it. Several administrators, for example, reported that drops in the rankings and the accompanying demoralization negatively influenced the recruitment of new faculty. Others reported the loss of faculty members to other schools after such changes; these were faculty who thought themselves better than the new ranking of the school after the school dropped in the rankings (whether that be fourth tier, third tier, second tier, or outside of the top 25). In these ways, the psychological consequences of rankings can manifest themselves in tangible changes to the school.

### Variation in Ranking Effects

One important finding of our research is that no law school is unaffected by the rankings. Rankings, in shaping the stratification of legal education, affect all schools. Not all schools, however, are affected in the same way or to the same degree; the pressures faced by differently ranked law schools are better described as being distinct than as being a matter of “greater” or “lesser” degrees of pressure. This section describes five potential sources of variation in the effects of rankings: sitting on the cusp between tiers, general position in the rankings (i.e., elite vs. nonelite status), the strategic stance adopted by the school’s dean, the geographic location of the school and its competitive environment, and the school’s mission. These sources of variation buffer some schools from some of the most intense effects of rankings while exposing other schools to a broader range of ranking effects.

Often, schools that experience the most pressure to improve their rank are schools that are on the cusp of tiers. Rankings are relative; they do not simply reflect what is happening at your school but also what is happening at every other school in relation to your school. As one dean put it, “Any time anyone has to make a decision about [our school] and another law school, it is going to impact us.” Because a school’s rank can change considerably even if nothing changes at that school, and because schools learn over time how to improve rankings factors, there is a strong sense of needing to “swim furiously to stay in place.” This sense is most pronounced for schools whose ranking hovers near a tier cut-off point. The language and use of tiers to characterize and evaluate schools is now so entrenched, that movement between tiers becomes deeply significant for schools, even if the statistical differences that separate schools in different tiers is trivial. Moving up a tier may be cause for celebration, while a drop in tier can be devastating. When asked if tier changes cause concrete changes in the school, one dean, with broad experience at different law schools and at law schools that had changed tiers replied:

Absolutely. [When you drop in tiers] and the school’s actually gotten better over that period of time, it’s real hard to deal with that as a political matter.<sup>36</sup> And it’s demoralizing for the students because they came expecting to be at one kind of school and they ended up in another kind of school; so [the tier] changed by virtue of the fact that we had one class at this law school that didn’t do very well on the bar exam—just one class. But it had an enormous impact because everything’s at the margins; so many schools are tied in these rankings that you make a marginal switch here or a marginal switch there, you can certainly fall one tier and on occasion you can fall two tiers in these rankings. So it’s a devastating kind of problem for people, largely a morale problem.

<sup>35</sup>A dean we interviewed described the reactions of another school that dropped into the bottom tier: “I was at another school doing an accreditation when the news came out that they were fourth tier. It was completely demoralizing to the faculty, and I’m afraid it’s a self-fulfilling prophecy.”

<sup>36</sup>This dean described getting better as hiring “better faculty, more faculty, more course offerings, more resources being put in the library.” But, as this dean also noted, “it’s a relative better, so if someone else did more than you did or they decided to cut their class size, you end up with a potential drop in rankings.”

As discussed above, a decline in ranking will often generate a great deal of attention from faculty, students, alumni, boards of trustees, or even from central administration. A decline that precipitates a drop in tier generates even more pressure to “do something about the ranking.”

How a school fares in the rankings is also, of course, a factor that explains variation in the effects of rankings, although not always in ways that respondents imagine. Because elite schools benefit from their high rankings, many respondents from less highly ranked schools assume that members of elite schools are relatively immune from ranking pressures. Elite schools do not suffer the same sense of being stigmatized by a bad ranking that schools in the bottom tiers experience, and at some elite schools, high status does seem to lessen the type of pressure that administrators feel as a result of rankings. For example, an admissions director at an elite school spoke of feeling lucky that her dean did not pressure her about rankings, which she attributed to being highly ranked, although she did report that she placed a lot of pressure on herself since “as the director of admissions, we can easily be used as scapegoats when we drop in rankings.” Nevertheless, at some elite schools even a small decline in rank can generate considerable anxiety and self-scrutiny. One respondent describes visiting an elite school whose ranking dropped several notches:

The funny thing is that it is very much the same kind of pressure everywhere. ...Now, in some rational scheme, who the hell cares—it can’t possibly be important. They were going crazy because their alums went crazy and, “How can we fall below X, we shouldn’t be worse than them.” It makes enormous amounts of political pressure on the school. Even though, in any rational sense of the world, the rankings don’t have any relationship to reality. We know that if one of your students doesn’t report one year, your employment ranking will go down, not because your student’s unemployed but because the students wouldn’t report. And that will have an impact on how the school’s ranked, but you will have to explain it to the alums when they just look at the ranking. So that’s a problem for a school at the very high end of the hierarchy.

Any movement in the rankings will be subject to careful analysis. But especially if a school’s ranking drops, some deans at some highly ranked schools may devote considerable effort to explaining the drop and assuaging the anxious.

Leadership is another important factor in explaining the variation of ranking effects in that deans vary in how much emphasis they place on rankings and their strategic response to rankings. Deans, for example, shape goals, create incentives for staff and faculty, hire and fire personnel, and distribute resources. Most deans report that they have to care about rankings since other constituents care about rankings. One new dean describes his changing perception of the ranking as follows:

I was one of these [faculty] ... who would say that we should disregard the rankings completely and we should do whatever we need to do make this a great place for our students and for our faculty. Now, [as dean] I don’t think I have any choice but to think in terms of the rankings.

Nevertheless, there are large differences among deans in terms of how much and what kind of emphasis they place on rankings. Sometimes an emphasis on rankings is an imposed agenda, but sometimes it is one they embrace. When deans are hired with the charge to improve a school’s ranking, or when moving up in the rankings becomes an explicit, public goal, or when central administrators distribute funds based on potential improvement in rank, rankings are likely to loom large in a dean’s decision making. This is also true for deans who believe that the criteria used to construct the rankings are valuable measures of their school’s, as well as their own, performance or excellence. These deans will likely put more pressure on improving on these criteria than deans who are more skeptical of rankings or believe that it is difficult to exert much control over the rankings. In this way, the effects of rankings are mediated by the tone that is set by the dean.

A factor as simple and unalterable as the geographic location of a law school can also influence ranking effects. In some cases, for instance, members of regional law schools feel less pressure from rankings. If, for example, there are only one or two law schools in a state, and most students wish to remain in their home state to practice law, there will be less pressure to focus on rankings than if a school is competing for students and students are competing for jobs on a national market. Several respondents suggested that rankings actually benefit good regional schools because they make them visible to a broader market. If a school aspires to be a “national” school, then rankings will matter more.

Similarly, the pressures associated with rankings may also be less pronounced for schools in which the local or regional status order is quite clear, reducing direct competition. For example, a professor at one law school reported that his current school, while not exempt from ranking pressures, focused on rankings far less than his former school did because there were fewer sharply distinguished options for students in his region. Had there been more competition, as there is in large urban markets, or had there been less obvious distinctions among the nearby schools, he believed that ranking pressures would be far greater.

A final factor that shapes variation in the effects of rankings is whether and how rankings are mediated by a school’s distinctive mission. Many deans expressed concern about the effects of rankings on schools with distinctive missions. Examples of such schools would include those who aspire to provide opportunity for students who otherwise might not be admitted to law school or schools that have commitments to religious traditions or to producing public interest



lawyers for underserved communities. Some of these schools reported that they believed their schools were being punished for adhering to missions or niches that were add odds with those of elite schools; these administrators felt that rankings created pressure to compromise their mission. On the other hand, a few administrators at schools with strong missions expressed the belief that strictly adhering to a mission, if those with oversight of the law school support it, can lessen the effect of rankings. As one dean described it:

I say to the entering class that we are proud to be in the bottom quartile and that it's because we take chances on students and it's because our students go out and do work in public service, and so our salaries are low and our numbers are not high and that is what our mission is and that is what it should be. And if we ever got out of the fourth tier, I would be nervous; I would think that we were doing something wrong.

While these sources of variation may interact in ways that make trends complicated to predict, each of these factors—location on the cusp of tiers, dean's leadership in responding to rankings, a school's general location in the ranking, geographical location, and mission—can mediate the effects of rankings in important ways.

### Effects of Rankings on External Constituents

In the opinion of deans, much of the power and influence of rankings derive from the fact that the rankings significantly shape external audiences' perceptions of their schools. In other words, the effects of rankings discussed so far—from the redistribution of organizational resources to the transformation of authority relationships to the alteration of school identities—are contingent upon the notion that external audiences pay attention to and base their actions on these rankings. If these audiences gave little credence to the rankings, then these effects would be at most negligible. While some of the consequences of rankings can be attributed to the desire of law schools to improve their reputations solely for the sake of their reputations, both proponents and critics of rankings generally agree that the primary driving force behind most of these effects is that influential outside audiences are aware of the rankings, perceive them as valid, and alter their relevant behavior accordingly. More specifically, the changes to law schools described above are implemented because prospective students decide which schools to attend, employers decide who to hire, alumni decide how much to donate, and university administrators and trustees make funding decisions based on where a school stands in the most current USN ranking. Many deans spoke of this dilemma:

You have people who focus on whether or not the rankings are in fact valid, whether they really show anything, whether the methodology is good, and so on. And those debates can seem endless at times as everybody kind of decries the rankings. On the flip side you have the pragmatic reality of the rankings. ... Whatever the validity of the methodology, it's difficult to pretend that the rankings don't matter. I mean prospective students use them; employers use them; university administrators use them. So whether we in legal academics think they're valid or not, whether they're reflective or not, the truth is that I don't think you can just ignore them.

But it would be stupid in a competitive environment not to do the things that are better for the USN, if it could ultimately lead you to getting worse students overall. So the cost-benefits of making decisions cannot be done without considering what the external effect may be.

I mean I care about rankings because they hurt us if we don't get good rankings. I want to have a better ranking because it means that we'll have better students and they'll have more opportunity.

Now the law school faculties and the smart administrators all say, "[The rankings are] a bunch of hoey, we don't care about this," until they drop and the board of trustees says, "Hey you're dropping; why should we give you more money?" And the board of visitors from the law school say, "Man, your school's really going to pot and you haven't changed a thing. ... Big changes need to be made here." And your monetary support—the alumni—say, "Well I'm not sure I want to support a school that's going in the wrong direction." And your money starts to dry up, and you go, "We have got to have the money; we can't afford to lose funding or else it will spiral downhill and we will be a worse law school.

As these statements suggest, the perceived attention that audiences give to the rankings creates a dilemma for many deans: Despite their own beliefs about the rankings' lack of merit, many deans alter the way they manage their school in order to maintain or improve their ranking because they fear that a drop in the rankings will cause a real decline in school quality through its negative effects on student quality, employer interest, and available funding.

To this point, there has been little empirical research on the actual effects of the rankings on the perceptions and behaviors of these influential external audiences. In this section we provide evidence that these audiences, and especially prospective students, use these rankings and that their behavior is influenced by them. We begin with our interview data, which shows that there is a strong consensus among deans that prospective students rely heavily on the rankings as they

make decisions about where to apply and where to attend law school. While this provides an indication of the influence of rankings on these audiences—administrators, especially those who work in admissions, have close and continual contact with prospective students—it is still an indirect measure of this influence.

To corroborate the views of these administrators, however, we approached this question from other angles. First, we conducted a quantitative analysis of the effect of rankings on the admissions process; this analysis demonstrates that the rank of schools has statistically significant effects on where students choose to apply, where top students choose to apply, and where all students choose to attend. Second, we conducted 92 short interviews with prospective students at a law school admissions fair; these interviews lend support to the claim that rankings are an important source of information for students. Finally, we took data on the chat room activity of prospective law students; these data provide additional evidence that the rankings are an influential source of information for these prospective students. After discussing the effects of rankings on prospective students, we proceeded to examine, albeit more briefly, how the rankings influence other external audiences, especially employers but also alumni, trustees, and other university administrators.

### Prospective Students

Nearly all administrators agree that students use the rankings as a source of information for deciding where to apply to law school and, eventually, which school to attend. They believe this because, among other reasons, admissions officers report that prospective students constantly question them about their school's rank, applicant surveys show that students use the rankings as a source of information, and cross-application data indicates that changes in rank lead to changes in the number of mutually accepted students won or lost from peer institutions. While there was some disagreement about *how* prospective students use this information—for example, the number of other sources they consult or if they see rankings as a rough guide or an objective representation of law schools—the majority of those interviewed expressed the opinion that students place too much emphasis on the assessments generated by USN:

I think that the greatest source of information about law schools comes from USN, despite all the other information that's available from the ABA, the guidebooks, and the websites. My guess is that when it comes down to quickly comparing which schools you should apply to, what most students do is go down and buy the magazine and get a snapshot, rather than looking through 100 pages of information. It's quick and it's simple.

They [the rankings] have made students much more aware of what the supposed reputations of law schools are, and I think many students, or applicants, place a great deal more emphasis on that than they should. A lot of people, if they have good credentials and a choice of getting in at lots of different schools, it seems to me make the choice almost exclusively on the basis of those rankings rather than on a whole lot of personal factors that would really be a whole lot more important to them in the long run.

Almost every student that applies who doesn't know anything about [law school], and most of them don't know anything about each school they apply to, is driven by what's the highest ranked law school that [they] can get into. And ranking here is largely a USN ranking based on, as we know, lots of crazy and fairly irrational things.

As these passages suggest, the availability of the rankings, the easy summaries of vast amounts of information, the perceived legitimacy of the rankings, and the explicit evaluations of relative school quality make USN, according to most deans, the dominant source of information for students.

These concerns are magnified by the fear that, despite the many methodological problems inherent to the rankings, prospective students often take even small, statistically insignificant differences in rank to be true differences in school quality. Similarly, many administrators in admissions note that prospective students will now often choose to attend higher ranked schools, even marginally higher ranked schools, even if that school is not the best fit for their interests and aspirations. The idea of fit between students and schools—an idea that admissions personnel have long emphasized as the basis for choosing where to go to law school—now takes a backseat to the rankings:

The question comes up more and more frequently, "What is your ranking?" Students will make decisions based not on whether or not a school is a good match, which used to be the phrase that was used a lot when I started in admissions, but "Where are you rated?"

On the other hand, there are people who belong at this law school because of what their interests are and what we've got and when one of them says, "Well, you're ranking is the second tier and that's ok, but there's this other place that doesn't have quite as much, they may have bigger classes and this and that, but they rank number 32, and that's better, and therefore I'm better off going there."

But I think this great focus on the rankings does cause some people, for the wrong reasons, to pick schools that are probably not the best schools for them. I'm not about to say that that's happening all the time or even most of the time, but I'm saying I think in some cases that I think it's happening, and that's somewhat different from saying to the student, "These are the strengths of a particular law school. These are the weaknesses of a particular law school."

That's the only thing that troubles me. Because the methodology that USN uses is an expedient one, but when you stop and look at it, you may often end up in the wrong law schools because you haven't searched your own soul about what's unique about you, where you work best. ... Consequently you get some misplaced people in a law school, and then those of us who are associate deans of students have to deal with what I call the "unhappiness factor" of people having selected a law school for the wrong reasons. And I deal with that. They selected it because they got the better scholarship, they selected it because it was a top-10 law school, and forgot all their other values that were operating. So it's tricky.

In summary, many administrators worry that students become overly reliant on the information provided by the rankings. Although these deans disagree about whether the rankings are completely useless or whether they provide a rough sense of the hierarchy of law schools, they agree that USN provides only one kind of information for prospective students and threatens to overshadow other forms of information that should also be considered.

A few deans did point out that the rankings can be helpful for prospective students in that they provide an accessible form of information to these students, encourage law schools to produce more and better information about themselves, and to some degree hold law schools accountable for the education that they provide. The most common benefit mentioned by administrators—although it was often accompanied by caveats—was that USN is an easily available source of information for students:

Well, I think the negatives far outweigh any possible positives. I understand that the general objective is to provide an easy way for applicants, in particular, to look at a large market for law schools and have some sense of the quality of law schools when they're making their admissions decisions. At least that's what the goal is. It's an abstract proposition; you can't argue that that's a bad thing to do.

Administrators, however, also acknowledge that many students feel they must pay attention to the rankings because they believe that employers use the rankings when deciding which schools they will visit for interviews and who to hire. They believe that students fear that the rank of the school will affect their job opportunities and that if they do not go to the highest ranked school, they may not get as good of a job:

They think this is all terribly crucial, that the hiring committees are sitting there going, "Are they 41<sup>st</sup> or 47<sup>th</sup>?" So I think it has relatively little effect on [the students] coming out, I think it has a great deal of effect on their coming in.

And if you are a law student going to school and you're paying 15 to 20 thousand dollars and you're at a fourth-tier school, you have to wonder if it's worth it, because you don't know as a student if employers are going to be looking at that, if they're always going to have a millstone of a bad law degree around their neck.

Data from student interviews conducted by Schleef (1992) and reanalyzed in our study substantiates this claim; students report that one of the primary reasons they pay attention to the rankings is that they believe it will affect their employment opportunities. As Korobkin (1998) has argued, assuming that employers also use the rankings (an issue we address below), this matching of students to employers is beneficial regardless of the validity of the rankings: The rankings signal to students where they should go to school if they want to maximize their employment opportunities and signal to employers where they should look for quality students.

### *The Effects of Rank on Prospective Student Decisions*

As we highlighted above, there are many reasons—including direct experience and cross-application data (Hansmann, 1999)—to believe that the administrators' views of the influence of rankings on prospective students are fairly accurate. In an attempt to specify the general effects of rankings on these students, however, we conducted a quantitative study of the influence that the rankings have on the following three variables: (a) where prospective students choose to apply, (b) where top students choose to apply, and (c) where students choose to attend.

To test the effects of the USN rankings on prospective students, we collected data from two primary sources. Data on rankings were taken from the 1993–2003 editions of the *U.S. News & World Report Guide to Graduate Schools*. During this period, USN ranked the top 50 schools numerically and then grouped the remaining schools into three tiers within which their placement was determined alphabetically. To measure school characteristics that were not used in the

construction of the USN scores, we collected data from the 1996–2003 editions of *The Official Guide to U.S. Law Schools*, now jointly published by LSAC and the ABA.

Employing a fixed-effects model, our analysis showed that, independent of individual school characteristics, schools' rankings have significant effects on all three of the variables (see above) concerning the prospective students and that, although there were effects for all schools, these effects tended to be greater for the numerically ranked top-tier schools than for schools ranked in the second, third, or fourth tier. In terms of total applications received, we found, for example, that schools in the first tier receive about 180 more applications each year than schools in the other three tiers; in addition, each increase in rank within the top tier (e.g., 32 to 31 or 13 to 12) increases a school's applicant pool, on average, by 19 applications.

A similar pattern emerged when we examined the high-quality applicants (whom we defined as applicants with LSAT scores above 160). Schools in the top tier received 2.6% more applications from these students than did the schools in the three lower tiers (there was also a 1.3% difference—which was statistically significant—between schools in the second tier and those in the third and fourth); within the top tier, each rank increase represented an increase of 0.13% in the number of applications received from top applicants.

Finally, we also found that the USN rankings influence the percentage of students who choose to attend a school after they have been accepted. For this variable, there was a significant difference between schools in the second or third tier and those in the fourth tier (2% more accepted students opted to attend second- and third-tier schools after they were accepted than did those accepted to fourth-tier schools). While the difference between schools in the first tier and those in the lower tiers was not significant, each rank increase within the first tier raised the matriculation rate by 0.2%.

In short, we found that the USN rankings have a significant impact on the admissions process in law schools. However, we also found evidence that the effects of rankings are not limited to the immediate changes in applicants caused by changing rank. Our analysis showed that where top students apply is not only powerfully influenced by USN rank but also strongly predictive of the future rank of a particular school. This finding supports the claims of some administrators that the rankings can become self-fulfilling prophecies. If a school experiences a change in its rankings—which is very common, due to the very small numerical differences USN uses to differentiate between schools—this change will influence where high-quality students apply, which in turn has consequences for the school's future rank. In this way, actual school quality is affected by the USN definition of school quality: The magnification of small—and again, statistically insignificant differences—demonstrates how these assessments produced by USN can create, rather than just reflect, inequalities among law schools.<sup>37</sup>

### *Student Interviews*

A second way in which we tried to determine the existence and extent of influence that the USN rankings have on prospective students was to conduct short interviews with prospective law students. We interviewed 92 such students at a fair sponsored by LSAC. In these interviews, which lasted 3–5 minutes, we focused on four questions: how serious the student was about attending law school, how important a law school's reputation was in determining where the student applied, how influential different resources were in helping the student decide where to apply and where to attend, and what types of rankings, if any, these students had consulted.

In general, these students were committed to the idea of attending law school. On a scale of 1–5, where 5 indicated that the student would definitely go to law school and 1 indicated that they would definitely not go to law school, the average response was 4.25. Similarly, students reported that reputation was an important factor in determining where they would apply: The average response was 3.82 on the same scale (with 5 indicating that reputation was a very important factor in their decision).

Most importantly for the discussion at hand, these prospective students reported that the USN rankings were a bigger influence—and usually a much bigger influence—on where they chose to apply and attend law school than several other factors that are often cited in this process. On the same 1–5 scale (with 5 indicating very important), the average score for the influence of rankings was 3.22; the next most influential sources were other guidebooks (3.01), followed by friends/acquaintances (2.35), parents (2.18), and pre-law advisors/school advisors (1.57). In addition, when asked which materials they had consulted or planned to consult to learn about law schools, 42 cited the USN rankings, 10 cited *The Princeton Review*, and 6 listed the ABA/LSAC guidebook. In addition, 18 others responded that they had consulted many sources but were nonspecific about what these were, and 20 claimed that they had consulted none. While these short interviews lack the statistical validity of a large-scale, random survey, they do provide another piece of supporting evidence for administrators' claims that the rankings are an important source of information for prospective students.

<sup>37</sup>See Sauder and Lancaster (2006) for a more comprehensive report on these findings.

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### *Other Evidence of Prospective Student Interest in the Rankings*

We would also like to briefly mention two other pieces of evidence that lend support to claims that prospective students are influenced by the rankings. First, as part of this study, we reanalyzed qualitative data from a previous project (Schleef, 1992) that examined student identity at law and business schools. One aspect of this study was to ask students whether they used the rankings when they were deciding which school to attend. The data from Schleef's study, which included 37 in-depth interviews with students at a top-tier law school, found that more than 75% of the students consulted some data on rankings while deciding on law schools, and that even students who did very little research on the schools they applied to at the very least consulted rankings. In addition, more than 70% of these students listed their school's rank as one of the top three reasons that they chose to attend the school.

Finally, we also observed an online bulletin board (sponsored by the Princeton Review) to monitor whether and how students discuss law schools rankings. While it is difficult to quantify this data, it was clear that rankings were a common discussion topic among students: There were 118 threads explicitly addressing the topic of rankings during an 8-month period (from October 1 to May 31). Not surprisingly, threads addressing rankings were especially prominent immediately prior to and after their release in March. The most common themes in these chat rooms were (a) where schools ranked and why, (b) the chances of getting into particular highly ranked schools with a certain LSAT score and GPA, and (c) whether rankings were accurate depictions of law school quality in general or of particular schools. Students also consulted each other about how to reconcile scholarship offers at lower ranked schools with admission to higher ranked schools with support. Furthermore, even when rankings were not the explicit topic of discussion, their impact was clear from the language students used in discussing schools. The concept of "tiers," for example, permeates discussions. Our data suggest that the rankings do serve as important markers of reputation for many students and that these students are often uncritical of the methodological validity of these markers.

### **Employers, Alumni, and University Administrators**

While prospective students are the external audience about which administrators expressed the most concern when discussing the effect of rankings on perceptions of their law school, they also believed that the rankings affected the perceptions of other primary constituents, most notably employers, but also alumni, trustees, and university administrators.

#### *Employers*

In the case of employers, there was disagreement among administrators about the effects of rankings on the law firms who hire their graduates. Although most of those interviewed believed that the hiring decisions of law firms were affected by the rankings in some way, others claimed that they had virtually no effect. As one administrator put it, "In my experience—I've been in law firms in DC, Detroit, and Salt Lake City and I see the law firms here—no, [law firms] don't [use the rankings]." The administrators who held this view emphasized the importance of long-term personal relationships, networks, and personal knowledge over these relatively new assessments of reputation. As one dean put it:

I don't think [law firms] ever look at USN, frankly. I think that what happens is that you have two networks typically in law firms. You have the network of the schools you know, of the normal suspect schools, the Harvard, Yale, Stanford, Michigan, Chicago, Berkeley, Columbia, NYU, Georgetown, Duke, Penn, whatever—at the very best law firms you really are only thinking about the really elite schools. ... You'd basically shut out all but the elite schools and as to whether Michigan is third this year or sixth this year, you don't pay any attention. I mean, it's Michigan, you don't worry about that. And with respect then to your regional people, the New York or the DC firms go slumming and hire people from George Washington and Catholic because [they] knew those people and knew people who went to those schools, but [they] wouldn't hire people from other schools who were comparably ranked.

Most administrators, however, did believe that the rankings influence employers because they serve as an easy way to sort through applicants. One administrator and former hiring partner at a major law firm told us, "[At our law firm], rankings tended to influence whether you would consider or take a serious look at graduates or not." Employers, according to these administrators, use the rankings to determine how far down in the school's graduating class to recruit (from, say, the top 10%, 25%, or 50% of the class) and these decisions are influenced by changes in a school's rank.

From these interviews, we found that the school's rank is most salient when the law firm is based outside of a law school's region or is otherwise unfamiliar with a law school:

Yes, [the USN ranking] makes a difference. Particularly with employers who don't know your program well, then that may put you on their radar screen when you wouldn't be otherwise. Whether they came to campus,

how well they'll respond to somebody sending in a resume blind, how deep in the class they'll look if they do go to your campus or if they do go to a job fair that you participate in—that'll play a big role.

Quite a few employers would tell us that they would actually utilize those rankings when they decide what schools they're going to visit for on-campus interviewing or even what schools they are going to accept resumes from. They look at the rankings first.

Although it is difficult to determine how law firms use the rankings, a recent report published by the National Association of Law Placement (NALP) does indicate that law firms at least look at the rankings. In this survey of 221 law firm representatives from 139 different firms, 72.1% of respondents said that the rankings affected or changed their perception of law schools; performance of recent graduates at the firm was the only factor respondents selected more often (77.9%). In addition, USN was the resource these employers consulted most often; 83.6% reported using the rankings (NALP Foundation, 2004).

### *Alumni, University Administrators, and Trustees*

There was no clear consensus among administrators concerning the effects of the rankings on the behavior of alumni, university administrators, or trustees. Although some deans worried about the effects of rankings on these constituents, these concerns were not expressed consistently and often seemed to depend on the particular dynamics of the relationships between these external audiences and the school.

The administrators who did believe the rankings affected their school's alumni were often at schools whose ranking had experienced a drop. A common reaction of the alumni is to register their concern about these changes as they perceive the value of their degree declining along with their former school's rank. As two deans said:

I think there is more emphasis put on it by alumni than schools. They write angry e-mails, make telephone calls, and are generally disgruntled. My guess is that it has some impact on annual giving.

We have alumni who remember when we were a second tier school and want to know why we can't be a second tier school now. I always have an answer that involves their checkbook. I do have to answer a lot of those types of questions.

Other deans noted that lower-than-expected rankings could also lead to alumni disaffiliating themselves from their alma maters, making it harder for the school to raise money and again possibly serving as a mechanism by which the rankings become a self-fulfilling prophecy.

Finally, most administrators that we interviewed believed that university administrators and trustees were on the whole more skeptical of the validity of the USN rankings. Despite this skepticism, however, a number of deans did acknowledge that they were encouraged by these groups to improve the law school's rank. As two administrators reported:

I must say that the pressure the [rankings] are creating is a lot higher than it was ten years ago. Just more people are paying more attention to them, I think—actually by more people I don't mean just student-consumers, but boards of trustees, central administrative officials, legislators, and everybody else. I think they all understand that these are imperfect instruments, but there are so few measures of output that these things just count more than they should or than they ever did before.

We have a new president, and when he came in he met with all of the deans of all the schools. He was pretty clear that reputation as measured by rankings was important to him, and that it would be part of the way in which I was evaluated.

Lacking other benchmarks of school quality, USN rankings become a useful evaluation tool for these audiences, audiences who often influence the budgets and policies of law schools. In light of this influence, it is difficult for administrators to be unresponsive to the rankings; as one administrator told us, "I would like to ignore the rankings, but I work for a president who won't let me."

### **The Media**

The media are another important external audience that react to rankings and influence their effect. While rankings are themselves products of the media, how media respond to and frame rankings will shape how others respond to rankings. Newspaper reports on school ranks or changes in these ranks, for example, publicize the ranking of schools to even wider audiences, which may enlarge their influence and enhance their legitimacy. However, if stories are critical of

the validity of rankings, this may dampen their influence. For some deans, local media are one source of ranking pressure, since they must respond to or are featured in stories about changes in their rank. Some deans reported that local media stories about their ranking was an important impetus in their learning to take rankings seriously. One dean, for example, described how regional newspapers alerted her to the importance of rankings:

I really hadn't paid attention to [the rankings], I just had heard vaguely somewhere that there were those rankings, but I really hadn't paid much attention to them. I did become aware of them and become aware of the ingredients then.

*Interviewer: How were you made aware?*

Newspapers around here called. Two newspapers in [the school's state] called me and asked me how I felt about them and all that sort of thing.

To develop a better sense of how media might contribute to the influence of rankings, we collected a sample of stories that address law school rankings. Searches of Lexis-Nexis and Proquest produced 136 articles from 1991 to 2004 in two kinds of publications: national news sources catering to general audiences (56 stories) and specialized legal publications (80 stories). To better understand how the media treats rankings, we analyzed the content of media articles, devising a coding scheme that classified 11 different "ranking themes."<sup>38</sup> We expect to refine this analysis by conducting additional searches to ensure that we have a larger sample of stories and to fine-tune our coding scheme, so these findings must be interpreted as preliminary. Provisional results suggest that the media use rankings in multiple ways. Most common were stories criticizing USN methods (16%) in both general newspapers (13%) and legal journals (17%). Stories about the annual release of rankings (14%) and how rankings have affected school policies (14%) were the next most common. Finally, stories about non-USN rankings appeared in 12% of the articles; this topic was more often discussed in legal publications (17%) than in national news (2%). Two trends, while tentative, are noteworthy. While the most common theme in this sample of stories was criticism of ranking, this theme peaked in 1998–1999 and has declined since then. In the legal press, the most common use of rankings has been simply to report a school's rank without comment. This may indicate that rankings have become more institutionalized in recent years. We suspect that local media may have the most direct influence on rankings effects, and an analysis of the influence of local media could be a fruitful line of future research.

### A Comparative Case: Business Schools

As part of our research, we also conducted a smaller study of the effects of rankings on business schools. This aspect of the study was designed to provide a sense of how similar ranking effects are across sites, as well as to indicate how different modes of rankings might produce different effects. Of specific interest to us was the question of the extent to which the consequences of rankings are a result of USN holding a virtual monopoly over the ranking of law schools. By comparing the effects of law school rankings (a field where one ranker dominates) to those of business schools (a field where multiple influential rankers evaluate schools), we were able to explore these questions.<sup>39</sup>

The most salient difference between business and law school rankings is that there are five or six influential business school rankings in addition to a wide variety of others that receive some attention; some business school administrators estimated that they provided information to 20–40 ranking publications. Of the influential rankings, there was a general consensus among the administrators interviewed that *Business Week* was the most influential, but that it was followed closely by USN, and most agreed that they also pay significant attention to the rankings published by *Wall Street Journal*, *Financial Times*, *The Economist*, and *Forbes* because of the perception that they are used by prospective students, employers, or other external audiences.<sup>40</sup>

In the absence of one dominant ranker, each of these rankings has some influence on the reputations of business schools. Further complicating the reputational landscape of business schools, each of these rankers uses different formulas to calculate their rankings, and their resulting rankings are often substantially different from one another. While *Business Week* places heavy emphasis on surveys of student and recruiter satisfaction, for example, USN uses a formula very similar to the one it employs for law schools, focusing on reputation surveys and admissions and placement criteria;

<sup>38</sup>The categories include: 1. General Descriptor: ranking as part of general description of law schools; 2. Regional Comparison: ranking used to compare regional schools; 3. Quality/Status/Reputation: rankings used to signal the quality of a school; 4. Changing School Policy: rankings used to shape school policy; 5. Evaluating Administrations or Deans: rankings linked to administrative performance; 6. Errors made by USN: mistakes acknowledged by USN; 7. Law School Hypocrisy: criticizing rankings while advertising them, criticisms of gaming; ranking students but not wanting to be ranked. 8. Criticism of Rankings: methods, bad effects; 9. Alternatives to USN Rankings: other rankings mentioned; 10. Rankings as News: annual release of rankings treated as news; 11. Marked Upswings or Downturns in a School's Rank: reports of drops or climbs.

<sup>39</sup>For a more detailed discussion of this comparison, see Sauder and Espeland (2006).

<sup>40</sup>Zimmerman's (2001) report on the effects of business school rankings on business education corroborates these claims about the influence of these rankings; for his study, he lists *Business Week*, USN, *The Wall Street Journal*, *The Financial Times*, and *Forbes* as the five most influential rankings of business schools.

*The Wall Street Journal*'s rankings only consider surveys of employers' satisfaction, whereas *Financial Times* combines a wide range of criteria, weighing the salary of graduates more heavily than any other factor (see Zimmerman, 2001, for a comprehensive explanation of the formulas for all of these publications).

The existence of several influential rankings of business schools has produced differences in the effects of these rankings. Business school administrators, like their law school counterparts, report that the rankings have encouraged many schools to redistribute resources, alter the activities and job requirements of the organization, and develop strategies to "game" the rankings. However, these administrators also report that the existence of multiple rankings has decreased some of their most pernicious effects. Specifically, multiple rankings create a degree of ambiguity about the precise standing of these schools that is not present in the case of law schools, which have a single dominant ranker. Our interviews with business school administrators suggest that these benefits include a decrease in the impact of small changes in rank, a greater degree of control over reputation, and, to some extent, greater skepticism about the validity of the rankings. One consequence of these benefits is that business school administrators are considerably more sanguine about the effects of rankings than are law school administrators, most often characterizing these effects as somewhat positive and somewhat negative. While this more positive attitude might partially be explained by the fact that business school deans have a greater degree of comfort with market measures and market logics, the ambiguity created by multiple rankings seems to diminish the overall influence of rankings and, we believe, helps explain their less critical attitudes.

One potential strategy that law schools could undertake to address the worst effects of rankings might be to develop competing rankings that would reach a wide audience of prospective students and other audiences. However, we also believe that there is some degree of risk associated with such action. For example, the proliferation of these types of evaluative rankings—even if they circumscribe the effects of the USN rankings—could reinforce rankings as the legitimate mode of accountability in higher education. Moreover, the proliferation of rankings could encourage the short-term orientation that rankings foster and marginalize other forms of evaluation that are, for instance, nonquantitative and more deliberative.

Data from Stevens' ethnographic study of an admissions office at a small liberal arts college suggest that rankings produce significant and comparable effects there, as well. Two conditions mediate the effects of college rankings in important ways. First, college rankings distinguish among schools with different missions or serving different populations. Liberal arts colleges, for example, are ranked separately from research universities. As long as a college's mission conforms to the distinctions USN makes, there is less pressure to change or compromise its mission in response to rankings. Also, powerful constituents within colleges influence admissions decisions in ways that are absent in law schools. For example, athletic departments lobby for student athletes whose "numbers" (test scores and GPAs) may compromise the school's overall scores on these criteria.

## Conclusion and Future Research

One dean interviewed for this project suggested that USN was simply making more public and more precise what everyone already knew, that its rankings "just put onto paper what everyone was already doing anyway; they have a formula for measuring what everybody cared about." As this administrator pointed out, before USN rankings there were other publications that have periodically ranked schools; "everyone knew about a law school's reputation and people talked about it."

Our research challenges the view that rankings are merely formalizing what everyone already knows about reputation or that people's decision making has not changed much in relation to rankings. USN rankings have changed the status system of legal education in the United States; by creating a standard metric for all law schools, rankings impose a precise, hierarchical relationship on every school, and one that is relative to every other school (Sauder, 2006). The USN rankings dominate legal education in ways that prior evaluations did not and in doing so have changed how people—both inside and outside of law schools—respond to reputation. Moreover, these rankings have changed the language of stratification. The notion of tiers, for example, has become naturalized such that students routinely frame their thinking about schools, and sometimes themselves, in terms of tiers.

Our research also suggests that the effects of rankings are pervasive. Although the effects are not the same for all law schools, this new status order encompasses all law schools; schools cannot opt out of the status system created by rankings. Since external audiences react to this evaluative system, law schools must react to it as well (Espeland & Sauder, 2007). Very few of those we interviewed suggested that rankings did not affect their schools. The two respondents who suggested that their schools were largely unaffected were deans at schools who were entrenched in lower tiers and who received little pressure from their constituents; in one case, this was due to geographical isolation, and in the other it was because of its distinctive mission. It is also worth noting, however, that in both cases other administrators at these schools claimed that the rankings did matter for their respective institutions.

The effects of rankings vary according to factors such as hierarchical positions, the density of law school markets, the competitive environment, and the type of administrative response adopted by a school; because of these factors, even the broad effects discussed in this paper may not apply to every law school. What our findings show, however, is that what rankings have done is create an incentive system that pressures administrators to make decisions directed toward



improving rankings, decisions they might not otherwise have made had they relied exclusively on their professional judgment about what is best for their school. A few administrators believe that the incentives created by rankings are appropriate and would dispute that these incentives produce harmful effects; in their view, rankings provide useful information to consumers, create accountability and transparency, and encourage law schools to focus attention on improving important indicators. While some of the deans we interviewed view the effects of rankings as both good and bad, a large majority of our respondents see rankings as producing unhealthy competition, wasting resources, and simplifying conceptions of excellence in ways that harm legal education. The accountability that rankings induce, according to this perspective, does not improve legal education. Among the subjects interviewed for this research, there remains a strong consensus that rankings do more harm than good.

As with all research, the approach taken here has both strengths and limitations. Using multiple methods permits the comparison of different kinds of evidence in ways that bolster confidence in the findings. The multiple sources of evidence collected make it clear, for example, that students use rankings in making decisions about where to apply to and attend law schools. An emphasis on open-ended interviews permits flexibility in pursuing new issues as they emerge; we were surprised, for example, at some subjects' vehemence in describing the demoralization rankings create and at some people's sense of grievance over their perception that colleagues had betrayed professional ethics in their pursuit of improved rankings. Our interviewing strategy allowed us to incorporate these concerns and probe these reactions as they emerged. Interview data are useful for disclosing how effects are perceived and interpreted. These data are less amenable to parsing out precisely how much rankings are responsible for particular changes.

We would like to conclude by suggesting several avenues of future research that our work indicates would be potentially fruitful. First, while our research provides evidence that prospective students use the rankings, future work might focus on *how* they use them. Do the majority of prospective students, for example, use the rankings as a rough guide by which they winnow down their choices, or do they treat the rankings very literally, allowing small distinctions to shape their decisions? Likewise, while there is some statistical data about employment trends that lends support to claims that many employers consult the rankings, more systematic evidence about how these employers use rankings would improve our understanding of the ways in which rankings mediate relations among law students, career services staff, and employers. Second, as our analysis of admissions and yields demonstrates, statistical analyses could be useful complements to the interview data presented in this report. Given the availability of data, these analyses could verify or refute some of the claims made by the administrators we interviewed; such statistical tests could, for instance, help determine the effects of the rankings on diversity in law schools, the growth of part-time or night programs, and increases in rates of job turnover among deans, admissions personnel, and career services personnel. Third, ethnographic research on particular law schools or aspects of law schools (such as offices of career services or admissions) would permit a deeper comparison between what people say and what they do, and how they account for their actions to themselves and each other. The contextual knowledge that ethnographic fieldwork provides would permit even more nuanced interpretations of the significance of rankings in the field sites.

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## Appendix: Interview Schedules

### DEANS/ADMINISTRATORS

Could you tell us about your background? How long have you been in your current position?

When did you first become aware of the rankings?

Has your institution experienced changes in rank?

If so, what, if any, have been the consequences of these changes?

Number of applicants?

Yield?

Relations with employers? Alumni?

Have the rankings changed your job? How?

Have the rankings changed aspects of your institution?

How resources are distributed?

How your school publicizes itself?

Does your institution produce brochures to send to other schools?

Admissions policies? (Merit scholarships?)

Career services policies?

Development?

What are the effects of rankings on your institution's constituents?

Prospective students?

Current students?

Alumni?

Employers?

Faculty?

Trustees/University Administrators?

Others?

How, if at all, are the effects experienced by your institution different than those experienced by other institutions?

Which types of institutions do you think are most and least affected by the rankings?

Have rankings changed your relationships with other deans or other law schools?

Have the rankings affected diversity in legal education? How?

Which parts of your institution (e.g., admissions, career services, etc.) have been most affected by the rankings?

How much time do you spend thinking about rankings? On what occasions are rankings raised?

What strategies does your school use to improve its rank?

What strategies do you hear about other schools using to improve their rank?

Is more attention paid to the LSAT scores of prospective students due to the rankings?

What are the positive effects generated by the rankings?

Do students have access to more information than in the past?

What are the negative effects generated by the rankings?

If you were in a position to do so, would you change rankings? How?

What is your opinion of the rankings?

What other sorts of questions should we be asking you?

### PROSPECTIVE/CURRENT LAW STUDENTS

What made you consider law school?

Tell me about your decision to apply to law school.

When did you start thinking about law school?

Who did you talk to about it? (family, friends, lawyers you know, teachers, advisors?)

What kinds of information did you consider?

Was this a difficult decision?

What was the hardest part in deciding to apply?

How did you prepare to apply for law school?

Tell me about your decision where to apply.

Who did you talk to about it? (family, friends, lawyers you know, teachers, advisors?)

What kinds of information did you consider?

Did you ever use/consult with/participate in the following?

Guidebooks? Which ones?

LSAT website?

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Princeton Review web site?  
Law school rankings? Which ones?  
Which of these sources did you find helpful? Why?  
What was the hardest part in deciding where to apply?  
For current students:  
Tell me about your decision where to attend law school.  
What choices did you have?  
What kinds of information did you consider?  
On campus visit?  
Web pages?  
Brochures? Catalogues?  
Contact with faculty, administrators, alumni?  
Guidebooks?  
Law school rankings? Which ones?  
How did you use this information? How helpful were these sources?  
What was the hardest part in deciding where to attend law school?  
What would you do differently in making these decisions today?  
What sorts of pressure/conflict did you feel in deciding where to go to law school?  
Do you think that law schools do a good job of describing themselves to prospective students?  
What types of information were most useful to you?  
Do you have an opinion about law school rankings? If you could change the information they contain, would you? How?

**EMPLOYERS:**

Tell me about your background. How long have you been in your current position?  
Tell me about your firm's recruitment process.  
How do you decide where to conduct on-site interviews?  
How do you decide who to interview?  
Who to hire as summer interns?  
What sort of information do you compile about job candidates?  
Do law school rankings play a role in any of these decisions?  
When did you first become aware of the rankings?  
On what occasions, if ever, does the topic of law school rankings come up at your firm?  
Have you or anyone you know ever been asked to fill out one of USN's surveys about law schools?  
If so, tell me about that experience.  
What is your opinion about law school rankings?