

Before the Paper Chase

Before the Paper Chase

The Scholarship of Law School Preparation and Admissions

Edited by

Tim Alan Garrison

PROFESSOR, PORTLAND STATE UNIVERSITY

Frank Guliuzza

PROFESSOR AND DEAN OF ACADEMIC AFFAIRS,
PATRICK HENRY COLLEGE

CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2012
Tim Alan Garrison, Frank Guliuzza
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Before the paper chase : the scholarship of law school preparation and admissions /
Tim Alan Garrison and Frank Guliuzza.

p. cm.

Includes bibliographical references.

ISBN 978-1-59460-615-1 (alk. paper)

1. Law schools--United States--Admissions. I. Guliuzza, Frank. II. Garrison, Tim Alan,
1961-

KF285.B38 2012

340.071'173--dc23

2011052379

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

For Our Students

Contents

| | |
|--|------|
| Acknowledgments | xvii |
| Introduction | xxi |
| Part One Preparing for the Law School Decision | |
| Asking the Lost Question: What Is the Purpose of Law School? | |
| <i>Bethany Rubin Henderson</i> | 3 |
| Introduction | 3 |
| Finding the Source of the Concerns about Legal Education | 4 |
| Asking the Lost Question: What Is the Purpose of Law School? | 6 |
| The Current Purpose of Law School | 7 |
| How Do We Determine What the Purpose of Law School Is? | 7 |
| Defining the Purpose—What It Means to “Think Like a Lawyer” | 8 |
| The Functional Component | 9 |
| The Normative Component | 12 |
| Law Schools’ Current Practices | 12 |
| Pedagogy | 13 |
| Expectation | 13 |
| Reality | 13 |
| Curriculum | 16 |
| Expectation | 16 |
| Reality | 16 |
| Bridging the Purpose-Practice Divide | 18 |
| Obstacles to Change | 18 |
| Suggestions | 20 |
| Notes | 23 |
| The Reach of Our Pedagogy: Political Science Undergraduate Classes and Pre-Law Academic Preparation | |
| <i>Ellen Grigsby & Amelia A. R. Murphy</i> | 31 |
| I. Introduction | 31 |
| II. The Scholarship of Teaching and Learning and Scholarship on Preparation for Legal Education | 32 |
| III. Data and Method | 33 |
| IV. Political Science Course Choices of Pre-Law Students | 35 |
| V. General Academic Choices of Pre-Law Students | 37 |
| Conclusions | 38 |
| Bibliography | 39 |
| Note | 40 |

| | |
|--|-----|
| “But the Emperor Has Nothing On”: Testing the Myths about Undergraduate Law Classes | |
| <i>Frank Guliuzza</i> | 41 |
| Introduction | 41 |
| Why Undergraduate Law Classes? | 41 |
| Methodology | 44 |
| Findings | 45 |
| Conclusion | 48 |
| Notes | 52 |
| | |
| Performance in Law School: What Matters in the End? | |
| <i>Richard Ippolito</i> | 55 |
| A Few Changes in Sample Size and Data Measures | 56 |
| Performance in All First-Year Courses | 56 |
| Attrition of Students Who Finish the First Year | 58 |
| GPA at Graduation | 58 |
| Notes | 60 |
| | |
| Part Two | |
| The Law School Admissions Test | |
| | |
| Merit and Diversity: The Origins of the Law School Admissions Test | |
| <i>William P. Lapiana</i> | 63 |
| I. Introduction | 63 |
| II. History of Admissions Testing | 63 |
| III. Law School Admissions | 66 |
| A. Pre-War Admissions | 66 |
| B. The Development of an Admissions Test | 67 |
| C. The LSAT | 70 |
| IV. The Meaning and Governance of the LSAT | 75 |
| V. The Role of Prediction | 78 |
| VI. The Role of the LSAT Today | 80 |
| VII. Conclusion | 81 |
| Notes | 82 |
| | |
| The LSAT Myth | |
| <i>Jeffrey S. Kinsler</i> | 91 |
| I. Executive Summary | 91 |
| II. The LSAT’s Preeminence | 92 |
| III. Sample | 92 |
| IV. Variables | 93 |
| V. Predictive Validity | 94 |
| A. Statistical Evidence | 94 |
| 1. LSAT/LGPA Correlation | 94 |
| 2. UGPA/LGPA Correlation | 98 |
| 3. LSAT, UGPA and LGPA Correlation | 100 |
| 4. Summary of Statistical Findings | 101 |
| B. Anecdotal Evidence | 101 |
| 1. Law School Admission Test | 102 |
| 2. Undergraduate Grade Point Average | 104 |

| | |
|---|-----|
| 3. Quality of Undergraduate Institution | 105 |
| 4. Law School Admission Test and Undergraduate Grade Point Average | 106 |
| 5. Law School Admission Test and Quality of Undergraduate Institution | 106 |
| 6. Undergraduate Grade Point Average and Quality of Undergraduate Institution | 107 |
| 7. Undergraduate Major | 107 |
| 8. Age of Student | 108 |
| VI. Conclusion | 109 |
| Notes | 110 |
| | |
| Predicting Law School Academic Performance from LSAT Scores and Undergraduate Grade Point Averages: A Comprehensive Study | |
| <i>David A. Thomas</i> | 112 |
| I. Introduction | 112 |
| II. Resources | 114 |
| III. Methodology | 114 |
| IV. Data | 116 |
| V. Analysis | 119 |
| A. General Conclusions from the Correlation Scores | 119 |
| B. How Significant or Useful Are Entry Credentials in Predicting Academic Performance? | 119 |
| VI. Summary and Conclusions | 120 |
| Appendix A | 121 |
| Sample Correlations of lsat scores, gpa, and Index Scores to Class Rank after the First Year of Law School and upon Graduation from Law School | 121 |
| Appendix B | 124 |
| Correlation of LSAT Scores, GPA and Index Scores with Law Students' First-Year and Three-Year Academic Performance: Examples from the Class of 1997 | 124 |
| Notes | 125 |
| | |
| Predicting LSAT Scores from SAT Scores | |
| <i>David S. Mann</i> | 128 |
| Introduction | 128 |
| Hypothesis | 128 |
| The Databases | 129 |
| The Data | 130 |
| Findings | 132 |
| Discussion | 138 |
| Sources | 139 |
| | |
| Part Three | |
| The Value of Law School Rankings | |
| | |
| In Praise of Law School Rankings: Solutions to Coordination and Collective Action Problems | |
| <i>Russell Korobkin</i> | 143 |
| I. The Coordination Function of Rankings | 144 |
| A. Focusing on the Inadequacies of Existing Rankings Misses the Point | 144 |
| B. Students Are Not Dumb | 145 |

| | |
|--|-----|
| C. The Minimal Upside Potential of Ranking “Quality” Education | 148 |
| II. Using the Rankings to Create Public Goods | 150 |
| A. Scholarship as a Public Good | 150 |
| B. Distinguishing the Public Goods Argument from Other Defenses of Scholarship | 152 |
| C. Should Other Goods Be Considered in Rankings? | 154 |
| III. Conclusion: Implementation Challenges | 155 |
| Notes | 156 |
| | |
| Do Rankings Matter? The Effects of U.S. News & World Report Rankings on the Admissions Process of Law Schools | |
| <i>Michael Sauder & Ryon Lancaster</i> | 163 |
| Introduction | 163 |
| The Debate about Rankings | 165 |
| Rankings as Valuable Signals | 165 |
| Rankings as Distorting Signals | 166 |
| Methodological Inaccuracy | 166 |
| Signal Distortion | 167 |
| Evidence of the Effects of Rankings | 171 |
| Data and Methods | 173 |
| Dependent Variables | 173 |
| USN Ranks | 173 |
| Controls | 174 |
| Model | 174 |
| Results | 175 |
| Number of Applications | 175 |
| Applications by LSAT Score | 175 |
| Matriculation | 177 |
| Feedback Effects | 178 |
| Discussion | 178 |
| Conclusion | 182 |
| Notes | 184 |
| References | 185 |
| | |
| Student Quality as Measured by LSAT Scores: Migration Patterns in the U.S. News Rankings Era | |
| <i>William D. Henderson & Andrew P. Morriss</i> | 187 |
| Introduction | 187 |
| I. Research Question | 188 |
| A. Law School Competition and the Median LSAT | 188 |
| B. Literature on Rankings | 189 |
| II. Sample, Variables, and Methodology | 191 |
| A. Law Schools in Sample | 191 |
| B. Dependent Variable | 192 |
| C. School-Specific Independent Variables | 193 |
| D. Location-Specific Independent Variables | 193 |
| E. Methodology | 194 |
| 1. Initial Starting Position | 195 |
| 2. School-Specific Attributes | 196 |

| | |
|---|-----|
| 3. Locational Differences | 196 |
| 4. Gaming | 196 |
| 5. Academic and Lawyer/Judge Reputation | 197 |
| III. Results | 197 |
| A. Result 1: There Is a Clear Difference in the Market for Students between “Tier 1” and the Rest of the Law School World | 197 |
| B. Result 2: Within Each Segment of the Market, a Higher Initial Starting Position Was Associated with Increases in Median LSAT Scores | 198 |
| C. Result 3: In Quartiles 2–4, Lower Cost Law Schools Appear to Have a Better Yield of High-LSAT Students, but in Quartile 1 Prestige Is More Important than Price | 202 |
| D. Result 4: In Quartiles 2–4, Law Schools Located in Major Am Law 200 Markets Have a Significant Advantage in Attracting High-LSAT Students | 202 |
| E. Result 5: Gaming Works in Both Quartile 1 and Quartiles 2–4 | 204 |
| F. Result 6: In Quartiles 2–4, Changes in Lawyer/Judge and Academic Reputations Are Unrelated to Change in Median LSAT Scores; In Quartile 1, an Increase in Academic Reputation Is Associated with Higher LSAT Scores | 205 |
| IV. Discussion | 206 |
| A. Equilibrium in the Market for High-LSAT Students | 206 |
| B. Strategies and Recommendations | 208 |
| 1. Recommendation 1: In a Price-Sensitive Environment, Non-Elite Law Schools Will Fare Better by Emphasizing Scholarships over Scholarship | 208 |
| 2. Recommendation 2: Provide Legal Employers with Strong Empirical Evidence That the Quality of Education Actually Matters | 209 |
| 3. Recommendation 3: Regional Law Schools Should Come to Grips with Long-Term Trends in the Employment Markets for Their Graduates and Consider New (Even Radical) Ways to Overcome a Poor Location | 210 |
| 4. Recommendation 4: The Editors of U.S. News Should Revisit Their Methodology and Eliminate the Incentives for the Legal Academy to Engage in Academically Unjustified Behavior | 211 |
| Conclusion | 212 |
| Notes | 214 |
| | |
| Rankings and Reactivity: How Public Measures Recreate Social Worlds | |
| <i>Wendy Nelson Espeland & Michael Sauder</i> | 225 |
| Introduction | 225 |
| Accountability and the Proliferation of Social Measures | 226 |
| Reactivity | 228 |
| Data and Methods | 229 |
| Law Schools Rankings: History and Methodology | 230 |
| Mechanisms of Reactivity | 231 |
| Self-Fulfilling Prophecies | 231 |
| The Effects of Rankings on External Audiences | 232 |
| The Influences of Prior Rankings on Survey Responses | 233 |
| Distributing Resources by Ranking | 233 |
| Realizing Embedded Assumptions | 234 |
| Commensuration | 235 |

| | |
|---|-----|
| Simplifying Information | 235 |
| Commensuration Unites and Distinguishes Relations | 237 |
| Commensuration Invites Reflection on What Numbers Represent | 238 |
| Patterns in the Effects of Reactivity | 241 |
| Maximizing Rankings by Reallocating Resources | 241 |
| Redefining Work and Policies | 242 |
| Career Services | 242 |
| Gaming Rankings | 244 |
| Conclusion | 246 |
| Notes | 249 |
| References | 251 |
| | |
| The Interplay between Law School Rankings, Reputations, and Resource Allocation: | |
| Ways Rankings Mislead | |
| <i>Jeffrey Evans Stake</i> | 256 |
| Introduction | 256 |
| I. Rankings Can Mislead Suppliers of Legal Education | 258 |
| A. Focus More on Grades and Less on Undergraduate Institutions | |
| When Admitting Students | 258 |
| B. Focus on the LSAT | 258 |
| C. Tweak Other Aspects of the Admissions Process to Increase Numbers | 262 |
| 1. Admit Fewer “One-L” Students and Allow More Transfer Students | 262 |
| 2. Reject Some Students with High LSAT Scores | 262 |
| 3. Reject Students with Limited Prospects for Employment | 263 |
| 4. Focus Scholarship Money on Applicants with LSAT Scores Just | |
| Above the Median | 263 |
| D. Start a Part-Time Program | 263 |
| E. Focus the Curriculum on What Is Needed for Bar Passage | 263 |
| F. Spend Money on Glossy, Colorful Advertising | 264 |
| G. Raise Tuition for All, but Increase Scholarships for Those with Numbers | 265 |
| H. Pay Your Own Utilities | 265 |
| I. Encourage Everyone and Her Sister to Apply | 265 |
| J. Hire Your Own | 265 |
| K. Make It Difficult for Faculty Members to Leave in the Fall | 265 |
| L. Increase the Number of “Books” in the “Library” | 266 |
| M. Decrease Funding for the Library and Other Units with an Abnormally | |
| High Proportion of Positive Externalities | 266 |
| II. General Effects | 267 |
| A. U.S. News Rankings Could Homogenize Legal Education | 267 |
| B. U.S. News Is Stratifying Law Schools by LSAT | 268 |
| III. Rankings Mislead Buyers of Legal Education | 268 |
| A. The Criteria Used in Rankings Have Not Been Validated | 268 |
| B. Rankings Devalue Important Criteria | 269 |
| C. Presentations of Data as Ranks Are Inherently Misleading | 270 |
| D. The Very Act of Publishing Rankings Distorts <i>U.S. News’s</i> | |
| Reputation Measures | 273 |
| 1. <i>U.S. News</i> Itself Has Changed How Law Professors View Law Schools | 273 |
| 2. <i>U.S. News</i> Is Changing Law School Reputations among Lawyers | 275 |
| 3. <i>U.S. News</i> Has Changed Law School Reputations among Matriculants | 275 |
| 4. Unreliable Reputations Make Up a Large Part of the <i>U.S. News</i> Rankings | 277 |

| | |
|--|-----|
| E. A Number of the Remaining Criteria Are Also Problematic | 277 |
| 1. Bar Passage Rate | 277 |
| 2. Starting Salaries | 278 |
| 3. Employment at Graduation and at Nine Months Out | 279 |
| 4. Scholarship Money | 280 |
| 5. Faculty/Student Ratio | 280 |
| 6. Acceptance Ratio | 281 |
| 7. Wealth of School—For Example, Faculty Resources | 281 |
| IV. Improving the Validity of Evaluation | 282 |
| A. Student Involvement | 282 |
| B. Quality of Teaching | 282 |
| C. Providing Educational Opportunities | 283 |
| D. Obtaining a Desired Job | 283 |
| E. Achieving Happiness | 283 |
| F. More Rankings Would Help | 284 |
| V. Will the Market Offer Better Rankings in the Future? | 284 |
| A. Schools as Facilitators of Rankings: Just Say “No”? | 285 |
| B. Students as Purchasers of Rankings | 286 |
| C. Will Employers Demand Better Rankings? | 286 |
| VI. Other Alternatives | 286 |
| A. Ignore U.S. News | 286 |
| B. Ranking the Rankings | 287 |
| Conclusion | 288 |
| Notes | 291 |
| Why Not Rank Law Schools by Student Credentials?: Replacing the “Junk Science” of U.S. News Rankings | |
| <i>David A. Thomas</i> | 295 |
| I. Introduction | 295 |
| II. Why Rankings? | 296 |
| III. Is It Possible to Rank Law Schools? | 298 |
| IV. What Criteria Are at Least Relevant to Evaluating a Law School? | 299 |
| 1. Law School Admission Test (LSAT) Scores | 299 |
| 2. Undergraduate Grade Point Average (GPA) | 301 |
| 3. Student/Faculty Ratio | 301 |
| 4. Faculty Quality | 303 |
| 5. Selectivity of a Law School’s Admission Practices (How Hard Is It to Get In? And How Eagerly Do Admittees Select the Law School?) | 304 |
| 6. Placement | 306 |
| 7. Bar Exam Passage Rates | 307 |
| 8. Reputation | 307 |
| 9. Expenditures | 308 |
| V. Can the Relevant Information Be Presented and Used in a Meaningful Way? | 310 |
| Notes | 316 |

Part Four
Paying for Law School

| | |
|---|-----|
| “A Great Devourer of Good Men” and Women: A Review of the Employment and Student Debt Status of Current Law School Graduates | |
| <i>Deborah D. Thornton</i> | 321 |

| | |
|---|-----|
| National College Enrollment, Student Loan Lending, and Defaults | 322 |
| Legal Profession Growth and Current Hiring Situation | 322 |
| Attorney Salary Report and Salary Expectations | 326 |
| The Rest of the Story | 328 |
| Law School Applications and Rankings | 330 |
| Salary and Career Expectations of Incoming Law Students | 331 |
| Law School Costs and Debt | 332 |
| Alternatives and Conclusion | 336 |
| Final Suggestions | 337 |
| Notes | 338 |
| Part Five | |
| Scholarship on the Law School Experience | |
| Socratic Method and the Irreducible Core of Legal Education | |
| <i>Donald G. Marshall</i> | 343 |
| Notes | 352 |
| The Relationship between Law School and the Bar Exam: A Look at Assessment and Student Success | |
| <i>Lorenzo A. Trujillo</i> | 354 |
| Introduction | 354 |
| I. Bar Passage: A National Concern | 355 |
| II. Bar Exam Methodology | 357 |
| III. Criticism of the Bar Exam | 358 |
| IV. Proponents of the Bar Exam | 363 |
| V. Proposed Alternatives to the Bar Exam | 365 |
| A. Public Service Alternative to the Bar Exam (PSABE) | 365 |
| B. Community Legal Access Bar Alternative (CLABA) | 367 |
| C. Diploma Privilege | 368 |
| D. Computer/Staggered Testing | 370 |
| E. Law Readers | 372 |
| VI. Experiences at the University of Colorado | 373 |
| A. Bar Passage and the Bottom 10% | 373 |
| B. Peer Tutoring as a Mechanism for Raising Bar Passage | 376 |
| C. Recommendations for Raising Bar Passage Rate | 377 |
| Conclusions and Recommendations | 379 |
| Notes | 380 |
| Institutional Denial about the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence | |
| <i>Lawrence S. Krieger</i> | 389 |
| The Dark Side of Law School and the Legal Profession | 389 |
| Individual and Institutional Avoidance | 391 |
| Failing Paradigms | 392 |
| Empirical Insights into the Fundamental Human Needs | 394 |
| The Impact of Legal Education on Healthy Motivation, Goals, and Values | 394 |
| Humanistic Theory as Context | 395 |
| Goals, Motives, and Well-Being: The American Dream as a Failed Paradigm for Life Satisfaction | 395 |

| | |
|---|-----|
| The Interplay of Goals, Motives, and Needs | 395 |
| The Sheldon/Krieger Study | 396 |
| The Fate of Law Student Needs | 397 |
| Moving Forward | 399 |
| Notes | 401 |
| | |
| Opportunity Lost: How Law School Disappoints Law Students, the Public, and the Legal Profession | |
| <i>Jason M. Dolin</i> | 405 |
| I. The Questions | 405 |
| II. The Problem | 405 |
| A. Langdell's Method Ineffectively Prepares Students to Practice | 406 |
| B. The Glut of Lawyers in the Legal Market | 407 |
| C. Law Schools Make Money | 408 |
| D. Ineffective Pedagogy | 409 |
| III. Remedies | 413 |
| A. Medical School Model for Third Year | 414 |
| B. Greater Balance between Scholarship and Clinical Training | 415 |
| C. Limit the Reliance on the Overused Socratic-Casebook Method | 415 |
| IV. Conclusion | 416 |
| Notes | 416 |
| | |
| On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession | |
| <i>Patrick J. Schiltz</i> | 429 |
| I. The Well-Being of Lawyers | 429 |
| A. Lawyers' Poor Health | 430 |
| 1. Depression | 430 |
| 2. Anxiety and Other Mental Illness | 430 |
| 3. Alcoholism and Drug Abuse | 431 |
| 4. Divorce | 431 |
| 5. Suicide | 432 |
| 6. Physical Health | 432 |
| B. Lawyers' Unhappiness | 433 |
| II. Explaining the Poor Health and Unhappiness of Lawyers | 436 |
| A. The Hours | 436 |
| B. The Money | 439 |
| C. The "Game" | 442 |
| III. The Ethics of Lawyers | 444 |
| A. Practicing Law Ethically | 445 |
| B. Big Firm Culture | 446 |
| C. Becoming Unethical | 449 |
| IV. On Being a Happy, Healthy, and Ethical Lawyer | 451 |
| A. "Big Picture" Advice | 451 |
| B. "Little Picture" Advice | 453 |
| 1. Avoid Working in Large Law Firms—or in Firms That Act Like Large Law Firms | 453 |
| 2. Seek Alternatives to Private Practice—and Especially to Big Firm Practice | 461 |

| | |
|---|-----|
| 3. If You Go to a Big Firm, Make a Smart Choice | 462 |
| 4. Develop the Habit of Acting Ethically | 467 |
| V. Some Parting Words | 467 |
| Notes | 468 |
| About the Authors | 489 |
| About the Editors | 493 |
| Index | 495 |

Acknowledgments

It is our distinct pleasure, as teachers, to advise pre-law students. Advising often allows us to work with students much more closely than we are able to do in a traditional classroom setting. And, because it is very focused teaching, we have the unique opportunity to change the lives of many of our students if only because we can share our expertise in ways that help guide them to where they might really want and need to go. Both of us can recount story after story of young people who we have had the opportunity to assist, and who, in turn, have become quite memorable to us and have gone on to successful careers in a variety of fields. Every outstanding pre-law advisor knows what we mean and feels the same way.

Of course, to enjoy the blessings of working closely with a wide range of wonderful pre-law students, one must, in fact, become an effective advisor and teacher. Both of us are extremely grateful for our experiences with the Western Association of Pre-law Advisors (WAPLA). It is fair to say that each of us had a lot to learn as advisors. From the first WAPLA conference that we attended, it was clear just how much we did not know: about the application process, about the kinds of information that law school admissions specialists are looking for when evaluating particular applicants, about how to help an individual student select the law school that might be best for him or her, about how to finance law school, or about issues related to securing employment once one graduates from law school. WAPLA's exceptional leaders, folks like Jim Riley, the late Phil Whitman, Chuck Fimian, Claudia Tomlin, Marilyn Hoffman, Verlaine Walker, Marty Sommerness, Marsha Yowell, Doug Costain, and especially Eileen Crane, who served as president of WAPLA when we were both introduced to the organization, provided us with their warm friendship and were forthcoming with their expertise. We have also benefitted from our conversations with a new generation of WAPLA board members, including extraordinary advisors such as Joseph Behrens, Catherine Bramble, Kris Tina Carlston, Rebecca Gill, Julie Givans, Ellen Grigsby, Lori Hausegger, Sara Lyness, Amy Urbanek, and Sandra Voller. Thanks to WAPLA, we are both substantially better advisors, and our students have reaped the rewards. Later, when each of us would serve as the president of WAPLA, we were very mindful to be faithful to the traditions established by our friends and predecessors.

WAPLA is but one of six pre-law organizations, all with similarly funny acronyms, that represent colleges and universities in various regions throughout the country: the Midwest Association of Pre-Law Advisors (MAPLA), the Northeast Association of Pre-Law Advisors (NAPLA), the Pacific Coast Association of Pre-Law Advisors (PCAPLA), the Southern Association of Pre-Law Advisors (SAPLA), and the Southwestern Association of Pre-Law Advisors (SWAPLA). Between us, we've had the privilege of speaking with folks from each organization, and we can attest to the time, effort, and resources the advisors in those organizations spend to educate the pre-law advisors in their own regions.

Several years ago, the regional "APLAs" gave birth to a national organization, the Pre-Law Advisors National Council (PLANC). PLANC serves to represent the APLAs to outside groups (e.g., the Law School Admissions Council and its member law schools, the Council

on Legal Education Opportunity, the National Association of Law Placement, the American Bar Association, and the Access Group). PLANC also sponsors a quadrennial conference to teach rookie advisors how to ply their craft and veterans how to improve their skills. The six APLAs and PLANC have served to “professionalize” the occupation of pre-law advising. We are very grateful to the service that PLANC has provided on behalf of pre-law advisors and pre-law students. Both of us have found the PLANC conferences to be an invaluable educational experience for advisors. We want to recognize Charles Neal, Eileen Crane, Nim Batchelor, James Calvi, Mel Hailey, and Heather Struck for their formal leadership while serving as chair of PLANC during our time as pre-law advisors. We also are deeply grateful to the gentlemen who were among the founders (or long-standing sages) of PLANC: Jerry Polinard, Frank Homer, and, of course, the incomparable Gerald Wilson. They provide the institutional memory, good humor, and wisdom that are indispensable to the group. We also want to pay a special tribute to Anne Brandt, the LSAC’s extraordinary liaison to PLANC and pre-law advisors in general. Anne has always been a knowledgeable, energetic, and kind friend of the pre-law advisor.

We also want to express our appreciation to all of those law school deans, directors of admissions, and other law school officials who have been our friends and acquaintances over the years. While the law schools come in for some criticism in this book, we do want to say that we have always had enjoyable and fruitful relationships with our law school friends (who are too many in number to name here without fear of forgetting some of them). We have found them all to be generous, thoughtful, and supportive of our objectives and endeavors. Like the pre-law advisors, they also are motivated by a fundamental desire to help students fulfill their dreams and ambitions.

Several years ago WAPLA started to encourage the “scholarship of pre-law advising” at our conferences. Advisors have lots of opinions on the admissions process, the value of the LSAT, how law school “rankings” affect pre-law students, the value of undergraduate “law” classes, and the like. We found that while advisors often held strong opinions about such subjects, there was very little empirical evidence to support their views. Hence, WAPLA started to invite scholars who were doing original research on topics related to the enterprise of advising pre-law students to present their work at its annual conference. It was this emphasis upon the scholarship of advising that served as the inspiration for this project.

We are very thankful to the scholars who have allowed us to showcase their work. We’ve included pieces on a wide variety of the subjects mentioned above. If we have chosen to emphasize some topics over others, or have included scholarship that some might believe has become “vintage,” it’s because we were impressed by the quality of the work. We are certainly hoping that some of the many fine pieces that are included in this book might serve as inspiration to future scholars who will pick up the mantle and take on these questions applying the best tools available to social scientists, historians, and legal scholars.

We especially want to acknowledge and thank those who helped us pull this book together. First, the editors and staff of Carolina Academic Press have been unfailingly kind, supportive, and patient with us. In particular, we want to express our appreciation to Keith Sipe, our publisher and the man who sanctioned this strange idea, and Emily Utt, Zoë Oakes, Linda Lacy, Suzanne Morgen, Tim Colton, Charlesy Rutan, and Katie Herzog. Karen Clayton deserves special thanks for her formatting expertise. We also want to thank Laura Dewey, who created our index. We also could not have completed the manuscript without the help of Katie Roberts, Katie Donnelly, and Gayle Reinhardt.

Of course, we have to thank our colleagues and students at Portland State University, Weber State University, and Patrick Henry College. They have all helped to enrich our personal and professional lives in ways that we cannot fully express.

Lastly, we offer our very special appreciation to our families. They have always supported our work and appreciated our desire to help our students. We thank Kathy and Cindy, and our children, for giving us the time to complete this project.

Publication Acknowledgments

“Asking the Lost Question: What is the Purpose of Law School?,” by Bethany Rubin Henderson, first appeared in the *Journal of Legal Education*, Volume 53, Number 1, pages 48–79, in March, 2003. Reprinted with the permission of the author and the *Journal of Legal Education*.

“The Reach of Our Pedagogy: Political Science Undergraduate Classes and Pre-Law Academic Preparation,” by Ellen Grigsby and Amelia A. R. Murphey, is an original article produced for this anthology.

“‘But the Emperor Has Nothing On’: Testing the Myths about Undergraduate Law Classes,” by Frank Guliuzza, is an original article produced for this anthology.

“Performance in Law School: What Matters in the End?,” by Richard A. Ippolito, first appeared in the *Journal of Legal Education*, Volume 54, Number 3, pages 459–464, in September, 2004. Reprinted with the permission of the author and the *Journal of Legal Education*.

“Merit and Diversity: The Origins of the Law School Admissions Test,” by William P. LaPiana, first appeared in the *Saint Louis University Law Journal*, Volume 48, pages 955–990, in Spring, 2004. Reprinted with the permission of the author and the *Saint Louis University Law Journal*, © 2004, St. Louis University School of Law, St. Louis, Missouri

“The LSAT Myth,” by Jeffrey S. Kinsler, first appeared in the *Saint Louis University Public Law Review*, Volume 20, pages 393–416, in 2001. Reprinted with permission of the author and the *Saint Louis University Public Law Review* © 2001 St. Louis University School of Law, St. Louis, Missouri.

“Predicting Law School Academic Performance from LSAT Scores and Undergraduate Grade Point Averages: A Comprehensive Study,” by David A. Thomas, first appeared in the *Arizona State Law Journal*, Volume 35, pages 1007–1028, in Fall, 2003. Reprinted with the permission of the author and the *Arizona State Law Journal*.

“Predicting LSAT Scores from SAT Scores,” by David S. Mann, is an original article produced for this anthology.

“In Praise of Law School Rankings: Solutions to Coordination and Collective Action Problems,” by Russell Korobkin, first appeared in the *Texas Law Review*, Volume 77, pages 403–428, in December, 1998. The author and the *Texas Law Review* have provided permission to use only the English language version of this article.

“Do Rankings Matter? The Effects of *U.S. News and World Report* Rankings on the Admissions Process of Law Schools,” by Michael Sauder and Ryon Lancaster, first appeared in *Law & Society Review*, Volume 40, Issue 1, pages 105–134, in March, 2006. Reprinted with the permission of the authors, *Law and Society Review*, and John Wiley and Sons. © 2006, John Wiley and Sons.

“Student Quality as Measured by LSAT Scores: Migration Patterns in the *U.S. News* Rankings Era,” by William D. Henderson and Andrew P. Morriss, first appeared in *Indiana Law Journal*, volume 81, pages 163–203, in 2006. Reprinted with the permission of the authors and the *Indiana Law Journal*. ©2006 by the Trustees of Indiana University.

“Rankings and Reactivity: How Public Measures Recreate Social Worlds,” by Wendy Nelson Espeland and Michael Sauder, first appeared in *American Journal of Sociology*, volume 113 (1) pages 1–40, in July, 2007. Reprinted with the permission of the authors, the *American Journal of Sociology*, and the University of Chicago Press. © 2007 University of Chicago.

“The Interplay between Law School Rankings, Reputation, and Resource Allocation: Ways Rankings Mislead,” by Jeffrey Evans Stake, first appeared in the *Indiana Law Journal*, Volume 81, pages 230–270, in 2006. Reprinted with the permission of the author and the *Indiana Law Journal*. ©2006 by the Trustees of Indiana University.

“Why Not Rank Law Schools by Student Credentials?: Replacing the ‘Junk Science’ of *U.S. News* Rankings,” by David A. Thomas, is an original piece produced for this anthology.

A portion of “‘A Great Devourer of Good Men’ and Women: A Review of the Employment and Student Debt Status of Current Law School Graduates,” by Deborah D. Thornton, first appeared in the December, 2010 edition of *Policy Studies*. This article is reprinted with the permission of the author and *Policy Studies*.

“Socratic Method and the Irreducible Core of Legal Education,” by Donald G. Marshall, first appeared in *Minnesota Law Review*, Volume 90, pages 1–17, in November, 2005. Reprinted with the permission of the author’s estate and the *Minnesota Law Review*.

“The Relationship Between Law School and the Bar Exam: A Look at Assessment and Student Success” by Lorenzo A. Trujillo, first appeared in the *University of Colorado Law Review*, Volume 78, pages 69–114, in 2007. Reprinted with the permission of the author and the *University of Colorado Law Review*.

“Institutional Denial about the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence,” by Lawrence S. Krieger, first appeared in the *Journal of Legal Education*, Volume 52, pages 112–129, in September, 2002. Reprinted with the permission of the author and the *Journal of Legal Education*.

“Opportunity Lost: How Law School Disappoints Law Students, the Public, and the Legal Profession,” by Jason M. Dolin, first appeared in the *California Western Law Review*, Volume 44, pages 219–255, in 2007–2008. Reprinted with the permission of the author and the *California Western Law Review*.

“On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession,” by Patrick J. Schiltz, first appeared in *Vanderbilt Law Review*, volume 52, pages 872–951, in May, 1999. Reprinted with the permission of the author and the *Vanderbilt Law Review*.

Introduction

The “Business” of Preparing Pre-Law Students

In the United States we seem to have a love-hate relationship with lawyers. Most people have a favorite lawyer joke, and we often refer to those in the profession as “shysters” suggesting that they are people of dubious character who will do almost anything for a buck. At the same time, attorneys rank highly in occupational prestige ratings, and people certainly respect their training and expertise.

One thing is for certain; love them or hate them, there are a lot of lawyers. There are about 1.2 million attorneys in the United States and about 150,000 students currently enrolled in J.D. programs. Hence, not only do attorneys help keep the train that is big business rolling down the tracks, the law is a big business itself. Further, educating attorneys, and preparing future attorneys for admission to law school, is likewise a substantial business.

One might suggest, however, that preparing students for admission to law school is a rather *strange* business. First, it is a multi-faceted enterprise. Students require preparation to take the Law School Admission Test (LSAT). They need to know how to present themselves to the various law schools so that they might earn admission—and, oftentimes, the 200-plus law schools have slightly different priorities when evaluating candidates. And, should they be fortunate enough to earn admission, applicants will often require help paying for law school—or even knowing how to walk in the world of those who can help them finance a legal education.

Second, some components of the business are well established and lucrative. There are scores of test preparation companies ready to teach you how to get ready for the LSAT. There are also lots of financial outfits who are willing to educate pre-law students as to how they should pay for their legal education—and, subsequently, to lend them the money necessary to attend law school (should they, of course, prove to be credit worthy—one score that might be more important than the LSAT). Moreover, there are a host of specialized businesses directly or indirectly related to preparing students for admission to law school. For instance, there are groups that work with students from historically underrepresented populations, and others that will provide simulated first-year classes to prepare admitted students for the time they stand “on their feet” before their own version of Professor Kingsfield at X, Y, or Z College of Law.

Third, one might argue that the process of directly advising pre-law students is a rather strange one indeed. Although companies consistently emerge that purport to advise students successfully with regard to the admissions process, the advising enterprise is still largely virgin territory. Perhaps that is because, until relatively recently, students were either thought to not need a whole lot of advising (“Gosh, can’t they just talk to a lawyer?”),

or, alternatively, it assumed that this component of preparing students for admission to law school was ceded over to the colleges and universities. After all, isn't advising an important part of the educational function of higher education? In fact, many colleges and universities do not provide support for prelaw advising at their institutions.

Even if they do, preparing students for the admissions process is no small task. Even if an advisor learns nothing about the specific parts of the LSAT, or how a student might finance his or her legal education, the advisor should know about the admissions process itself. The advisor will want to learn about how to prepare the application, how a student might showcase her accomplishments on a resume, the complexities of preparing a personal statement, and whom the student might look for when requesting letters of recommendation. Sadly, this very large and hugely important aspect of the business is utterly hit-and-miss. When we were on the Pre-Law Advisors National Council (PLANC), we participated in discussions in which it was suggested credibly that *perhaps 60–70 percent of pre-law students have advisors that are thoroughly inadequate.*

If a student wants to know what kind of pre-law advising they might receive at a given academic institution, there are things to look for. At many schools, the “pre-law advisor” (PLA) is a faculty member who has been drafted to do the job. Actually, that is how we entered into the pre-law “profession.” Tim has a law degree and teaches constitutional history. Frank taught constitutional law in a Political Science department. Since we were seen as the “law guys” at our respective institutions, we were asked to work with pre-law students.

The problem with having the “law guys” serve as advisors is that generally professors receive very little reward for this assignment. In a profession where one is evaluated primarily by the quality of one's teaching, or, increasingly, for the quantity of one's scholarly output, working with pre-law students is often a rather thankless task. Unless one makes it an important professional priority, pre-law advising is likely to be placed on the back burner—the very back burner. The professor often comes into the advising session armed with two pieces of information—the student's LSAT score and a copy of the *U.S. News & World Report* edition which ranks the various law schools. In such a setting, the advisor will look at the score, and, based upon the data in the magazine, she might recommend a set of schools to the student.

Some schools turn the process of advising pre-law students over to their advising office/centers/programs. At any given institution, this is the outfit that does the advising for the entire college or university. Hence, the advising office is responsible for helping to make sure that hundreds or, more typically, thousands of students are in a position to complete their degrees in a fairly timely manner—so that Mom and Dad are not shelling out tuition for eight or nine years. If the school asks one of the general advisors to work with pre-law students, there is no reason to expect this advisor to be any better prepared than his or her academic counterpart. Even for experienced “advisors,” pre-law advising often comes as an additional task or duty, and, absent some very specialized training, one is still as likely to work a limited set of data, e.g., the LSAT score and the aforementioned popular magazine.

We certainly recognize that there are many extraordinary PLAs that were and are drafted from academic departments—the “law guys.” And, of course, some of the best PLAs in the country come out of advising centers/offices/programs. We have had the opportunity to work with some of the best PLAs in the United States. They take their responsibility seriously, and are often fluent in how to prepare for the LSAT, financing law school, the application process, or post-graduation placement opportunities. We dare say that most

of the experienced and accomplished advisors will admit, however, that there is a tremendous dearth of quality pre-law advising at the vast majority of colleges and universities in the United States.

As a result, students are forced to get much of their information from a variety of sources: the PLA on campus (whom we have already discussed); companies who recognize that there is money to be made advising pre-law students; what they can learn “on the streets” — talking with other students in the same boat; and what they might learn from traditional and online publications.

Pre-law students can find a variety of sources of information, and most of these sources are not shy in sharing opinions. They will share their thoughts regarding the “5 myths about the LSAT,” the “12 myths about the legal profession,” or, perhaps, the “10 myths about applying to law school,” or the “8 mistakes” students make when preparing the personal statement, or “the real law school rankings.” One thing is almost as certain as death and taxes: the aforementioned sources like to share information. The problem is that, often, the information they share is not consistent. Further, it almost certainly is not based on any sort of consistent, longitudinal, empirical research. The advice might not be bad. It is just generally anecdotal.

In fact, even the best pre-law advisors, when they get together and swap advising stories and strategies, much the way a group of excellent guitarists might sit together and jam, will often present their respective points of view about the racial biases in the LSAT, or the value of the test, or the way to prepare personal statements, the law school rankings, and the like, almost exclusively from personal experience. And, when they differ, each PLA is certain that he or she is correct.

That begs the question (with respect to some of these questions that are of great importance to PLAs and pre-law students): Has anyone done any empirical work? Are there studies that address some of the questions that often frustrate pre-law students and require answers from PLAs?

The Purpose of This Book

That is our goal in this project: to present the work done by scholars to answer the questions that PLAs and law school admissions personnel most often raise in their conversations about the process:

“The LSAT is an awful instrument to predict success in law school.” *“Not true, the LSAT serves its purpose well and provides important information to the law schools.”*

What does the literature say?

“One should never take undergraduate law classes. We’ll teach you all the law that you need to know when you get to law school.” *“Are you kidding? Undergraduate law classes are the best diagnostic tool available to students to find out if they will like or be good at law school.”*

Have experts taken up this question?

“Law school rankings are an important tool for those who are considering law school. They are valuable to the ‘customers.’” *“No way. Rankings distort the process; the law schools cater their ‘product’ to how it will affect their respective scorecards.”*

Is there any significant scholarship that addresses the issue?

In our book, we present what we hope is some of the best scholarship written to address some of the questions that we have discussed above. Most of the articles in this volume have been published previously. A few are examples of new scholarship in the field; all of the articles are of fairly recent vintage, for we know that the admissions and evaluation process does change over time.

Our hope is to introduce some of this scholarship to those who have a stake in the process of preparing students to navigate through the admissions process. We want PLAs, and others involved in this process of working with students, to be able to discuss important questions the way others might in academic discourse. They should be able to present evidence—and cite to such evidence. We certainly do not want to minimize the importance of the anecdotal evidence. Rather, we want to expand the kind of information available to professionals in the field of pre-law advising, and to enable them to have this information available when necessary. Quite obviously one of our objectives is to encourage additional scholarship. When we listen to advisors raise issues about the LSAT, the law school rankings, the success of certain kinds of personal statements, and the like, we believe that these are testable questions. They are the kinds of things that scholars can and should test and, in so doing, the product of this work will only serve to improve the product.

What's in the Book?

We divide the book into five parts. In **Part One**, we present a number of articles that address how a student might prepare for the law school decision. In her essay, Bethany Rubin Henderson tackles a fundamental question that cuts to the core of legal education. She identifies at length the criticism about legal education, and argues that these complaints are valid. Further, she argues that they cannot be solved with cosmetic solutions (e.g., more courses, better buildings, more professors). Rather, she claims that law schools need to ask the basic questions: “Why are we here? What is the purpose of legal education?” Moreover, even when one articulates the purposes of legal education that are common to all institutions, each law school still needs to define its own particular purpose.

Every PLA is asked repeatedly about the particular courses or majors that a given student should take. Ellen Grigsby and Amelia A. R. Murphy take a preliminary stab at answering the former. They study the kinds of courses that students might take within a Political Science curriculum to see if certain kinds of courses better prepare students to be successful in the admissions process. They conclude that “skills-related learning/choices” are more significant than the particular courses that students might select from within the discipline. Frank Guliuzza addresses a related question: do courses on law offered by undergraduate departments in history, political science, communications, or criminal justice aid or hinder the first-year law student? Many law school personnel actually encourage students to avoid such courses; Guliuzza begs to differ with some preliminary quantitative evidence. In the final article in this portion of the book, Richard Ippolito argues that, even when “holding constant standard measures of ability like the LSAT,” there are hidden indexes of success and failure of law students when measuring their first-year performance. Some of these are related to the behavior of particular students, e.g., where they sit in the classroom and the likelihood that they skip class. He shares with law schools how they might successfully identify these “nontraditional signals of superior performance.”

Part Two looks at the Law School Admissions Test—the dreaded LSAT. What does the test measure? How effective is the exam at predicting the future success of law school students? And has the exam been too great an emphasis in the admissions process?

William Lapiana's essay returns back to the origins of the LSAT. He challenges the notion that the test was ever intended to be sole criterion for making admissions decisions. Nor was the average test score of admitted students ever intended to be the seminal means of evaluating the quality, or at least the ranking, of particular schools. Moreover, he contends that the purpose of an objective test was to increase access to legal education—and to increase diversity within the legal profession.

Those who work with pre-law students understand that the LSAT is the most important single component of one's application package—whether it was ever intended to serve that purpose or not. Jeffrey Kinsler insists that is because law school admissions personnel believe that the LSAT score is the most important variable when predicting the likelihood of success in law school. Is that hypothesis valid? Kinsler studied graduating students at Marquette University Law School and found that other variables such as undergraduate grade point average, the reputation of a student's undergraduate institution, and a combination of grade point average and institutional reputation actually were better at predicting law school performance than the LSAT. Similarly, David Thomas challenges the preeminence of the LSAT as the most important predictor of success in law school. He notes that while the Law School Admission Council (LSAC), which administers the LSAT, properly discourages law schools from an overreliance on the exam as an admissions tool, LSAC does tout the predictive power of the test. In his study, however, he challenges the ability of the test to predict "overall law school academic performance." He compares the LSAT's predictive value of overall performance with "first-year academic performance." He also compares the value of undergraduate grade point average as a predictor of overall performance and first-year performance. David S. Mann, in "Predicting LSAT Scores from SAT Scores," offers data that suggests that an undergraduate student's SAT score might provide an early indication of how one will perform on the law placement exam. Mann's findings are preliminary and narrowly focused, and we hope our publication of his research will entice other scholars to study the correlations between the two exams in greater detail.

In **Part Three**, we turn our attention to the value of law school rankings. As one might expect, there is a wide variety of data and opinion on this hot-button topic. We start with an essay by Russell Korobkin who argues that, despite the ease with which critics take pot shots at them, law school rankings serve an important purpose. He argues that the primary purpose of the rankings is to "coordinate the placement of law students with legal employers." Accordingly, they serve a purpose, and it is a purpose that is not directly related to the admissions process—one that is quite apart from the accuracy of such rankings. Further, he provides a normative argument. The rankings create public goods that might otherwise fail to be produced by the law school marketplace without this rudimentary attempt to assess outcome.

Michael Sauder and Ryon Lancaster link the rankings directly back to the admissions process. They claim that, although the rankings purport to measure law school quality, they can become a self-fulfilling prophecy which affects future rankings. Hence, the rankings can help create differences rather than simply reflect these differences among law schools, thereby distorting the very thing that they claim to measure—the quality of the various law schools.

William D. Henderson and Andrew P. Morriss argue that the introduction of the rankings into the admissions world has had an enormous impact on how law schools

admit students and allocate resources. Specifically, law schools have implemented a variety of strategies to help raise their median LSAT scores. Why? Because data suggests that ninety percent of the differences in rankings are attributable to the median LSAT score of the entering classes. Accordingly, the authors study the change in entering-class median LSAT score. Drawing upon their findings, they suggest that the current “LSAT arms race” produced by the current rankings competition actually threatens the viability of the existing model of legal education. In response, they offer several recommendations to law school deans and the editors of *U.S. News & World Report*.

Wendy Nelson Espeland and Michael Sauder use the impact of law school rankings to measure the impact of reactivity as an inevitable result of human reflexivity. They discuss how the need for transparency and accountability, the “audit explosion,” has produced a proliferation of testing, evaluations, and rankings. This, of course, has an effect on those who produce services, e.g., how decisions made by those in legal education will affect the particular law school’s “scorecard.” They use the *U.S. News* rankings of law schools as a case study. They conclude that the *U.S. News* rankings produce self-fulfilling prophecy and commensuration, and “three important effects of reactivity: the redistribution of resources, the redefinition of work, and a proliferation of gaming strategies by the law schools.”

Jeffrey Evans Stake’s article on law school rankings is far less theoretical—although he might largely agree with Espeland and Sauder with regard to the tangible impact these rankings have had on legal education. He asserts that the *U.S. News* rankings have changed legal education in the United States. He claims that, unfortunately, that these rankings are unquestionably misleading. They mislead schools into thinking they are offering a quality of schooling that is not true—in fact they often pursue a “path of operation that reduces the quality.” They mislead the student into thinking that school A will offer a better education and, subsequently, a better quality of life, than other schools which might be a better fit for this particular student. Too, they mislead the public, which depends upon law schools in the United States to produce effective attorneys.

Perhaps the problem is not the effort to rank law schools, but rather, with the exaggerated acquiescence to those doing the ranking. In this article, David A. Thomas targets the *U.S. News* rankings specifically, claiming them to be the product of “junk science.” Thomas recognizes that his criticisms of the *U.S. News* rankings are not unique, and argues that the demand for a ranking system is not going to go away. There certainly is a demand for law school rankings from a variety of constituencies. Accordingly, he advocates for a better way to rank law schools. Using many of the same variables that *U.S. News* employs in its methodology, Thomas provides an alternative set of rankings that demonstrates his claim that several schools are either significantly overrated or underrated by *U.S. News*.

Deborah Thornton’s article in **Part Four** points out that the recent recession has negatively impacted the job market for new attorneys. Thornton argues that the present economy, combined with the fact that law students graduate with an average of \$100,000 in student debt, makes the future very grim for students interested in pursuing a career in the law. She calls on students to look carefully at tuition rates before they make their enrollment decision, to consider the possibility of attending law school on a part-time basis, and to live frugally as they work their way through the curriculum. We looked long and hard for articles on the subjects of tuition and student debt; unfortunately, Thornton’s article was the only recent one on point. As editors, we were disappointed that scholars have not devoted more attention to the issues of rising tuition, increasing student debt loads, and the impact of those factors on long-term law student satisfaction and success; and we hereby call for more research on these very important topics.

In **Part Five**, we discuss scholarship on the experience of attending law school. Naturally, many of these articles, especially those critical of the way legal education is delivered in the United States, offer alternative methods of instructional delivery and, occasionally, even more substantial reforms.

We begin with Donald G. Marshall's defense of the Socratic Method. Marshall says that "genuine dialogue" is the irreducible core of legal education. He is critical of alternative approaches to instructional delivery including lectures or what he calls "disguised lectures." Marshall, therefore, calls for a revival of the Socratic Method and uses the article to "teach" how to teach the Socratic Method.

Lorenzo Trujillo argues that law schools have a moral and ethical obligation to society to prepare successful professionals. The national data on bar passage rates calls into question how well law schools are meeting this need. Based upon his own study of law students at the University of Colorado, Trujillo recommends a series of reforms to legal education, and to the way students prepare for the bar exam; and he suggests some alternatives to the bar exam itself.

While Trujillo examines how effectively law schools train future lawyers, Lawrence Krieger looks at law students themselves. Krieger asserts that law students are unhappy. He examines data that suggests heightened depression, alcoholism, suicide, and the like among law students. Further, he notes that unhappy law students are likely to become unhappy lawyers. He notes, unfortunately, that there is a systematic denial by law professors of this "collective distress and unhappiness of our students and lawyers they become." Building upon his own previous work, he suggests different approaches to the failing paradigms at the heart of legal education that will enable law school faculty to become more effective in addressing this significant problem.

Jason Dolin claims that law students are graduating without adequate preparation to practice law. While his argument may not be original, he does reassert the oft-heard complaint that many law school graduates cannot do even the most basic practical "stuff" required by attorneys in their practice. He places the lion's share of the blame on the law schools which keep churning out a glut of graduates (because they have a financial incentive to do so), and which essentially use the same pedagogy that was introduced by C.C. Langdell (because "we all had to do it, and it worked for us"). He suggests some remedies to the predicament, and urges "the bench and the bar" to push for the reforms necessary to make law schools more effective.

Finally, we offer the lengthy article by Patrick Schiltz. Schiltz notes that, for many prospective attorneys, admission to an upper-echelon ("tier one"?) law school is the grand prize in the admissions process because it best provides for the opportunity to secure employment at an upper-echelon/national-international ("tier one"?) law firm. Why? Because pre-law students are told that for one to earn an offer from an A-list law firm in a major city is indeed the ticket to the good life. Such firms are successful in selling this image to students who are excited about the prospect of a top-flight salary and substantial occupational prestige. Unfortunately, Schiltz warns, life in these big firms is often fraught with disaster: young lawyers are typically unhappy, and are often inadvertently seduced into unethical behavior. Sadly, Schiltz warns, faculty at the elite law schools typically are ill-equipped to head off problems for their students. He notes that many measure success in the profession as employment in a top-tier law firm, and he touts other options available to outstanding law students—and outlines how one might have a happy, healthy, and ethical life in the law.

Two notes on our format and structure: First, because these articles are authored by a wide, interdisciplinary group of scholars, it would have been unfair to impose one

particular citation format on any one of them. For that reason, we retained the format included in the original article or the one provided by the author. Second, some readers, particularly those who maintain an extremely positive view of the current system, may bridle at the overall perception of legal education presented herein. We found that the scholarship has been extremely critical of legal education for the last two decades, and many of these articles call for dramatic reforms in the admissions, ranking, and teaching processes. We agreed at the outset that we would follow the scholarship wherever it led us, and we believe that these selections fairly represent the general tenor of the current scholarly conversation. Still, at the end of this process, we feared that we might be presenting a picture that was overtly negative; and we went back again to search for work that presented legal education in a positive light. Unfortunately, while there are plenty of graduation orations and bar newsletter articles praising the law school, we found little concomitant praise in the quantitative or qualitative *scholarship*. We do believe that law schools are especially good at preparing students to become engaged in the intellectual and theoretical understanding of the law, that they offer an education that prepares students for a variety of occupations beyond just the legal profession, and that they are adept at training people to think in an analytical fashion. In closing, we call upon the legal profession to provide the quantitative data to support our belief.