

Is a Law Degree Still Worth the Price?

*It Depends on What the
Law School Has to Offer You*

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To Shelly, Joy & René

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Preface

In April 2012, I sat in my usual chair in the faculty lounge as I waited for a scholar's workshop presentation to begin at The Ohio State University Moritz College of Law. Professor Brian Tamanaha had given the faculty two chapters of his then-pending book *FAILING LAW SCHOOLS* for us to review. I was stunned as I heard him describe the abject failure of law schools in multiple ways. The one failure that absolutely floored me was his accusation that law schools had engaged in a widespread practice of misrepresenting employment and salary data about the success of their graduates. As a result, law schools were partially to blame for enticing students to enroll in law school and for ultimately leaving many of them in the predicament of not being able to find jobs as attorneys.

As a scholar who writes about consumer protection and predatory lending issues, my ears naturally perk up anytime I hear something about deceptive practices targeted to consumers. My reaction to his presentation was to research the alleged reporting of deceptive employment and salary data. I've spent my career writing and publishing academic papers exposing the deceptive practices of lenders and other for-profit businesses. To my complete surprise, I discovered law graduates had filed lawsuits leveling allegations of deceptive practices against 15 law schools. A few schools were even accused of bait-and-switch scholarship practices where the schools supposedly awarded more merit-based scholarships than could possibly be retained by the students because of minimum-GPA requirements for scholarship retention. I also uncovered other lawsuits filed against several law schools alleging, among other things, that they had misrepresented their accreditation status, committed negligence in their enrollment practices, and unlawfully dismissed students for unsatisfactory academic performance.

My research about the foregoing accusations led me to write this book. I have come to the very uncomfortable conclusion that many law schools have crossed the line of merely "advertising" what they have to offer and have engaged in practices that a layperson—the average law-school applicant—would find deceptive. I distinguish the layperson's perspective from the judicial perspective because, to date, several of the above-mentioned lawsuits have been dismissed as no judge has found a school's practice to be in violation of consumer protection laws. One judge even had the audacity to label all prospective law students "sophisticated"! Instead of sending the message "liars beware," the judges have sent the message "buyers beware" to all future law students.

The fact that *some* law school personnel may engage in deceptive practices should not be reason alone to discourage anyone from going to law school. Why do I say that? Just think of all the dreams we seek to accomplish even though this world is rife with unscrupulous characters. Most of us go on dates in pursuit of a loving, lasting romantic commitment even though many men and women lie about all sorts of things. Most of us still try to buy a car even though car salespeople are infamous for perpetrating deceptive sales tactics. Most of us want to become homeowners despite the subprime foreclosure crisis arising from the predatory lending practices of mortgage brokers and banks.

I wrote this book to encourage students who have already decided to go to law school and need to be empowered with the necessary information to make a wise investment. I show prospective law students how to indeed become sophisticated and conduct thorough research about a law school and analyze all information obtained about that school. That research must begin by looking at the employment data about a school's recent graduating class.

The American Bar Association ("ABA") yielded to extreme pressure and adopted in 2012 new standards mandating that law schools disclose certain employment data. As a result of the new reporting requirements, we now know that many graduates, even the majority of graduates at some schools, did not find fulltime, permanent attorney jobs and, therefore, did not get what they bargained for when they enrolled in law school. Rather than earning six-figure salaries, the majority of graduates earn mid-level, five-figure starting salaries. As you read this book, you will learn that although the ABA's standards force greater disclosures, the ABA's standards allow law schools to continue to exploit gaps in the standards to overstate the success of their law graduates in finding jobs.

Besides calling out the ABA, I challenge the *US News & World Report* rankings system. Based on the research that I've compiled, I urge prospective law students to not make enrollment decisions based on the *US News* rankings system because it is flawed for several reasons, including that it takes into account factors that are *unimportant* and does not give sufficient weight to other factors.

Take as a case in point the *US News*' published ranking¹ of five Florida law schools in its 2014 Best Law Schools Report. The University of Florida is ranked the highest in the first tier at No. 46, followed by Florida State University at No. 48, by the University of Miami in the second tier at No. 76, by Florida International University in the third tier at No. 105, and by Stetson University at No. 109. Yet if you look in Appendix A where I compare the employment outcomes of the 2012 graduates of all ABA-accredited law schools, the highly-ranked University of Florida has the smallest percentage, only 56.8%, of its 2012 graduates employed in fulltime, permanent jobs that require passage of the bar exam—the actual attorney jobs. Moreover, of these ranked Florida schools, the University of Florida has the highest percentage, 8.7%, of unemployed graduates seeking employment. As a result, if the prospective student wants to attend a Florida law school and wants to become employed as an attorney, the University of Florida may not be the best choice even though it's ranked the highest.

Law school applications have steadily decreased in the last four years, yet prospective students continue to apply for admission to several law schools. Many of them will get multiple admission offers. Because a law school education is likely to result in six-figure student loan debt, an applicant's decision regarding where to enroll must be based on a comprehensive analysis of what each school has to offer and not simply use *US News* rankings to make an enrollment decision.

For prospective students who are fortunate enough to have competing offers of admission, I demonstrate how to determine which school has (1) the lowest rate of students lost to attrition, (2) the lowest number of students who transfer out, (3) the most academic support services, (4) the highest rate of graduates who pass the bar exam the first time, (5) the highest percentage of graduates employed fulltime as attorneys, and (6) the lowest number of unemployed graduates seeking employment. All of this information will help

1. Note that *US News* did not reveal the ranking place of six Florida schools that are in the fourth-tier of law schools. My discussion is strictly about the schools with a published ranking number.

prospective students to enroll in the law school where they have the greatest chance of successfully matriculating and graduating on time, of obtaining a license to practice law, and of becoming a fulltime, permanently-employed attorney.

I also show prospective students how to figure out the full cost of a legal education, by taking into account all scholarship offers and the likelihood of retaining merit-based scholarships. The point here is that the prospective student wants to select the school that not only has the greatest employment rate as discussed above, but the school that offers the most in scholarships, grants, etc., and that will result in the student borrowing the least amount of money. I provide an in-depth discussion of student loan forgiveness and payment reduction programs as well as the feasibility of filing bankruptcy to deal with student loan debt. I warn students to borrow money wisely because an enormous amount of debt could prevent a graduate from obtaining a license to practice law.

Armed with my roadmap of how to do a comprehensive analysis, the prospective student will be able to select the school that is right for him or her. Pre-law academic advisors can also use the roadmap to help undergraduates who are sure of their decision to pursue a law degree but need to have realistic expectations about a legal career. My hope is that the legal profession will continue to have an influx of new attorneys who are satisfied with their decision to go to law school.

Acknowledgments

I thank all of the people at The Ohio State University Moritz College of Law that have contributed in various capacities towards the completion of this book. However, I want to send a special thanks to a few people.

First, I am grateful to Professor Katherine Kelly for sacrificing her time to read several chapters of the book and provide me with comments. Her passion for academic success programs made her a wonderful sounding board for my ideas about wise-decision making when selecting a law school.

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Associate Dean Donald Tobin was helpful in providing me with a budget to conduct a survey of recent law school graduates. That research helped to crystalize the issues that I address in this book.

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I'd like to thank Michelle Alexander, a dear colleague and author of *THE NEW JIM CROW*. As I grew weary sometimes, I would frequently remember Professor Alexander, as she worked two doors away from my office into the wee hours of the morning to finish her book. Her unassuming presence was a force of nature and an inspiration to me.

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Special thanks to Carlie Boos for volunteering to read and comment on earlier drafts of the book. Thank you for helping to paint a picture of the challenges faced by law graduates in their post-recession quest for gainful legal employment.

I thank the law graduates who completed my online survey. Many of you told me about your struggles to manage your law school debt while trying to achieve the middle-class dream. Your struggles gave me a needed boost to persevere to complete this book. I hope that the future law students who read this book will avoid some of the mistakes that you have made and will go on to enjoy fulfilling careers as attorneys and other professionals.

I am immensely grateful for my mom, Shelly, and Aunt Winnie. Though they could not understand my need to work long hours, they were, nevertheless, supportive in taking care of my children. I thank my kids for giving me hugs, kisses, and comic relief.