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Law School Pecking Order Has Proved Durable, Study Says

By Karen Sloan | Contact | All Articles

The National Law Journal | October 16, 2013

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Legal educators love to blame *U.S. News & World Report's* annual law school rankings for drawing what they see as arbitrary distinctions between schools that play an outsized role in where prospective students choose to enroll.

But a fairly rigid hierarchy existed long before *U.S. News* entered the picture in the early 1990s, according to an academic article by three law professors. In fact, as far back as 1914, an Austrian scholar named Joseph Redlich divided American law schools into two categories—the lesser of which, Redlich concluded, “have not the slightest significance from the point of view of a scientific legal institution.”

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“Schools have opened, changed position, changed names or university affiliations, or closed, and we show that relatively little movement has occurred between segments of the hierarchy since the 1920s,” the authors wrote. “Moreover, while the *U.S. News* rankings have brought the competition among schools for places within the hierarchy more into the open, the competition—including aspects similar to those decried today—long pre-dates the rankings.”

In a nutshell, *U.S. News* simply confirmed and intensified the perceived stratification of law schools, while the likes of Harvard Law School, Yale Law School, and the University of Chicago Law School have remained at the top of the heap all along.

The authors decided to examine the hierarchy of American law schools to better understand how schools define their educational goals; how legal education might be reformed; the influence of school prestige on graduates' careers; and how to view long-term law school trends.

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Law School Pecking Order Has Proved Durable, Study Says

In the early days, law schools in the United States followed the trade-school model, pumping out lawyers into local markets by focusing on practical skills. That changed considerably between 1890 and 1920, when the number of schools expanded rapidly and former Harvard Law dean Christopher Langdell founded the case method.

At the same time, the American Bar Association and the fledgling Association of American Law Schools (AALS) began to push law schools to emphasize academic research.

Schools that made that transition early and became charter members of the AALS remain at the top of the law school hierarchy, according to the article.

The movement of independent law schools into universities further entrenched the hierarchy, given that some universities were already seen as more prestigious than others. By the 1950s, law schools competed with each other for top students and faculty by offering merit scholarships and attractive salaries. What had been primarily a regional competition for law faculty went national as schools increasingly emphasized scholarly research.

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Law School Pecking Order Has Proved Durable, Study Says

October 16, 2013



The job market for law graduates also separated into tiers, with top law firms hiring almost exclusively from law schools that were perceived as the most prestigious.

Within the increasingly homogenous approach to legal education fostered by the ABA-AALS alliance, law schools came to differ significantly in their relationships to the bar," the authors wrote. "With the rise of the elite law firm and the division of practice into two hemispheres of elite and non-elite firms, the destinations of graduates differed from school to school."

The authors looked at 16 factors—including the influence of scholarly journals, law faculty hiring and various law school rankings—to place schools in seven categories: the established elite, rising elite, declining elite, regional elite, rising regional, regional and local. Many of the 10 schools they defined as elite were listed as "best schools" in a 1928 report, they wrote.

Rounding out the authors' elite list were the University of California, Berkeley School of Law; Columbia Law School; the University of Michigan Law School; New York University School of Law; the University of Pennsylvania Law School; Stanford Law School; and the University of Virginia School of Law.

"With a few notable exceptions, the magazine's rankings have not fundamentally reshaped existing law school hierarchies," the article reads. "Rather, the pre-*U.S. News* hierarchies have remained virtually unchanged in the *U.S. News* era. The rankings have nonetheless continued to play a critical role in an increasingly contested legal education terrain."

Contact Karen Sloan at ksloan@alm.com. For more of *The National Law Journal's* law school coverage, visit: <http://www.facebook.com/NLJLawSchools>.

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