

2016 Study Abroad Guide; Most Influential People in Legal Education

# the **National Jurist**

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# BEST CITIES

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**Boston, Dallas and even Palo Alto, Calif., make better homes for young attorneys than longtime legal hubs such as New York and Los Angeles. Higher salaries, better buying power and robust legal communities are just a few reasons why.**



# Most Influential People in Legal Education

While reforms have been implemented and championed, legal education is still a target of criticism from outside its walls. The Most Influential, it appears, still have much work to do.

By Mike Stetz

One might think that law schools – after years of curriculum innovations, tuition reforms, meatier scholarships and expanded career services – could catch a break.

Um, no.

The New York Times pounced again. And if one thought earlier stabs at legal education by The Times were harsh, this one, an October editorial titled “Law School Debt Crisis,” was particularly scorching.

Using Florida Coastal School of Law’s low academic entrance threshold and high student debt as examples of a system gone awry, it called the school’s practices “a scam” and continued to pummel legal education with zest.

The Times then argued for a number of reforms concerning federal loans, which are a key revenue stream for law schools. In short, the newspaper wants the feds to crack down on doling those loans out so easily. It also called for caps.

The editorial came out as The National Jurist magazine was putting together its annual list of the Most Influential People in Legal Education. These key players continue to be major forces in shaping legal education. Many have pushed for more practical training, lowering law school debt, maintaining standards in the face of dropping application numbers and better employment outcomes.

In short, some people on the list were quite stung by The Times. Has their work been for naught, at least when it comes to mainstream perception? It’s a significant question, particularly given how many people in legal education hope the industry is close to rebounding.

In a post on the Law Deans on Legal Education blog, David Yellen, dean of Loyola University Chicago School of Law – No. 7 on this year’s list – called the editorial “dreadful.”

Yellen, among others, is concerned that law schools are not getting their fair due, particularly from The Times, which has major influence.

“We are fair game for criticism, but our issues should be placed in the context of changes that have been taking place in legal education and trends occurring in all of higher education,” Yellen said. “You would not know from reading The Times that there are many people in legal education pushing for reforms and trying to do what is right for our students.”

So the work of the Most Influential is hardly done. Brooklyn Law School Dean Nick Allard, who just missed making this year’s Most Influential list, wrote on the law dean education blog, also, in response to The Times:

“The time has come for the legal community – and law schools in particular – to press the reset button on the reputation of our profession. As deans, we should not stand silent as those with biases and outdated or inaccurate information recycle myths and tired, predictable versions of their ‘wisdom’ about our profession, law schools and the quality of newly minted lawyers. Over and over again.”

As in years past, in creating our list, we sought nominations from the nation’s law schools and added our own nominees. We then narrowed the list to 48 and asked every law school dean and one professor from each school to rate them. Here are the top 25:



PHOTO BY JAMES BOVO

## No. 1

### William Henderson

Professor, Indiana University  
Maurer School of Law – Bloomington

For the second consecutive year, William Henderson leads our list. He's been long admired for his research and well-reasoned opinions on legal education.

However, he did not join his peers in attacking *The Times*.

"We are in a world where professionals get judged by results, not intentions," he said. "There are some great intentions in the legal academy, and some promising innovations. But our optics remains bad. We have problems. The problems are serious. They affect others. It is not realistic to expect to be judged by our efforts or intentions. We live in a harsh world."

Henderson is troubled by the fact that law schools depend on federal loans so heavily. On *The Legal Whiteboard*, in response to *The Times* editorial, he wrote that the situation is "precarious." And he said he doesn't think most law schools know how serious it is.

His concern is that the fate of law schools is in the hands of the government. And if the perception of the industry remains so negative – as *The Times* editorial certainly suggests – it "draws down the political capital needed to control our own destiny," he said.

In short, politicians could step in and demand change. He cautioned: "With the political winds, so go our budgets."

That's not to say Henderson isn't impressed by how legal education has reacted to the crisis.

"We are trying," he said. "We'll get some breakthrough soon. Just don't expect any early applause. If we believe in our reforms, just be persistent and continue to improve them. Keep the faith."

The entire higher education system needs reform because it is unsustainable, he said. He has suggested that the American Association of Law Schools (AALS) offer its help to the U.S. Department of Education to tackle the problem.

"It is easier – from a pure thinking perspective – to solve a social finance problem that maximizes long-term public good than to find a way to successfully preserve our slice of the status quo," he said. "Society can't afford the status quo. Let's be the first vested-interest group to admit it and frame a solution."

## No. 2

### Erwin Chemerinsky

Dean, University of California, Irvine School of Law

In 2015, for the first time, the UC Irvine School of Law was eligible for *U.S. News & World Reports'* ranking. It debuted at a seemingly heady No. 30.

However, some, such as *The Washington Post*, asked, "What went wrong?"

Erwin Chemerinsky, the founding dean, and school administrators had set a goal for the school to be in the top 20. Chemerinsky went about this challenge in earnest, attracting some of the nation's top faculty. To lure gifted students, the new school gave full scholarships to members of the first class in 2009.

Topping the Most Influential list two years ago and finishing second last year, Chemerinsky said he was "amused" by *The Washington Post's* opinion.

"Of the approximately 200 law schools, the faculty and administrators at 170 would gladly trade rankings with us," he said. "Obviously, nothing went wrong at all. It was a great debut ranking and will continue to get better."

However, some observers have been critical of schools chasing after rankings. It forces them to compete for premiere faculty, which isn't cheap. So tuition isn't cheap either. At UC Irvine, a state school, it's nearly \$45,000 a year. Escalating tuition was something *The Times* editorial also attacked.

Chemerinsky has argued that it made no sense to create a law school destined to be a below-average one.

"I thought it important to state that our goal is to be – as I always have phrased it – a top 20 law school by every measure," he said.

He wishes rankings did not matter, but they do, he said. "And it was – and is – important to describe what kind of law school we see ourself as and want to be."

Most new schools start in the





other innovations, Katz has trumpeted more practical training. University of Denver law students each spend a year in real or simulated practical settings.

## No. 9

### Frank Wu

Chancellor and Dean, University of California Hastings College of Law

Frank Wu was named dean in 2010 and soon made headlines when he pushed to shrink his law school by 20 percent over a three-year period because law schools were graduating too many lawyers.

That move, rare at the time, showed that Wu was not afraid to take on a leadership role. He continues in that role, but he's also expanded it – to teaching. On The Huffington Post, where he writes often, he explained why:

“I love teaching. I have returned to the classroom. I am co-teaching a course I taught regularly before entering higher education administration. We decided, the



chief academic officer and I, that we both should be doing more of what the institution is dedicated to.”

His other reasoning foreshadowed The Times editorial:

“We have come quickly to a point that many would have doubted possible: People openly doubt the value of higher education. We can show it is worthwhile. But that means realizing we must do so.”

In November 2015, Wu announced he would step down as dean in January 2016 to devote more time to teaching and writing.

## No. 10

### Michael Simkovic

Professor of Law, Seton Hall University School of Law

Michael Simkovic also was quick to take on The Times. He did research that countered the newspaper's claim that taxpayers were getting stuck with the tab for law school graduates' loan defaults.



Simkovic wrote on Leiter's Law School Reports blog: “Even low-ranked law schools with allegedly ‘outrageously high’ tuition generally have much lower student loan default rates than either the national average or the average for institutions that grant bachelor's or advanced degrees.”

He says it's nonsense that these loans drive up the cost of education, noting that law schools are fiercely competing for students.

“Educational institutions compete on price through tuition discounting (grants and scholarships) precisely because students are price sensitive,” he said.

In short: Good luck getting students if you charge too much.

Simkovic rose to prominence two years ago after co-writing a paper, “The Economic Value of a Law Degree,” which was pegged at a cool million.

He remains bullish on the profession, saying it has a positive, not negative, economic effect on the federal government.

“Law degrees generally more than pay for themselves, and law graduates make large contributions to the treasury through higher tax payments,” he said.

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The Experience is the Advantage at Denver Law

Three years ago, **Brian Tamanaha** wrote the book, “Failing Law Schools,” which shook up legal education. Among its many criticisms were that law schools were pumping out too many graduates with too much debt into an overcrowded profession. Tuition was rising and needs-based aid was falling. The book was so influential it put Tamanaha at the top of Our Most Influential list in 2013. And the book’s narrative quickly became gospel-like and apparently — given The Times editorial — remains very much in play.

**Jerry Organ** wrote an opinion piece for The Times in September 2015 that projected what McEntee’s study would later contend: Fewer grads will likely pass the bar exam because of dropping LSAT scores.

He pointed out what could be a vexing situation in the future:

“As classes with weaker and weaker credentials graduate in 2016, 2017 and 2018 — and likely experience lower bar passage rates — we may see continued declines in the number of graduates who get jobs as lawyers. It won’t be because those jobs aren’t available but because not enough graduates are passing the bar to be eligible for those positions.”

That, of course, is a complete 180 to what’s been happening of late: Too many lawyers chasing too few jobs.

Organ has long been a leader in writing influential opinions and studies on legal education today.

	<b>No. 11 Brian Tamanaha</b> Professor of Law, Washington University School of Law
	<b>No. 12 Philip Weiser</b> Dean, University of Colorado Law School
	<b>No. 13 JoAnne Epps</b> Dean, Temple University – James E. Beasley School of Law
	<b>No. 14 Maureen O'Rourke</b> Dean, Boston University School of Law
	<b>No. 15 Michael Hunter Schwartz</b> Dean, University of Arkansas at Little Rock, William H. Bowen School of Law
	<b>No. 16 Joan Howland</b> Associate Dean, University of Minnesota Law School
	<b>No. 17 Susan Westerberg Prager</b> Dean, Southwestern Law School
	<b>No. 18 Kyle McEntee</b> Co-founder, Law School Transparency
	<b>No. 19 Claudio Grossman</b> Dean, American University Washington College of Law
	<b>No. 20 William Treanor</b> Dean and Executive Vice President, Georgetown University Law Center
	<b>No. 21 Richard Revesz</b> Dean Emeritus, New York University School of Law
	<b>No. 22 Jerry Organ</b> Professor of Law, University of St. Thomas School of Law – Minneapolis
	<b>No. 23 Bryant Garth</b> Professor of Law, University of California, Irvine School of Law
	<b>No. 24 Eric Janus</b> Dean, William Mitchell College of Law
	<b>No. 25 Patricia White</b> Dean, University of Miami School of Law

**Kyle McEntee** continues his mission of making law schools more accountable. This year his organization did a study showing that a growing number of law schools are taking more at-risk students. These are students who fail to score above 150 on the LSAT.

This means they have less chance of passing the bar and becoming lawyers, he said, and as a result they may find themselves with crushing debt and poor job prospects.

His study found that 74 schools admitted classes consisting of at least 25 percent at-risk students in 2014, up from 30 in 2010.

Why? Dropping enrollment has pressured schools to take less-capable students, he said. While schools claim to look at other predictors, McEntee doesn’t buy it.

“There’s no evidence they are doing so,” he said.

His study was profiled in The Times, which noted how bar passage rates are now indeed slipping.

The Times made a good point about federal loans, McEntee said.

“There’s no downward pressure from the government on how much you can take,” he said. “You can borrow as much as you want.”

That might be unwise, particularly if a student is an at-risk one. However, it’s up to the student to take that gamble. The feds won’t intervene. Schools won’t either.