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.
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:

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
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 ourselves as and want to be.”

Most new schools start in the
bottom tier and climb, he said. “That is not what we wanted. I needed prospective students to know this. I needed prospective faculty to know this. I needed prospective employers to know this. We as an institution needed to know this in defining what kind of law school we want to be.”

For perspective: No other law school has debuted higher.

No. 3
Paul Caron
Professor, Pepperdine University School of Law

Paul Caron runs the Law Professors Blog Network, which is a network of more than 40 blogs written by legal educators and lawyers. A good number are owned by the network, while others are affiliates. They are the go-to sources for a host of insight and opinions.

Several legal educators used the platform to denounce The Times’ editorial.

No. 4
Brian Leiter
Professor, The University of Chicago Law School

Brian Leiter continues to be a recurring figure on the Most Influential list. He also runs a blog, Brian Leiter’s Law School Reports, which too is a must-read for people in legal education.

It also was a landing spot for responses from legal educators upset with The Times.

No. 5
Blake Morant
Dean, The George Washington University Law School

Add Blake Morant to the chorus of Most Influential who shot back at The Times. He’s got clout. Not only the dean of George Washington, he was president of the Association of American Law Schools (AALS) in 2015.

That organization has been on the forefront of trying to change the narrative that law schools are a bad bet.

Morant noted how federal funding helps foster diversity. “Capping graduate federal loans, as the editors suggest, would fall hardest on students from modest circumstances who will not be able to attend law school or will need to resort to private loans, which are typically more expensive, and repayment is not income-contingent,” he wrote to The Times in a letter to the editor.

Morant also noted that since 2010, first-year enrollment in law schools has dropped from 52,500 to 37,900, the lowest since 1973.

That was in response to what The Times had written about law schools jacking up tuition and accepting more students “even after the legal job market stalled and shrank in the wake of the recession.”

The letter was co-signed by Kellye Testy, 2016 president of the AALS and dean of University of Washington School of Law (No. 6 on the list) and Judith Areen, executive director of the AALS.

No. 6
Kellye Testy
Dean, University of Washington School of Law

This is the first time Testy has appeared on the Most Influential list, and she debuts strongly at No. 6.

She felt she had to respond to The Times, along with Morant and Areen, because, she said, the editorial relied on inaccurate data and it “evinced a far-too-common misunderstanding about the importance of the rule of law for all that we hold dear, including equality, justice, prosperity and the common good.”

She said AALS has had a dialogue with The Times for the past two years, so she “expected a publication of its quality to do better in terms of accuracy and sophistication of argument.”

It can be challenging to make an argument for the importance of law that resonates, she said.

“It’s not an easy message like, for instance, medical education,” she said. “But lawyers also save lives and create a healthy world.”

No. 7
David Yellen
Dean, Loyola University Chicago School of Law

As noted earlier, Yellen did not like The Times editorial. He served on the American Bar Association’s Task Force on the Future of Legal Education and has put considerable time and effort into reforms. That task force called for, among other things, a redesign of the law school financial model, more innovation and alternative ways to deliver legal education.

Yellen offered a laundry list of what he says The Times missed, including how scholarship competition has driven down the cost of law school and the many curricular improvements that are taking place.

However, Yellen is not saying all is roses by any means.

“We need to push for a more balanced view,” he said. “But we must avoid reflexively defensive statements that risk ignoring the real issues raised by declining admission standards and large student debt loads.”

No. 8
Martin Katz
Dean, University of Denver Sturm College of Law

The New York Times editorial was soon followed by a Times report on a study that showed a greater number of law schools taking more academically at-risk students. The study was done by the legal watchdog website Law School Transparency, headed by Kyle McEntee (No. 18 on the list.)

Martin Katz was interviewed, saying that his school decided to decrease class size rather than accept lower-performing students. It had little choice. About a decade ago, its bar passage rate was 18 points below the state average.

“We had egg on our faces, and our graduates were up in arms,” Katz told The Times. “And since most of its graduates remain in the Denver area, those were sentiments the school could not ignore.”

Since the change, the school’s bar passage rate has climbed significantly. Among
other innovations, Katz has trumpet-
ed 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 gradu-
ating 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 teach-
ing. 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 institu-
tion 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 writ-
ing.

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 news-
paper’s claim that taxpay-
ers 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 stu-
dent loan default rates than either the
national average or the average for insti-
tutions 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 stu-
dents 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, eco-
nomic 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.

Gain a
Competitive Edge

• Experiential Advantage Curriculum™
• More than 60 practical skills courses
• All-experiential third year option
• Unique LLM & Graduate programs
• preLaw Magazine ranked our Live Client Guarantee™
the #1 Most Promising Innovation in 2015.

www.law.du.edu
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.

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.