

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:

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.

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