

California Bar wants 'U.S. News' to add diversity as factor in law school rankings

Karen Sloan
National Law Journal
February 17, 2011

Should diversity be a factor in the *U.S. News & World Report* rankings?

The State Bar of California thinks so. Its Council on Access & Fairness — essentially a think tank on diversity — is finalizing a proposal that calls on *U.S. News* to adjust its formula so that diversity accounts for 15% of the overall law school rankings.

U.S. News publishes a law school diversity index each year that measures the relative diversity of student bodies, but diversity is not a factor in the overall rankings.

"The deans care dearly about where they rank," said Craig Holden, a partner at Lewis Brisbois Bisgaard & Smith and the chairman of the council, which is spearheading the proposal. "The rankings are a real driver for change — everybody recognizes that — and when you make diversity a sidebar rather than a component of the rankings, you're sidelining the issue."

Making diversity a factor in the rankings would create a solid incentive for law school administrators to bolster their diversity efforts, Holden said. Law firms and legal clients have recognized the benefits of diversity among attorneys, but law schools need to do more to create a supply of minority lawyers, he said.

For years critics have charged that the *U.S. News* rankings have a negative impact on diversity because of the weight placed on criteria such as median LSAT scores, since minorities on average score lower on standardized tests. The quest for students with high LSAT scores has also led schools to increase merit-based scholarships at the expense of need-based ones, researchers have found.

However, devising a credible measure of diversity is easier said than done, said *U.S. News* director of data and research Bob Morse. He has yet to see the council's proposal, which is scheduled to be completed in the spring, but one of the problems that consistently crops up in diversity discussions is that there is no clear way to compare the diversity of a student body of a school in an ethnically diverse state such as California to the diversity in a largely white state such as Kansas.

"What benchmark do you use?" Morse said. "To us, that's not a little point. Should it be relative to the population of the state? How do you deal with private schools? Would the benchmark for UCLA and Michigan be the state they are in, or would it be national? It would be a very sophisticated analysis."

But Holden said diversity can be measured in a credible way, and the council has spent several years considering possible methodologies. Its current proposal, which is being circulated among law school deans, other bar associations and bar examiners for feedback, involves changing the weights of all the existing rankings criteria.

Under the current ranking formula, the "quality assessment" accounts for 40% of a school's score and is determined by peer reviews and surveys of judges and attorneys. Selectivity accounts for 25%, and is determined by median LSAT scores, median GPAs and acceptance rates. Placement success is 20% of the rankings, and includes graduate employment rates and bar passage rates. Finally, faculty resources such as per-student expenditures account for 15%.

The council's proposal recommends reducing the weight of the quality assessment to 20%, and reducing the weight of selectivity to 20%, in part by lowering the weight of the median LSAT score. Placement success would remain at 20% while faculty resources would increase to 20%. A new category of academic support for students would account for 5% of rankings.

The biggest change, however, would be the addition of a new diversity category that would evaluate what schools are doing to promote diversity on campus.

"Diversity assessments should not be limited to admissions and student body demographics," the proposal reads. "Instead, diversity should also be measured by the support and resources provided by the institution to foster an inclusive culture and climate in which students from diverse backgrounds can excel."

Schools would be rated based on efforts such as participation in minority job fairs, involvement in pipeline programs and implementation of plans to increase faculty diversity.

"We decided on weighing diversity at 15% because we didn't want it to be too high, but we didn't want it to receive short shrift," Holden said. "Fifteen percent seemed to be the sweet spot that everyone agreed on."

There is a general consensus that diversity is important in law schools and the legal profession, but administrators might not welcome a more complicated *U.S. News* rankings formula, said Donald Polden, dean of Santa Clara University School of Law and one of the people who has seen the council's proposal.

"I doubt that many will agree that we should add more variables in the already notoriously wonky [*U.S. News*] annual survey," Polden said. "I think that there would be concerns about the question of measuring student diversity since a significant part of it concerns geography — schools in highly diverse population areas are more likely to be diverse. Some might argue that much depends on how you define 'diversity.' "

Morse said he is willing to discuss the incorporation of diversity into the rankings but cautioned that past calls for the inclusion of diversity have not been accompanied by realistic ideas of how to make that happen.

Moreover, there is still a question of whether diversity should be included in the rankings, given that the purpose of the rankings is to identify the best schools, he said.

"Another part of the debate is to what degree diversity is linked to academic quality versus being an important social goal," Morse said.

The California bar thinks its proposal is the right track, however. The State Bar Board of Governors endorsed the proposal earlier this month.

"We believe there is a moral imperative here, as it relates to diversity," Holden said. "I'm optimistic that *U.S. News* wants to have a ranking system that serves the needs of its audience, and people want this type of information."

Karen Sloan can be contacted at ksloan@alm.com