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An Examination of Law School Employment Data

Trevor Boeckmann

ABSTRACT. This paper examines the employment prospects for students graduating from law school. I find that student expectations are unrealistically high and are the result of deceptive practices by law schools who are attempting to maximize their score in the *U.S. News and World Report* ranking system. I examine possible solutions to this problem, and propose increasing transparency as the best option. This paper highlights the problems and limitations in using data.

I. Introduction

Law school: the solution to all of life's financial problems; a golden ticket to a six-digit salary. At least that is how many of 2009's 43,000 new Juris Doctors (JDs) saw it (Segal 2011). The truth may not be so rosy. Law school graduates are going hundreds of thousands of dollars into debt, and employment is not keeping up with the supply of lawyers. The University of Texas, known as one of the nation's top schools, saw employment drop ten to fifteen percent for its 2010 graduates (Koppel 2010).

Still, law schools continue to attract students. They mass mail glossy advertisements full of statistics boasting huge wages and 90 percent plus employment rates (Redefining Opportunity 2011; New York Law School 2011). The stakes are too large to do any different. Twenty-five additional students at a law school will generate a million dollars for the administration; twenty-five fewer students matriculating could mean a drop in ranking, and even fewer students in the future (Segal 2011). There are strong incentives for law schools to mislead prospective students.

While many elements of the rankings system can be manipulated, salary and employment data may be the easiest to distort. The data are collected by schools, the process has no oversight, and biases may influence median salaries. My research question is: do law schools misrepresent employment prospects to prospective students, and, if so, what can be done to fix the problem? I find that they do, and that increased transparency is the best solution.

II. Background

The American Bar Association (ABA) fully accredits 190 law schools in the United States. The schools are then ranked by *U.S. News & World Report* based on a quality assessment, their selectivity, placement success, and faculty resources. Until this year, any school not ranked in the top 100 was designated as tier three or four (*U.S. News Staff* 2008). Informally, the top 50 schools were known as tier one and the remaining 50 as tier two. In March, *U.S. News* started ranking the top three-fourths of schools, designating the bottom quarter as tier two (Morse and Flanigan 2011). This paper will use the older terminology.

While *U.S. News's* system has no official recognition from the American Bar Association, it holds a de-facto monopoly for law school rankings. In a recent survey by Kaplan, a Law School Admission Test (LSAT) prep company, a plurality of respondents said a law school's ranking was the most important factor in deciding where to attend, beating out job prospects and geographic location (Schaffer 2010). Law school administrators are well aware of this. During an interview with the *New York Times*, University of Baltimore School of Law Dean Phillip J. Closius recounted a conversation he had when applying for the job. "I said 'I can talk for ten minutes about the fallacies of the *U.S. News* rankings,' but nobody wants to hear about fallacies. There are millions of dollars riding on students' decisions about where to go to law school, and that creates real institutional pressures" (Segal 2011, 3).

Forty percent of the *U.S. News* ranking comes from a quality assessment. Twenty-five percentage points of the quality assessment are derived from a peer assessment score. The other fifteen percentage points are from assessments by lawyers and judges (*U.S. News Staff* 2008). *U.S. News* has recently begun to include hiring partners and recruiters in this score so the ratings more accurately reflect relative employment prospects (Morse and Flanigan 2011).

The next 25 percent of the *U.S. News* ranking is based on selectivity. Twelve and a half percentage points come from median LSAT scores, and ten percentage points come from the median undergraduate grade point average (GPA). This is the only part of the ranking based on the qualifications of the students admitted, so schools place huge emphasis on it. Some have even manipulated their numbers. At the University of Baltimore, 40 students with low LSAT scores were shifted to a part-time program to avoid being included in the rankings (Segal 2011). At

Villanova, administrators admitted to submitting fraudulent GPA and LSAT numbers (Elie Mystal, *Above the Law*, entry posted February 4, 2011). The other two and a half percentage points are based on the school's acceptance rate. Schools use a variety of techniques to boost this score. Some are notorious for *yield protecting*, a process of rejecting or waitlisting¹ students with "too high" numbers for fear they will attend a better ranked school. For every accepted student who attends somewhere else, schools have to admit another student. Other schools wait until late into a cycle to make a decision on students. They are hoping uninterested students will withdraw, leaving only those who will attend when admitted (Top Law Schools 2011). The University of Virginia is famed for its early decision policy to decrease the acceptance rate. Students applying for early decision (ED) enter a binding contract to matriculate at the school that accepts them. While most schools have an application deadline, Virginia allows students to turn their application into an early decision one at any time. For its leniency on GPA and LSAT scores for early decision applicants, borderline students for the elite schools are commonly told to ED at Virginia (DeLeon 2009).

Faculty resources make up fifteen percent of the *U.S. News* ranking. It includes expenditures per student, student/faculty ratio, and library resources. Expenditures per student is the factor commonly manipulated. In 2005, Stanford worked to add utility costs to its total expenditures, and Illinois calculated a market value of over \$8 million for its library subscription services. When the American Bar Association told Illinois this wasn't a fair total, Illinois changed the figure – for everyone but *U.S. News* (Wellen 2005).

The final 20 percent of the ranking is from placement success. Employment rate at graduation makes up four percentage points, and employment nine months after graduation is fourteen percentage points. The final two percentage points are based on the ratio of the Bar passage rate of the graduating class to the Bar passage statewide in the state where the largest number of graduates took the test. The bulk of this paper will discuss how the employment rate nine months after graduation is manipulated.

Law schools are far from covert about using these techniques. "*The U.S. News & World Report* survey truly dominates our lives in ways you couldn't imagine," said Paul Caron, a law professor at the University of Cincinnati (Wellen 2005, 1). Other techniques include enrolling students for one class in the summer to avoid counting them in fall enrollment

figures and accepting many transfer students with high employment potential but low LSAT scores or GPAs (Wellen 2005). Because the rankings only consider scores of the incoming class, transfer students are not included.

III. Expectations

Before asking if law schools misrepresent information to students, we will examine the expectations students have about job prospects when entering law school. Data are not easy to come by, but some organizations such as Kaplan have started to examine expectations. Their 2010 survey of 1,383 students taking the October LSAT found 52 percent of them were “very confident” in finding a job after graduation. This contrasts with the 16 percent who were “very confident” their classmates could find jobs (Schaffer 2010). The American Bar Association cited unrealistic expectations of graduates in its 2009 report on the value of attending law school. “Far too many law students expect that earning a law degree will solve their financial problems for life. In reality, however, attending law school can become a financial burden for law students who fail to consider carefully the financial implications of their decision” (ABA Commission 2009). Anecdotal accounts by journalists suggest this is true (Kwoh 2010; Koppel 2010; Segal 2011).

This assessment is backed by the rise of so-called *scam bloggers*. These disgruntled law school graduates come from a variety of backgrounds and schools, but all have one thing in common – they regret attending law school. They have taken their complaints to internet sites under a variety of names. Third Tier Reality’s self-proclaimed mission is to “inform potential law school students and applicants of the ugly realities of attending law school” (Third Tier Reality 2011). Esq. Never wants to “expose the law school scam” (Esq. Never 2011). The Jobless Juris Doctorate exists to “vent about the evils of the legal profession, the law school scam, and being jobless with a JD” (Jobless Juris Doctorate 2011). The list goes on from there: Shilling Me Softly, Subprime JD, But I Did Everything Right, First Tier Toilet, Exposing the Law School Scam, and more sprout up daily.

Law schools aren’t doing much to combat these overhyped expectations. According to information made available from *U.S. News & World Report* and Law School Transparency, a non-profit working to increase employment information available from law schools, 93.5

percent of law school students are employed nine months after graduation. That number is up from 84 percent in 1997 (Segal 2011). Those employed, on average, make just under \$100,000 in the private sector (Bureau of Labor Statistics 2011).

Schools aren't afraid to tout this information. New York Law School, currently a member of *U.S. News's* lowest ranked tier four category, boasts a 90 percent employment rate in the packet it sends to prospective students (New York Law School 2011). Another tier four school, John Marshall University, does the same in its viewbook (*Redefining Opportunity* 2011).

The official employment numbers from large firms seem to contradict the schools' claims. Northwestern Law reported in January that 15,000 legal positions in the nation's largest firms had been eliminated in the past two years. Only 69 percent of 2010 summer interns were offered a job in the fall, down from 90 percent the previous year. Sixty percent of the top 200 largest firms deferred start dates for 2009 grads (Center for Career Strategy & Advancement 2011).

Meanwhile, the supply of legal professionals is increasing. Forty-three thousand students graduated with a law degree in 2009, compared to under 40,000 in 1999 (Segal 2011). Five percent of lawyers would need to retire annually to accommodate the new batch of lawyers, assuming the employment rates claimed by the schools (see Table 1.2 in the Appendix). Things don't appear to be getting better. In 2009-2010, a record-setting 171,514 LSATs were administered, a thirteen percent increase from the previous year (The Law School Admission Council 2011).

IV. Manipulating the Data

The background presents a dichotomy. On one hand, prospective legal students think highly of their employment prospects, and law schools claim to be placing an ever-increasing number of students into secure, well-paying jobs. On the other hand, those secure, well-paying jobs don't seem to exist. What's actually happening? This paper will argue that, just as with seemingly every other aspect of *U.S. News's* ranking system, schools are manipulating the data.

They are able to do this in many ways. First, *employed* is a very broad category. As the *New York Times* explained it, "Waiting tables at Applebee's? You're employed. Stocking aisles at Home Depot? You're working, too" (Segal 2011, 1). Employment doesn't require a law degree,

nor does it requiring having a full-time, permanent position. The National Association for Law Placement reports 88.2 percent of graduates are employed nine months after graduation. When part-time, non-legal positions are removed, the number drops to 62.9 percent (Campos 2011). When temporary positions are excluded, the number drops even further. A University of Colorado professor was able to gain access to the employment data of a tier one school where, excluding part-time, non-legal, and temporary positions, the employment rate dropped to 45 percent (Campos 2011).

Once employed, the jobs aren't always what graduates expect. Temporary document-review jobs are compared to sweatshops by user-submitted posts on the scam blog Temporary Attorney. Another popular site, Shit Law Jobs, serves as a clearinghouse for legal grads desperate for any work. From their *About Us* page, "Are you a laid-off lawyer or a recent law school graduate and desperate for a job? Perhaps we can help. We don't list jobs everyone wants. Instead, we list jobs most lawyers likely wouldn't want. But, hey, it beats being unemployed" (Shit Law Jobs 2011).

Law schools take advantage of the timing of employment information. Again, *U.S. News* rankings are heavily based on employment nine months after graduation. The magical date for schools is February 15th, the year after graduation. Anyone who is employed on that day is included in the employment numbers. Last year, Georgetown Law contacted unemployed graduates asking them to apply for three newly created temporary positions in the school's admissions department. These \$20-per-hour, six-week jobs would last – you guessed it – through the month of February (Segal 2011).

The National Association for Law Placement reports that 42 percent of law schools create temporary positions for their unemployed graduates. At some schools, it accounts for up to 50 jobs (Leipold 2010). The Dean of Michigan Law Admissions, Sarah Zearfoss, admitted on her blog to hiring 17 graduates at this top 10 school. She questions whether there's a problem with this practice. "There are two common ways of characterizing that funding: one is that it's a duplicitous, underhanded way to pump up employment numbers; the other is that it's a supportive institutional move that helps position grads to find long-term legal employment during an unusually difficult economic downturn" (Sarah Zearfoss, A 2 Z, entry posted February 2, 2011).

This all helps to explain contradictory industry-wide data. The Bureau

of Labor Statistics reports jobs for lawyers are increasing by two percent annually, while the number of students graduating with a JD is only increasing by one percent annually (see Table 1.2 in the Appendix). This suggests that the legal market is not flooded with lawyers, and is counter to the other points I have made. I have two explanations, both of which probably play a part. First, the Bureau of Labor Statistics does not distinguish between temporary and part-time work. It is possible that there are jobs for lawyers available, but they are not the stable and well-paying jobs graduates expect and need to pay off their debt. Second, there is nothing to suggest the Bureau of Labor Statistics' data are better than any others I have analyzed. *U.S. News* collects employment data from law schools, and the National Association for Law Placement collects data from law firms. Both appear to not accurately reflect the true employment prospects for graduates. It is hard to imagine the Bureau of Labor Statistics can somehow find better data. In fact, they cite the National Association for Law Placement as a source for additional information (Bureau of Labor Statistics 2011).

The salary information provided by the schools also hinge on a number of dubious assumptions. Let's look at the CUNY School of Law as an example. To find the median salary of private sector employees, the school first takes the total number of students in the graduating class. CUNY had 132 graduates in the class of 2008. Take that number and multiply it by the employment rate. CUNY's 81.7 percent employment rate leaves it with 108 graduates. Out of this sub-section, only 28.7 percent (or 31 graduates) were working in the private sector. Salary information always uses private salary information because the public sector pays considerably less, so most lawyers in the public sector are presumably choosing it for reasons other than salary. Out of the 31 graduates remaining, only 29 percent (or 9 students) reported their salary to CUNY. Thus, their median salary of \$53,524 is derived from 6.8 percent of the graduating class. Three times as many CUNY graduates are unemployed (Law School Transparency 2011b). On average, only two in five students are included in the salary information provided by the schools (see Table 1.1 in the Appendix).

The employment rate is far from perfect. Prior to 2011, *U.S. News* assumed 25 percent of graduates who could not be contacted were employed (*U.S. News* Staff 2008). It had also refused to disclose what percentage of the employment rate this includes. Both of those policies were changed in 2011 (Morse and Flanigan 2011). Because of this, while

CUNY appeared to find its median salary from nine students, it's not inconceivable that the 25th percentile, median, and 75th percentile salaries were based on a sample of three students.

In better economies with fewer law school graduates, it may be reasonable to only consider salaries of those in the private sector. In an economy where ShitLawJobs.com is popular and lawyers are volunteering their services to boost resumes, to assume that those doing public work choose to do so is unwarranted (Simmons 2009). Excluding the 30 percent of public sector employees from salary information skews the results and gives a misleading median income.

The most egregious mistake is to assume respondents for salary information are representative of the population as a whole. Many studies have shown dishonest response rates to socially undesirable issues (Weinhardt, et al. 1998; Zenilman, et al. 1995). I suspect a law school graduate making \$160,000 at one of the nation's largest firms would be more likely to submit her salary than a graduate working a minimum wage job at Applebee's.

Not only is there a natural reporting bias in salary reporting, but some schools are embracing the problem. In November, an anonymous law school alumnus contacted the legal blogosphere with an email he had received from his New York area school's career services department. "*If you have secured employment, please complete and return the attached Graduate Employment Survey,*" read the email (Elie Mystal, *Above the Law*, entry posted November 17, 2010, emphasis added). While there was no independent verification of this claim, many commenters shared similar experiences from their own schools. *U.S. News* has created a system where it's in schools' best interests to ignore unemployed graduates. It should come as no surprise when schools respond to those incentives.

In March of 2011, *U.S. News & World Report* overhauled the employment section of its rankings system. Twenty-five percent of missing graduates are no longer counted as employed, and those not seeking employment are no longer excluded from the employment rate (Morse and Flanigan 2011). In addition, *U.S. News* premium subscribers can see what percentage of graduates went into bar admission required, JD preferred, professional, and non-professional positions, and what percentage of each category is employed full-time. The non-professional category claims to include temporary positions and any job "not viewed as part of a career path" (*U.S. News & World Report* 2011a). This change

in *U.S. News's* methodology has the potential to correct many of the problems highlighted. Claims of 100 percent employment rates have disappeared, and the increased information has allowed groups to present employment prospects to students in new ways.

With each system comes new flaws and opportunities to manipulate data. Paul Pless, the Dean of Illinois Law School Admissions, expressed concerns about the decision to include part-time work while excluding continuing education:

Why [*U.S. News*] values working part-time in a non-law field more highly than pursuing an advanced degree is a question for them I suppose. At Illinois we feel that these advanced degrees are incredibly valuable to our graduates and will continue to encourage students to pursue them when it fits with their long term career goals (Pless 2011a).

Many students hold teaching assistant positions while completing post-graduate work. While law schools have had no reason to include those positions as “employment” in the past, they now will (Pless 2011b). Undoubtedly, other techniques will emerge to boost employment numbers, as well.

The lack of permanent, well-paying jobs might be a manageable problem if the cost of a legal education wasn't skyrocketing. In 2009, the median non-resident tuition and fees for a public law school increased by 38 percent over the previous year (American Bar Association 2009); the average 2009 graduate was \$91,506 in debt (Law School Transparency 2011b). For 2010 graduates at California Western School of Law, the average debt level was \$145,621 (U.S. News & World Report 2011b).

Increasing indebtedness disproportionately affects the best and worst law school. Four of the top ten most indebted schools are in *U.S. News's* bottom tier, and six of the traditional top fourteen schools are in the top twenty-five for indebtedness (*U.S. News & World Report* 2011b). At current growth rates of tuition, Cornell University Law School – a top fourteen institution – will have an annual tuition of \$78,629 by 2020 (Matt Leichter, *The Law School Tuition Bubble*, entry posted February 1, 2011). Dean David Van Zandt of Northwestern finds that graduates need to make a starting salary of \$65,315 to earn a return on law school. Over 40 percent do not (ABA Commission 2009). With an ever-increasing debt load and fragile job prospects, graduates may find it

difficult to pay the bills.

V. Literature Review on Self-Reported Data

Kuncel, Crede, and Thomas (2005) find that self-reported GPAs are not accurate predictors of actual GPAs for high school and college students. In particular, they find those with low GPAs were more likely to misreport data than their higher-achieving classmates. This effect held even when there was no benefit for misrepresenting the information, much like the salary information from law school graduates.

Weinhardt, et al. (1998) and Zenilman, et al. (1995) examine self-reported behavior in sexual health. Both conclude the data are unreliable. Weinhardt mentions the lack of a “gold standard” with which to compare self-reported data and reality. Zenilman uses the lack of correlation between unprotected sex and sexually transmitted disease as a standard (1995, 2). Weinhardt recommends several techniques to elicit more reliable data.

In contrast, Benitez-Silvia, et al. (2004) looks for unreliable self-reported data in indicators for disability. They find applicants for disability are relatively truthful, and are unable to reject the reliability of the self-reported indicators.

Burger and Owens (2010) look to non-governmental organizations’ (NGO) finances to examine self-reported data. They find that NGOs inaccurately report, and are unwilling to provide, information. The accuracy of the information is correlated with the amount of third-party oversight.

VI. Alternative Systems

Part of the problem lies in the perverse system of incentives created by the *U.S. News* rankings. Whichever school is the first to bring transparency to employment prospects for graduates is the school that will plummet in the rankings. There is too much on the line to go it alone.

In July, Law School Transparency contacted every American Bar Association accredited school to ask for expanded employment data, beginning with the class of 2010. Out of the 199 schools contacted, only eleven responded by November. Out of the eleven, only Ave Maria agreed to participate in the project (McEntee, Lynch and Reyes 2010).

Ashby Jones of the *Wall Street Journal* Law Blog called Ave Maria's decision "a lone beacon of light [that] has emerged from the darkness" (entry posted September 17, 2010). By February, Ave Maria had backed out of its involvement (Law School Transparency 2011a).

How, then, can the problem be fixed? A number of solutions have been proposed, from tweaking the current system to a complete overhaul. The reform with the most momentum, in light of Law School Transparency's unsuccessful attempt at voluntary disclosure, is mandating additional employment information. In October, American Bar Association President Steve Zack announced a new examination of employment data, known as the "Truth in Law School Education" project. Other American Bar Association committees have initiated similar efforts (Sloan 2010). The American Bar Association's Young Lawyers Division adopted a six-part resolution on this issue in October. The following issues were addressed: delineating full-time, part-time, and temporary positions; providing salary information for various fields instead of including them all in one; and providing greater transparency in tuition costs. The committee of nearly 300 members passed the resolution unanimously (Sloan 2011).

Law School Transparency would like to see the American Bar Association's efforts taken even further. Its "White Paper," the founding document for the organization, calls on each school to provide the following information:

Job List

1. Employer Type (Legal, Unemployed, Continuing Education, Unknown, etc.)
2. Employer Name
3. Position
4. Bar Passage Required, Preferred, or Neither
5. Full-Time / Part-Time
6. Office Location (City, State, Country)
7. Salary Source
8. Was the student on a primary law journal, secondary law journal, or no law journal?

Salary List

1. Employer Type
2. Office Location (City, State, Country)
3. Full-Time / Part-Time
4. Salary (McEntee and Lynch 2010)

While the intentions are commendable, many schools cited privacy concerns as justification for not providing the information (McEntee, Lynch and Reyes 2010). The American Bar Association doesn't appear to be considering any proposal this expansive.

Legal academia has seen a push towards great transparency as well. Morriss and Henderson (2008) critique the current system, and then propose including more information in the rankings. In particular, they want the number of firms interviewing on campus, the success of those interviewed, salaries by profession, and a standardized bar passage system to be available to prospective students.

A colleague of Henderson's, Jeffrey Stakes, published a critique of *U.S. News*' ranking system in 2006. He calls for measures of student involvement, quality of teaching, and educational opportunities provided to be included in the rankings. Additionally, he calls for a number of changes to current measures because of the perverse incentive system they create for schools. For instance, he claims changing the LSAT measure from median or a mix of 25th and 75th percentiles to only 75th percentile would allow schools to have more leeway in selecting better intangibles in applicants (Stakes 2006).

Other critics of *U.S. News* have made more drastic proposals. Perry (2007) tosses out the ranking system in favor of ordering by law journal citations. This mirrors how academics informally rate themselves, and his final rankings mostly reflected traditional orders of law school prestige.

While these authors berated *U.S. News* for the manipulability of the current system, none considered how their systems would be manipulated. Stakes claims measuring LSAT by the 75th percentile will allow schools to admit more honest students with interesting life stories. Some altruistic schools would, admittedly, probably do this. Rating-savvy schools would give all of their scholarship money to the one-fourth of the class with the LSAT score they want. We'll call these students the Gunners². The other three-fourths of admittances would go to students with very high GPAs and very low LSAT scores. These students, the Reverse Splitters³, will be

ignored by other top-tiered schools. The Gunners will have a larger scholarship at Savvy School than from any peer school, and the Reverse Splitters will not be accepted at any of Savvy's peer institutions. Both will flock to attend. Savvy's 75th percentile LSAT score and median GPA will skyrocket as the acceptance rate plummets. With their new statistics, Savvy will fly up the rankings, bypassing Altruistic Law School. As Altruist's ranking falls, so will the quality of its applicants. Its Dean will be fired and blamed for its fall from greatness. Soon, law reviews will be full of law professors decrying the power of the rankings. It's too easy to manipulate, they will claim. Something needs to change, they will say.

Even Perry's system, while much more difficult to manipulate, is not without its faults. If only law review citations are included, his ranking system creates an incentive to put more and more money into the law review, and less and less into faculty and practical experiences. Law school is vocational; unemployed and underemployed graduates are not helped by a top-ranked legal journal. If the system mirrored other academic rankings and included faculty citations from any journal, the quality of the law review could plummet. Time and funding would be spent publishing in prestigious journals instead of in the law review.

Critics of *U.S. News* attack the arbitrary nature of the rankings. Indiana Law School even hosts *The Law School Ranking Game* on its website. Players choose any components of the *U.S. News* rankings, assign their own weightings, and see the results. The site compares the current system to dating and asks if you would allow *U.S. News* to pick a significant other for you (Orentstein 2005). These criticisms ignore the self-organizing nature of the rankings. This paper has established that students care about the rankings a lot – probably irrationally so; it's the number one thing they look for in a law school (Schaffer 2010). The top-ranked students and top-ranked faculty will go to the top-ranked law schools. By calling Yale the best law school in the country, it will become the top ranked law school. Perry (2007) found that Yale's law journal had the greatest impact of any school's flagship journal. It's not as if *U.S. News* found the perfect formula. They just found a way to herd the best students to Yale, thereby giving it the best journal. Any change designed to add uncertainty to the ranking system, such as randomly changing weightings each year, undermines this feature. The result isn't a perfect, nor a fair system – but the alternatives are not any better.

The best solution to an imperfect system seems to be increased transparency. It is hard to envision any system immune to manipulation.

While there may be a temporary benefit while schools attempt to understand the intricacies of a new system and seek to develop new techniques, it probably won't last. Relying on transparency over changing rankings puts the burden back on students to make a decision about their futures in an informed fashion.

There also needs to be a culture shift regarding law school. Students' advisors need to be informed about the realities of law school. Far too many professors have supported students who decide to attend tier three or four institutions while racking up hundreds of thousands of dollars of debt that few will be able to pay off. Making both students and advisors better informed should produce better outcomes.

VII. Limitations

As can be expected in a paper highlighting the lack of available data, data were hard to come by for my research. The evidence of poor employment prospects came mainly from blogs and journalist reports. Both suffer from a small sample size and a self-selection bias. Stories about happy, content, and employed lawyers don't see print.

The premise of this paper is that law schools are reporting high employment rates and good jobs, but it doesn't match the evidence. More law degrees are given almost every year, large firms are cutting positions, and there are reports of lawyers from good schools who are struggling to find jobs. Much of this evidence is circumstantial. It's possible that more graduates are deciding that the legal world isn't for them, and pursuing other fields. This would account for the seeming contradiction in an increase of JDs, increasing employment rates, and a decrease in good legal jobs. It's possible that more graduates are choosing to enter public interest fields. This paper criticized reported salaries for being unrepresentative of a graduating class, but if those salaries are available for anyone who wants to pursue them and the lower salaries are self-selected, it ceases to be a problem. It's possible official statements from the American Bar Association warning of debt and worse than expected job prospects are damage control. I assume they have access to more reliable and detailed data than the general public, which provoked its paper. Another reasonable explanation is that they saw the outpouring of negative press reports, and decided to respond with a vague, general warning. I believe I am justified in making the assumptions I have for two reasons. First, this is an issue with enormous implications. Students are

investing \$100,000 and more to attend law school. While they may never be fully informed about the returns to expect, they deserve to have as much information as can be provided. Second, data on this topic may never reach the point where it is accurate enough for a paper that isn't full of caveats. Schools will not give overly detailed information on graduates because of privacy concerns, and those data would still not show who chose public and non-legal jobs, and who was forced into them.

U.S. News's decision to overhaul employment information in March is a severe limitation of this paper. The effects of this change can't be overstated: it has the potential to drastically alter students' expectations. Currently, it's raw data that needs to be organized and systemized for potential students. I expect Law School Transparency to lead this effort in the near future, but time restrictions will prevent me from reviewing anything new. Any recommendations I make for a solution may quickly be outdated.

While the realities of law school data require this paper to be heavily nuanced, at the very least it provides an alternative to the law schools' portrayal of employment prospects. Readers should be skeptical about all claims of employment prospects, this paper's included.

VIII. Economic Theory

Neoclassical economics is based on three assumptions: "1. People have rational preferences among outcomes. 2. Individuals maximize utility and firms maximize profits. 3. People act independently on the basis of full and relevant information" (Weintraub 2002). A problem arises when people make decisions without access to full and relevant information.

In the banking industry, unreliable data are associated with fewer loans and a higher default rate (Islam 2007). Transparent, reliable governmental data are correlated with increased prosperity (Islam 2003). Rothschild and Stiglitz (1976) find asymmetric information in insurance markets can undermine market equilibrium.

Law schools have seen similar consequences. Students, often unaware of employment prospects, are left with no way to pay back their loans. Economic theory would predict that, when there are more lawyers than permanent jobs, wages will decrease and proportionally fewer lawyers will find employment. We see that happening already. With decreased expected future income, fewer people should enter the legal field, bringing employment to a new equilibrium. This has not happened. The

lack of reliable, accurate employment and salary data could be partly to blame.

IX. Conclusion

This paper sought to find whether law schools misrepresent employment data to prospective students. I find that they do. I also sought to provide an alternative to the current system. *U.S. News's* rankings have received criticism, but no relevant and unmanipulatable system has been articulated. I find benefits associated with the current rankings, and call for an increase in the amount and kinds of employment information available to prospective students.

An overview of the *U.S. News* ranking system shows schools pursue strategies to maximize their score. Many of these strategies undermine the intent of the categories; others are outright fraudulent. Law school deans and professors often admit to the importance placed internally on increasing their rank.

One section of the rankings includes proxies for employment prospects. I find apparent contradictions between statistics cited by schools and those compiled by large firms. Further evidence for this disparity is the increase in unemployed and underemployed lawyers in media and on scam blogs. Much of this can be explained by the deceptive practices used by schools to boost employment rates. Beyond employment itself, salary information appears to be misleading. It suffers from a self-selection bias and from techniques used by the schools to distort data. There is an extensive literature on the problems inherent with self-reported data, particularly when the answer is socially undesirable.

The two strategies proposed to fix this problem are reforming the *U.S. News* ranking system and increasing available information, but not necessarily incorporating it into the rankings. I argue the latter is the better option. Rankings can, and will, always be manipulated. Increasing information provides the best opportunity for students to become informed on their own.

This paper is heavily nuanced and relies on many assumptions, though all seem reasonable. Research attempting to provide data about the lack of data will necessarily be so. Regardless of the results of this paper, I hope it can give us humility when looking at data.

Appendix

TABLE 1.1. Percentage of Graduates Included in Salary

2011 U.S. News Rank	School	% Employed	% in Private Law	% in Private Law with Known Salaries	% of Graduates Included in Salary Information
5	U Chicago	99.0%	84.5%	99.0%	82.8%
4	Columbia U (NY)	99.5%	83.0%	98.0%	80.9%
48	Southern Methodist U	98.6%	89.0%	89.0%	78.1%
11	Duke U (NC)	100.0%	78.0%	96.0%	74.9%
86	U of Arkansas-Fayetteville	95.7%	79.0%	98.0%	74.1%
6	New York U	99.2%	77.3%	96.0%	73.6%
34	Fordham U (NY)	95.1%	85.6%	89.0%	72.5%
7	UC Berkeley (Boalt)	98.6%	76.0%	94.0%	70.4%
2	Harvard U (MA)	99.3%	70.3%	100.0%	69.8%
10	U Virginia	99.5%	77.9%	89.0%	69.0%
14	Georgetown U (DC)	97.0%	78.6%	90.0%	68.6%
13	Cornell U (NY)	98.4%	85.0%	82.0%	68.6%
9	U Michigan-Ann Arbor	99.8%	77.7%	88.0%	68.2%
18	U Southern California	97.1%	82.5%	82.0%	65.7%
7	U Pennsylvania	99.6%	80.7%	81.0%	65.1%
22	Emory U (GA)	95.3%	80.6%	83.0%	63.8%
20	George Washington U	98.9%	73.0%	87.0%	62.8%
142	University of Akron (OH)	87.6%	71.0%	100.0%	62.2%
72	U Oklahoma	95.6%	72.0%	89.0%	61.3%
28	Boston College	97.4%	72.0%	87.0%	61.0%
22	Boston U	99.1%	74.0%	82.0%	60.1%
60	U Houston	97.2%	79.0%	78.0%	59.9%
80	Louisiana State U	96.1%	62.0%	100.0%	59.6%
52	Yeshiva U (Cardozo)	94.3%	77.0%	82.0%	59.5%
142	Wayne State U (MI)	87.5%	79.1%	86.0%	59.5%
188	Univ of Tulsa (OK)	92.3%	79.7%	80.0%	58.9%
21	U Illinois (UIUC)	96.8%	73.9%	82.0%	58.7%
11	Northwestern U (IL)	100.0%	79.0%	74.0%	58.5%
188	Texas Wesleyan University	76.0%	87.0%	87.0%	57.5%

2011 U.S. News Rank	School	% Employed	% in Private Law	% in Private Law with Known Salaries	% of Graduates Included in Salary Information
15	U Texas-Austin	98.1%	73.0%	80.0%	57.3%
105	St. Louis U	92.9%	79.0%	78.0%	57.2%
17	Vanderbilt U (TN)	98.4%	77.0%	74.0%	56.1%
38	Wake Forest U (NC)	95.8%	76.0%	76.0%	55.3%
105	Marquette U (WI)	92.8%	78.0%	76.0%	55.0%
60	Georgia State U	98.6%	75.0%	74.0%	54.7%
188	Oklahoma City Univ	92.1%	76.7%	77.0%	54.4%
98	William Mitchell College of Law (MN)	96.8%	78.0%	72.0%	54.4%
142	Texas Tech Univ	87.8%	71.8%	85.0%	53.6%
142	Franklin Pierce Law Center (NY)	94.1%	75.4%	75.0%	53.2%
188	Univ. Of Dayton (OH)	92.1%	71.0%	81.0%	53.0%
98	DePaul U (IL)	94.0%	75.1%	75.0%	52.9%
28	William & Mary (VA)	96.7%	67.0%	81.0%	52.5%
142	Mercer Univ (George) (GA)	92.1%	71.0%	80.0%	52.3%
47	U Florida	96.6%	73.2%	73.0%	51.6%
34	Washington & Lee U	89.2%	64.0%	89.0%	50.8%
15	UCLA	99.1%	70.6%	71.0%	49.7%
56	U San Diego	98.4%	74.0%	68.0%	49.5%
67	Villanova U (PA)	94.2%	73.0%	72.0%	49.5%
188	Northern Kentucky Univ (Chase)	92.5%	73.1%	73.0%	49.4%
142	Stetson University (FL)	95.1%	72.0%	72.0%	49.3%
188	Mississippi College	94.4%	72.0%	72.0%	48.9%
64	Baylor U (TX)	94.6%	74.0%	69.0%	48.3%
42	UC (Hastings)	92.7%	71.5%	72.0%	47.7%
42	U Utah	100.0%	67.0%	71.0%	47.6%
86	Syracuse University	95.4%	70.0%	71.0%	47.4%
188	Campbell U (Wiggins) (NC)	93.8%	72.0%	70.0%	47.3%
67	U Pittsburgh	94.2%	78.2%	64.0%	47.1%
67	U Kansas	93.6%	70.8%	71.0%	47.1%

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2011 U.S. News Rank	School	% Employed	% in Private Law	% in Private Law with Known Salaries	% of Graduates Included in Salary Information
188	Duquesne U (PA)	85.2%	74.0%	74.0%	46.7%
28	U North Carolina	94.7%	72.0%	67.0%	45.7%
142	Samford U (Cumberland) (AL)	93.7%	84.0%	58.0%	45.7%
38	U Alabama	96.9%	67.0%	70.0%	45.4%
34	Ohio State U	98.2%	68.0%	68.0%	45.4%
93	Santa Clara U (CA)	92.6%	83.0%	59.0%	45.3%
188	Northern IL U	89.1%	71.0%	71.0%	44.9%
19	Washington U (MO)	95.0%	72.0%	65.0%	44.5%
22	U Notre Dame (IN)	98.7%	66.1%	68.0%	44.4%
56	Loyola (Los Angeles)	97.4%	77.0%	59.0%	44.2%
72	St. John's U (NY)	95.8%	73.0%	63.0%	44.1%
78	U Nevada-Las Vegas	97.8%	67.2%	67.0%	44.0%
48	Tulane U (LA)	91.1%	67.0%	72.0%	43.9%
64	U Kentucky	98.1%	64.8%	69.0%	43.9%
54	U Connecticut	94.2%	72.2%	64.0%	43.5%
26	Univ of Iowa	100.0%	66.0%	65.0%	42.9%
80	Rutgers-Newark (NJ)	95.6%	62.0%	71.0%	42.1%
142	U of Missouri-KC	95.6%	66.2%	66.0%	41.8%
142	U of Arkansas-Little Rock	95.8%	65.8%	66.0%	41.6%
28	U Georgia	98.4%	65.0%	65.0%	41.6%
1	Yale U (CT)	98.1%	48.7%	87.0%	41.6%
56	Case Western Reserve	95.2%	64.0%	68.0%	41.4%
188	Nova Southeastern U (FL)	85.5%	78.0%	62.0%	41.3%
52	Pepperdine U (CA)	96.5%	83.3%	51.0%	41.0%
188	Suffolk Univ (MA)	89.7%	68.0%	67.0%	40.9%
188	St. Mary's U (TX)	91.3%	73.0%	61.0%	40.7%
142	Williamette U (Collins) (OR)	91.1%	68.5%	65.0%	40.6%
48	American U (DC)	95.5%	59.5%	71.0%	40.3%
67	Brooklyn Law School	92.3%	69.1%	63.0%	40.2%
64	Lewis and Clark (OR)	94.3%	65.0%	65.0%	39.8%
3	Stanford U (CA)	98.4%	66.0%	61.0%	39.6%

2011 U.S. News Rank	School	% Employed	% in Private Law	% in Private Law with Known Salaries	% of Graduates Included in Salary Information
142	U of Montana	92.3%	50.0%	85.0%	39.2%
22	U Minnesota-Twin Cities	96.5%	67.7%	60.0%	39.2%
105	U Louisville (KY)	95.1%	73.0%	56.0%	38.9%
188	Whittier Law School (CA)	96.4%	84.0%	48.0%	38.9%
142	Quinnipiac U (CT)	96.4%	55.0%	73.0%	38.7%
93	West Virginia U	98.1%	68.0%	58.0%	38.7%
67	U New Mexico	96.2%	49.0%	82.0%	38.7%
142	Creighton U (NE)	92.4%	69.3%	60.0%	38.4%
98	Univ of the Pacific	95.5%	59.0%	68.0%	38.3%
42	Brigham Young U (UT)	99.0%	69.0%	56.0%	38.3%
188	Barry U (FL)	70.7%	74.0%	73.0%	38.2%
38	U Colorado-Boulder	96.0%	49.0%	81.0%	38.1%
80	U Denver (Sturm)	94.2%	69.0%	58.0%	37.7%
188	Roger Williams U (RI)	88.0%	65.0%	65.0%	37.2%
28	U Wisconsin-Madison	98.3%	70.0%	54.0%	37.2%
78	Loyola U Chicago	93.7%	79.0%	50.0%	37.0%
27	Indiana U-Bloomington	96.2%	62.0%	62.0%	37.0%
34	U Washington	98.2%	61.0%	61.0%	36.5%
60	U Tennessee-Knoxville	95.1%	65.0%	59.0%	36.5%
105	Univ of Maine	91.9%	66.0%	58.0%	35.2%
188	Pace Univ (NY)	91.5%	61.8%	62.0%	35.1%
38	Arizona State U	99.7%	63.0%	55.0%	34.5%
72	U Hawaii	100.0%	46.0%	75.0%	34.5%
93	Chapman U (CA)	96.5%	66.1%	54.0%	34.4%
142	Univ of Mississippi	89.6%	61.0%	63.0%	34.4%
142	Albany Law School (NY)	93.9%	66.6%	55.0%	34.4%
142	Univ of Toledo (OH)	96.3%	56.0%	63.0%	34.0%
86	Northeastern U (MA)	94.1%	60.0%	60.0%	33.9%
105	U South Carolina	91.2%	60.7%	61.0%	33.8%
72	Temple U (PA)	91.4%	60.4%	60.0%	33.1%
42	George Mason U (VA)	99.2%	57.0%	57.0%	32.2%
142	U of Memphis (Humphreys)	93.3%	80.3%	42.0%	31.5%

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2011 U.S. News Rank	School	% Employed	% in Private Law	% in Private Law with Known Salaries	% of Graduates Included in Salary Information
188	Southern IL U-Carbondale	84.9%	60.5%	61.0%	31.3%
56	U Cincinnati	95.8%	63.0%	51.0%	30.8%
142	Howard U (DC)	85.5%	60.0%	60.0%	30.8%
28	UC Davis	98.1%	60.0%	52.0%	30.6%
98	U of San Francisco	93.0%	73.0%	45.0%	30.6%
42	U Arizona (Rogers)	97.3%	57.0%	55.0%	30.5%
105	U at Buffalo-SUNY	91.2%	72.2%	46.0%	30.3%
142	Cleveland State U.	91.1%	77.0%	43.0%	30.2%
86	Indiana U-Indianapolis	96.1%	72.0%	43.0%	29.8%
93	U Nebraska-Lincoln	93.8%	56.2%	56.0%	29.5%
142	U of Nebraska-Lincoln	93.8%	56.2%	56.0%	29.5%
188	John Marshall Law School (IL)	89.0%	78.0%	42.0%	29.2%
142	Univ of Wyoming	88.9%	56.9%	57.0%	28.8%
188	Texas Southern U (Marshall)	83.3%	81.0%	42.0%	28.3%
98	Catholic U (DC)	91.9%	55.1%	55.0%	27.9%
142	U of St. Thomas (MN)	90.9%	65.0%	47.0%	27.8%
188	Regent U (VA)	94.4%	54.3%	54.0%	27.7%
142	Vermont Law School	95.2%	53.5%	54.0%	27.5%
188	Hamline U (MN)	90.3%	67.2%	45.0%	27.3%
54	Florida State U	97.6%	58.0%	48.0%	27.2%
48	U Maryland	94.6%	55.0%	52.0%	27.1%
80	U Oregon	90.4%	55.9%	53.0%	26.8%
72	Seton Hall U (NJ)	96.7%	52.4%	52.0%	26.3%
188	South Texas College of Law	85.1%	79.2%	38.0%	25.6%
93	U Missouri-Columbia	89.6%	65.0%	42.0%	24.5%
86	Seattle U	96.6%	75.0%	32.0%	23.2%
188	Washburn U (KS)	93.5%	56.0%	44.0%	23.0%
72	Pennsylvania State U	90.8%	50.0%	50.0%	22.7%
80	Rutgers-Camden (NJ)	90.0%	50.0%	50.0%	22.5%
188	California Western School of Law	84.0%	73.0%	36.0%	22.1%

2011 U.S. News Rank	School	% Employed	% in Private Law	% in Private Law with Known Salaries	% of Graduates Included in Salary Information
60	U Miami (FL)	96.4%	76.2%	30.0%	22.0%
142	Southwestern Law School (CA)	95.5%	79.0%	29.0%	21.9%
188	Capital University (OH)	76.5%	73.2%	39.0%	21.8%
188	U of Baltimore	96.3%	49.0%	45.0%	21.2%
188	U of Detroit Mercy	78.4%	79.0%	34.0%	21.1%
188	Thomas Jefferson School of Law (CA)	92.1%	69.0%	33.0%	21.0%
86	Hofstra University	96.3%	74.0%	29.0%	20.7%
188	Golden Gate U (CA)	90.3%	63.8%	35.0%	20.2%
142	U of South Dakota	94.3%	46.0%	46.0%	20.0%
142	U of Idaho	87.8%	42.9%	50.0%	18.8%
142	Drake U (IA)	96.8%	71.0%	27.0%	18.6%
188	Widener U (DE)	83.8%	61.8%	35.0%	18.1%
105	Gonzaga U	93.9%	64.0%	30.0%	18.0%
188	Western New England College (MA)	81.3%	65.0%	33.0%	17.4%
188	Florida Coastal School of Law	95.4%	62.0%	28.0%	16.6%
142	New York Law School	92.6%	66.0%	27.0%	16.5%
142	U of North Dakota	90.1%	61.0%	30.0%	16.5%
142	Michigan State Univ	91.5%	71.0%	24.0%	15.6%
86	U Richmond (VA)	90.7%	61.0%	28.0%	15.5%
188	Ave Maria School of Law (MI)	81.5%	65.4%	29.0%	15.5%
142	Ohio Northern Univ (Pettit)	93.4%	55.0%	22.0%	11.3%
188	New England School of Law (MA)	81.2%	65.7%	16.0%	8.5%
188	Touro College (Fuchsberg) (NY)	72.3%	72.0%	15.0%	7.8%
188	CUNY-Queens College	81.7%	28.7%	29.0%	6.8%

Source: Law School Transparency (2011b)

TABLE 1.2. Bureau of Labor Statistics Employment Data

Year	JDs Awarded	% Graduates Employed	Lawyers Employed	Lawyer Growth	% Growth	Claimed of Growth in Lawyers	Needed Turnover for Claimed Employment	% Workforce Needed to Retire
1997	39920	89.2%						
1998	40114	89.9%						
1999	39455	90.3%	464250			36048		
2000	39071	91.5%	489530	25280	5.16%	36704	11424	2.33%
2001	38157	90.0%	490000	470	0.10%	35510	35040	7.15%
2002	37909	89.0%	504370	14370	2.85%	34773	20403	4.05%
2003	38605	88.9%	516220	11850	2.30%	33922	22072	4.28%
2004	38874	88.9%	521130	4910	0.94%	33701	28791	5.52%
2005	40023	89.6%	529190	8060	1.52%	34590	26530	5.01%
2006	42673	90.7%	547710	18520	3.38%	35259	16739	3.06%
2007	43920	91.9%	555770	8060	1.45%	36781	28721	5.17%
2008	43518	89.9%	553690	-2080	-0.38%	38363	40443	7.30%
2009	43588	88.3%				38781		
2010	44004							
AVG	40702	89.9%	517186	9937	1.93%	35857	25574	4.87%

Source: The Bureau of Labor Statistics (2010), National Association for Law Placement (2010), The American Bar Association (2011)

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