

Law Schools May Have To Make Big Changes Due To A Ranking Shift



The U.S. News and World Report prospective ranking of law schools may include the number of times professors' work has been cited, according to professors Joshua Fischman and Michael A. Livermore of the University of Virginia Law School. As a result, they claim, law students will be less prepared for the complex social and economic realities of practice, and law faculties will be less intellectually diverse.

Law school rankings are influenced by U.S. News & World Reports. Schools' rankings impact Deans' careers in a variety of ways, from recruiting students to alumni giving to retaining professors. So when U.S. News announced that it would consider a new ranking in 2019, heads turned around the legal community.

U.S. News informed that it had decided not to proceed with its proposed scholarly impact ranking in June 2021. However, organizations believe it is imperative to discuss legal academics' concerns about such proposals.

Essentially, U.S. News proposed to measure law school prestige by the "impact" of the faculty's research. To calculate this score, we would have to count how many times a professor's work was cited by other professors or by courts.

The skeptics raised objections right away. There is no way to quantify scholarly merit since judgments of merit are inherently subjective. Other participants cited concerns about bias directed toward women, scholars of color, those in less-cited academic fields, and those in under-cited fields.

Faculty Recruitment and Promotion Could Be Affected by a Change

The current debate might seem like a teapot tempest, as it is common in academia. However, law schools may be forced to change their recruiting and promotion practices if U.S. News changes its ranking system.

Particularly, law schools are likely to emphasize citations over interdisciplinary credentials, peer-reviewed publications, or diversity. This ultimately affects which lawyers train the next generation and which ideas are circulated to courts and other legal decision-makers.

A study of the law school lateral hiring market found that focusing on citations would drastically alter the hiring process. According to our research, top law schools do not necessarily recruit the most cited professors. In law schools such as Harvard and Yale, citation counts are barely different from those of other professors.

Some would argue that the best people are not always hired by the top law schools. A law school must give serious consideration to hiring a new professor for a lifetime appointment, as it is a major investment. Regarding citation-counting metrics, it is prudent not to dismiss this collective wisdom.

Generally speaking, professors' citation counts are only weakly associated with getting hired at a higher-ranked law school. Publications in peer-reviewed journals and elite law reviews are of greater importance to law schools. In fact, none of these statistics explains much; subjective judgments about professors' scholarships appear to have a much greater impact on hiring.

Citations Ranking Could Lead to Less Diverse Faculty

Accordingly, law schools are likely to face profound changes if citations are based on ranking. By replacing the old currencies with citations, the old currencies would lose their value.

There would be fewer intellectually diverse law school faculty, less prepared law students for 21st-century social and economic realities, and fewer legal scholars contributing to broader public conversations about the law.

It is still too early to change direction with the new citation-based ranking, however. There has been a storm of opposition to U.S. News' announcement. Law school deans and organizations such as the Society for Empirical Legal Studies opposed the move. Any major changes should be put on hold simply because of this pushback.

The law school ranking system at U.S. News has been improved by the efforts of its leaders despite the problems with the citation-based ranking. Law schools already have skewed incentives in admissions, given the current rankings.

Yet if faculty impact measures were suddenly shifted to invalid measures, this would harm legal education. It is best to do so slowly and over time, with input from a variety of stakeholders, including students, alumni, and faculty.

<https://www.jdjournal.com/>