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Commentary

Assessing What Matters in Law School: The Law School Survey of Student Engagement[†]

PATRICK T. O'DAY* AND GEORGE D. KUH**

INTRODUCTION

The *U.S. News & World Report* (“*U.S. News*”) annual rankings of American law schools get a lot of attention and sell a lot of magazines.¹ But few educators believe these rankings adequately or accurately represent institutional quality.² At the same time, many law schools seem chronically prone to adopting a schizophrenic public posture with regard to rankings—affirming their utility when they are ranked favorably or discounting the validity of rankings when their school does not show up particularly well.³

Take the case of the University of Maryland School of Law. When the 2001 *U.S. News* law school rankings placed Maryland among its top tier of “elite” schools for the first time, its dean called this recognition “long overdue,”⁴ and the school celebrated its

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1. *U. S. News* sells more than two million copies of its rankings each year. Ilia Dichev, *News or Noise? Estimating the Noise in the U. S. News University Rankings*, 42 RES. HIGHER EDUC. 237, 237 (2001); see also Ronald A. Cass, *So, Why Do You Want to be a Lawyer? What the ABA, the AALS, and U.S. News Don’t Know That We Do*, 31 U. TOL. L. REV. 573 (2000) (noting *U.S. News* has been enormously successful in selling all varieties of its school rankings magazines).

2. A joint statement of the Association of American Law Schools (AALS), the American Bar Association (ABA) Section of Legal Education and Admissions to the Bar, Law School Admission Council (LSAC), and the National Association for Law Placement (NALP) characterizes *U.S. News*’s law school rankings as “meaningless and grossly misleading,” and “designed more to sell magazines than to inform the public about the relative merit of law schools.” AALS, *Statement Regarding Law School Rankings*, <http://www.aals.org/rank.html> (last visited July 22, 2005); see also Harold W. Andersen, *Annual Fanfare Dispels No Doubts About U.S. News’ College Rankings*, OMAHA WORLD-HERALD, Sept. 9, 2001, at 17b (noting that former *U.S. News* director of data research criticized the fundamental criteria on which the annual rankings are based).

3. Seton Hall Law School Dean Patrick Hobbs observed that when law schools do well:

[W]e trumpet our success to faculty, students and alumni, especially our alumni in the hope that it will encourage greater generosity. If the following year we slip a bit, we rail against the ranking as flawed and a cancer on the academic enterprise.

Patrick E. Hobbs, *Noblesse Oblige: Four Ways the “Top Five” Law Schools Can Improve Legal Education*, 33 U. TOL. L. REV. 85 (2001).

4. The University of Maryland Law School improved its ranking from the second of *U.S. News*’s four unranked tiers in 2000 to tie for the last spot in the top tier of 50 individually

improved overall and specialty program rankings in its spring newsletter and on its Web site.⁵ About the same time, the dean joined 163 counterparts who endorsed a letter sent to each of the nation's 70,000 law school applicants criticizing the *U.S. News* law school ranking system as "inherently flawed" and urging applicants to ignore the magazine's rankings.⁶

Why do law school rankings get so much attention? The public seems to have an insatiable appetite for rankings. But the interest is also rooted in genuine interest in educational quality. Legal educators are concerned about academic disengagement of law students, especially third-year students.⁷ Some observers believe today's law students lack a strong ethical foundation and a willingness to meet pro bono obligations.⁸ Legal practitioners worry about what they view as a growing separation between what law schools emphasize and the knowledge, skills, and competencies the legal profession requires to meet the demands of a society that relies increasingly on legal remedies to resolve complex matters.⁹ As one third-year law student commented, "Law school often is even less relevant to practice than a studio art course is to housepainting. It is more akin to requiring house painters to study art history—never picking up a brush."¹⁰

Given this environment, we should not be surprised that students and the public turn to rankings as a means of estimating institutional quality. Rankings are familiar, popular, readily available, and easy to understand. They certainly get people talking and thinking about the fact that law schools may differ in certain important ways. And some legal scholars defend rankings because they are an efficient means to channel the

ranked law schools in 2001. Michael Hill, *Local Graduate Schools Rank among the Best; UM Law in Top 50*, *U.S. News Reports*, BALT. SUN, Apr. 5, 2001, at 3B.

5. *U.S. News* recognized Maryland's law and health care planning as one of the nation's top five health care law programs in 2001. *L&HCP Ranked in Top Five in U.S. News & World Report Survey*, LAW & HEALTH CARE NEWSL. (Law & Health Care Program, Univ. of MD School of Law, Baltimore, MD), Spring 2001, at 2.

6. The Law School Admissions Council sent the dean-endorsed letter criticizing law school rankings to all students registered to take the Law School Admissions Test. See LAW SCHOOL DEANS SPEAK OUT ABOUT RANKINGS (Law School Admission Council 2005), available at <http://www.lsac.org/pdfs/2005-2006/RANKING2005-newer.pdf> [hereinafter DEANS SPEAK OUT]; accord Russell Korobkin, *In Praise of Law School Rankings: Solutions to Coordination and Collective Action Problems*, 77 TEX. L. REV. 403, 403-04 (1998).

7. Mitu Gulati, Richard Sander & Robert Sockloskie, *The Happy Charade: An Empirical Examination of the Third Year of Law School*, 51 J. LEGAL EDUC. 235 (2001).

8. Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992).

9. GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS, 26-29 (2000); Stephen Gillers, *Against the Wall*, 43 J. LEGAL EDUC. 405 (1993); David A. Hollander, *Interview with a Maverick: Dean Lawrence Velvel, Massachusetts School of Law*, in PRINCETON REVIEW: BEST LAW SCHOOLS 47, 56 (2000); Robert MacCrate, *Preparing Lawyers to Participate Effectively in the Legal Profession*, 44 J. LEGAL EDUC. 89 (1994); Henry H. Wellington, *Challenges to Legal Education: The "Two Cultures" Phenomenon*, 37 J. LEGAL EDUC. 327 (1987).

10. Christopher T. Matthews, *Essay: Sketches for a New Law School*, 40 HASTINGS L.J. 1095, 1099 (1989).

most capable students from the most prestigious schools to the most desirable legal employers.¹¹

I. RANKINGS ARE DEEPLY FLAWED INDICATORS OF QUALITY

Despite their popularity, rankings provide at best specious insights into the quality of the student experience.¹² That is, they are neither good measures of what students gain from a program of study nor do they signal whether the institution is more or less effective in creating powerful environments for learning and personal development. The extensive body of research on undergraduate students clearly shows that rankings do not accurately measure the impact of college on students.¹³ Law school rankings suffer from these same shortcomings. There is little evidence to suggest that rankings capture what is educationally meaningful about a law school education.¹⁴ Moreover, knowing the size of a law school's endowment or students' average LSAT scores is of little help to faculty members and administrators who wish to improve the law school experience.

In the final analysis, rankings have three inherent flaws when used for estimating educational quality. First, rankings do not identify actions schools can take to improve the educational experience of their students.¹⁵ That is, knowing where a school falls in the rankings does not point to specific areas of student behavior or institutional performance where improvement is needed. Moreover, rankings often encourage institutions to take counterproductive, and sometimes expensive, actions to improve in

11. Korobkin, *supra* note 6, at 410–28 (asserting that the ranking of law students among peers is apparently a recognition that law school is more a sorting process than an educational experience).

12. See, e.g., David Abel, *It's Difficult to Rate Colleges for Amount Students Learn. No Meaningful State-to-State Comparisons*, SAN FRANCISCO CHRON., January 9, 2001, at A13 (observing rankings lack student outcomes data needed to make meaningful comparisons about educational quality); Mark Clayton, *Best in Which Show?*, CHRISTIAN SCI. MONITOR, Nov. 14, 2000, at 11 (noting rankings fail to reflect what students are actually learning); David J. Levin, *The Uses and Abuses of the U.S. News Rankings*, 20 AGB PRIORITIES 1 (2002) (noting problems with *U.S. News's* ranking methodology).

13. Education professor Don Hossler observes:

In total, when the background characteristics of students are taken into consideration, the research on college outcomes has not revealed a systematic or convincing body of evidence of a relationship between student outcomes and traditional measures of institutional quality—like those used in rankings.

Don Hossler, *The Problem with College Rankings*, 5 ABOUT CAMPUS 20, 21 (2000).

14. A study commissioned by the AALS found problems with the accuracy of data *U.S. News* used and concluded that important aspects of the law school experience were not assessed. STEPHEN P. KLEIN & LAURA HAMILTON, *THE VALIDITY OF THE U.S. NEWS AND WORLD REPORT RANKING OF ABA LAW SCHOOLS* (1998), <http://www.aals.org/validity.html>; see also Jeffrey E. Stake, *The Interplay between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Misperceive*, 81 IND. L.J. 229, 230 (2006) (noting *U.S. News's* rankings are seriously flawed as measures of educational quality).

15. NAT'L SURVEY OF STUDENT ENGAGEMENT, NSSE 2001 REPORT: IMPROVING THE COLLEGE EXPERIENCE: NATIONAL BENCHMARKS OF EFFECTIVE EDUCATIONAL PRACTICES 8–9, 33 (2001) [hereinafter NAT'L SURVEY OF STUDENT ENGAGEMENT, 2001 REPORT].

the rankings.¹⁶ For example, dozens of law schools send out glossy brochures or lecture notices to academics or appoint partners and judges in order to enhance their reputation in the eyes of those polled by *U.S. News*. In fact, some schools spend more than \$100,000 a year on marketing before and after the rankings.¹⁷ Other law schools manipulate certain variables used in the rating formula. For example, in 1995 a dozen or more law schools gave *U.S. News* inflated figures that differed from those submitted to the accreditation office of the American Bar Association (ABA).¹⁸ New York University and Columbia University law schools accused one another of misreporting figures to *U.S. News* in order to improve their rankings.¹⁹ More recently, the University of Illinois College of Law came under attack for inflating the value of their online research services by more than eighty times what LexisNexis and Westlaw actually charge the school.²⁰ These and other efforts “to move up in the rankings” expend energy and resources that schools could more profitably focus on educationally productive activities.

Second, ranking schemes usually assign a single number to a school, which cannot do justice to the multiple dimensions that arguably contribute to excellence in legal education.²¹ Law schools are complex, multi-faceted learning environments. One number cannot adequately and accurately capture all their relevant features, no matter how complicated the algorithm.²²

Finally, institutional resources and reputation are the wrong things to measure if estimating the quality of the student experience is the objective. Resources include such things as average per-student spending, library holdings, and LSAT scores. Reputation represents judgments of deans, admissions personnel, and others, and is highly correlated with resources. Research studies²³ indicate that these factors have

16. Hobbs, *supra* note 3, at 85 (noting that “[w]hether [law schools] admit it or not, many decisions are now made with the proverbial eye on its *U.S. News* effect”); Palmer Houchins, *U. Mississippi Law School Places in Top 100*, DAILY MISSISSIPPIAN (via U-WIRE), Apr. 8, 2003, available at LexisNexis (quoting Mississippi law school Dean Sam Davis’s observation that “[t]here’s hardly any decisions some of these [law] schools make that they don’t first think about how it will affect them in the rankings”); George D. Kuh, *What We’re Learning About Student Engagement from NSSE*, CHANGE, Mar./Apr. 2003, at 24.

17. John Kirk, *Magazines’ Rankings Rankle; Marketing Tool Draws Fire*, CHI. TRIB., March 1, 1998, at B-1.

18. Terry Carter, *Rankled by the Rankings*, 84 A.B.A. J. 46, 50 (1998).

19. Andersen, *supra* note 2.

20. Alex Wellen, *The \$8.78 Million Maneuver*, N.Y. TIMES, July 31, 2005, § 4A, at 18.

21. A similar argument can be made about the inherent flaw of law schools’ practice of reducing the multidimensional aspects of student learning into a univariate ranking based on grade point average. See Jeffrey E. Stake, *Who’s “Number One”? Contriving Unidimensionality in Law School Grading*, 68 IND. L.J. 925 (1993).

22. NAT’L SURVEY OF STUDENT ENGAGEMENT, 2001 REPORT, *supra* note 15, at 8; DEANS SPEAK OUT, *supra* note 6.

23. See, e.g., ERNEST T. PASCARELLA & PATRICK T. TEREZINI, 2 HOW COLLEGE AFFECTS STUDENTS: A THIRD DECADE OF RESEARCH (2005) (analyzing the results of national studies on higher education conducted from the late 1960s to the early 2000s); George D. Kuh & Ernest T. Pascarella, *What Does Institutional Selectivity Tell Us About Educational Quality?*, CHANGE, Sept./Oct. 2004, at 52; Levin, *supra* note 12.

little to do with educational effectiveness and tell us next to nothing about the quality of the student experience.²⁴

II. STUDENT ENGAGEMENT: A WINDOW INTO THE QUALITY OF LEGAL EDUCATION

If rankings do not necessarily capture many of the more important features of educational quality, what aspects of the law school experience matter more to student learning?²⁵ And how might we measure them? The number of credits required by the ABA is insufficient evidence of learning.²⁶ Even assessments of student performance may reflect more the abilities students bring with them to law school and, therefore, say more about the selectivity of the institution than what students learn during law school.²⁷ This is why using such measures as the bar passage rate is not necessarily the most accurate indicator of student learning.

What seems to matter more to student learning is not what a school has acquired in terms of its resources and reputation, but the degree to which students *use* the school's resources for learning in educationally productive ways. The key question, then, is how might we determine whether students are involved in productive activities that will "add value" to their education?²⁸

What students gain from their law school experience depends on a variety of factors and conditions. Among the more important of these is a concept called student engagement. Student engagement represents the combination of the time and energy students devote to educationally sound activities and the policies and practices that law schools use to induce students to take part in such activities.²⁹ It is a deceptively

24. Educational researcher Ernest Pascarella notes:

[T]he national magazine rankings should stop pretending that they are actually identifying the "best colleges" with respect to undergraduate education. Since their measures of what constitutes the "best" in undergraduate education are based primarily on resources and reputation, and not on the within-college experiences that we know really make a difference, a more accurate, if less marketable, title for their enterprise might be "America's Most Advantaged Colleges."

Ernest T. Pascarella, *Identifying Excellence in Undergraduate Education: Are We Even Close?*, CHANGE, May–June 2001, at 19, 21. See also, NAT'L SURVEY OF STUDENT ENGAGEMENT, 2001 REPORT, *supra* note 15, at 8; George D. Kuh, *Assessing What Really Matters to Student Learning: Inside the National Survey of Student Engagement*, CHANGE, May–June 2001, at 10.

25. Robert B. Barr & John Tagg, *From Teaching to Learning—A New Paradigm for Undergraduate Education*, CHANGE, Nov.–Dec. 1995, at 13.

26. MUNRO, *supra* note 9, at 33–39.

27. Peter Ewell, Commentary, *Grading Student Learning: Better Luck Next Time*, in MEASURING UP 2000: THE STATE-BY-STATE REPORT CARD FOR HIGHER EDUCATION, Nat'l Ctr. for Pub. Policy & Higher Educ. ed., 2000, at 174.

28. Nancy B. Rapoport, *Ratings, Not Rankings: Why U.S. News & World Report Shouldn't Want to be Compared to Time and Newsweek—or The New Yorker*, 60 OHIO ST. L.J. 1097 (1999) (observing that a value-added approach to evaluating law schools is a more realistic way of measuring quality).

29. See Susan B. Apel, *Principle 1: Good Practice Encourages Student-Faculty Contact*, 49 J. LEGAL EDUC. 371 (1999); Okinner C. Dark, *Principle 6: Good Practice Communicates High Expectations*, 49 J. LEGAL EDUC. 441 (1999); R. Lawrence Dessem, *Principle 5: Good Practice Emphasizes Time on Task*, 49 J. LEGAL EDUC. 430 (1999); David Dominguez,

simple, even self-evident, premise: the more students do something, the more proficient they become. For example, the more students study a subject, the more they learn about it.³⁰ Likewise, the more students practice a skill—writing, problem solving, briefing or arguing a case—the more adept they become at the respective activity. Faculty members and administrators at all levels of education know this, and students realize it as well. Moreover, decades of research³¹ show that students benefit more when they direct their efforts to a variety of learner-centered activities inside and outside the classroom.³²

In part, student engagement represents activities that are traditionally associated with learning, such as reading and writing,³³ preparing for class,³⁴ and interacting with instructors about various matters.³⁵ The engagement concept also encompasses some other key behaviors that more recently have come to the fore as being important, such as collaborating with peers on projects,³⁶ problem solving tasks,³⁷ and community service.³⁸ These activities are valuable in and of themselves.³⁹ They also are indicators

Principle 2: Good Practice Encourages Cooperation Among Students, 49 J. LEGAL EDUC. 386 (1999); Gerald F. Hess, *Principle 3: Good Practice Encourages Active Learning*, 49 J. LEGAL EDUC. 401 (1999); Terri LeClercq, *Principle 4: Good Practice Gives Prompt Feedback*, 49 J. LEGAL EDUC. 418 (1999); and Paula Lustbader, *Principle 7: Good Practice Respects Diverse Talents and Ways of Learning*, 49 J. LEGAL EDUC. 448 (1999).

30. See Michael J. Patton, *The Student, The Situation, and Performance During the First Year of Law School*, 21 J. LEGAL EDUC. 10 (1968) (finding students who do better in law school than what is predicted by their admission criteria were more involved with their law school and worked longer on their studies than their peers).

31. See, e.g., ALEXANDER W. ASTIN, *WHAT MATTERS IN COLLEGE? FOUR CRITICAL YEARS REVISITED* (1993) (summarizing over thirty years of research from the Center for Institutional Research about the student experience at hundreds of undergraduate colleges and universities); PASCARELLA & TEREZINI, *supra* note 23; C. Robert Pace, *Measuring the Quality of Student Effort*, 2 CURRENT ISSUES HIGHER EDUC. 10 (1980) (evaluating the results of the College Student Experiences Questionnaire survey administered to over 300,000 students at different types of undergraduate institutions); Gary Pike, George Kuh & Robert Gonyea, *The Relationship Between Institutional Mission and Students' Involvement and Educational Outcomes*, 44 RES. IN HIGHER EDUC. 241 (2003) (finding measures of student engagement to be significantly related to students' reported gains in learning and achievement test scores).

32. NAT'L SURVEY OF STUDENT ENGAGEMENT, NSSE 2002 REPORT: FROM PROMISE TO PROGRESS: HOW COLLEGES AND UNIVERSITIES ARE USING STUDENT ENGAGEMENT RESULTS TO IMPROVE COLLEGIATE QUALITY 8 (2002) [hereinafter NAT'L SURVEY OF STUDENT ENGAGEMENT, 2002 REPORT]; George D. Kuh & Ernest T. Pascarella, *What Does Institutional Selectivity Tell Us About Educational Quality?*, CHANGE, Sept.–Oct. 2004, at 52.

33. A survey of young Chicago lawyers ranked oral and written communication as the clear winners among the important skills in legal practice. Bryant G. Garth & Joanne Martin, *Law Schools and the Construction of Competence*, 43 J. LEGAL EDUC. 469 (1993).

34. See Dessem, *supra* note 29.

35. See Apel, *supra* note 29.

36. See Dominguez, *supra* note 29.

37. See Hess, *supra* note 29.

38. The American Bar Association notes:

Law school programs that promote public service are important for the support and training they give students interested in pursuing careers in the public interest. These programs are equally important for teaching every law student that all lawyers in this country must play a role in achieving justice for all.

of educational effectiveness. That is, educationally effective institutions intentionally use policies and practices that induce students to expend more effort on productive activities. For example, collaborative learning strategies promote peer interaction which, in turn, can stimulate individual and group learning as students work together to seek answers and solve problems. Students are often motivated to work harder and tend to learn more in the company of peers.⁴⁰

What could law schools do if they had valid, credible, and usable information about student engagement in law school? For starters, administrators, faculty members, and others could determine whether students were spending time on educationally purposeful activities. They could also use the information to determine how well their programs and services stacked up against other law schools with similar missions and academic programs.⁴¹ The Law School Survey of Student Engagement (LSSSE—pronounced “lessie”) was designed with these purposes in mind.⁴²

III. LSSSE: A TOOL FOR EVALUATION AND IMPROVEMENT

The LSSSE annually obtains information directly from law students about the quality of their education. The groundwork for the LSSSE project was laid about six years ago when The Pew Charitable Trusts funded the National Survey of Student Engagement (NSSE) as an initiative to strengthen institutional responsibility for undergraduate student learning.⁴³ NSSE provides a short, highly-focused survey that measures the extent to which institutions deeply and effectively engage their students in educationally purposeful activities. More than 970 different colleges and universities and about 900,000 students have participated in the NSSE project since 2000.⁴⁴

Building on NSSE’s experience, proven research, and widespread use,⁴⁵ the LSSSE survey offers a student-centered approach for assessing the “value added” to the law school educational experience by determining the extent to which JD students engage in good educational practices. A pilot test⁴⁶ in spring 2003 involved approximately

ABA, Directory of Law School Public Interest and Pro Bono Programs, <http://www.abanet.org/legalservices/probono/lawschools/> (last visited Nov. 18, 2005). See also JANET EYLER & DWIGHT GILES, WHERE’S THE LEARNING IN SERVICE-LEARNING? (1999).

39. See LEE S. SHULMAN, TEACHING AS COMMUNITY PROPERTY: ESSAYS ON HIGHER EDUCATION (2004).

40. See NAT’L SURVEY OF STUDENT ENGAGEMENT, 2002 REPORT, *supra* note 32, at 8.

41. See Nancy B. Rapoport, *Having Our Cake and Eating It Too: Why Real Change is So Difficult in Law Schools*, 81 IND. L. J. 359, 359–60 (2006) (noting the need for peer comparison information in creating a strategic plan).

42. NAT’L SURVEY OF STUDENT ENGAGEMENT, 2002 REPORT, *supra* note 32, at 8.

43. Nat’l Survey of Student Engagement: Our Origins and Potential, <http://www.indiana.edu/~nsse/html/origins.htm> (last visited July 20, 2005).

44. Nat’l Survey of Student Engagement Quick Facts, http://www.indiana.edu/~nsse/html/quick_facts.htm (last visited July 20, 2005).

45. Prior to the development of the LSSSE survey, former dean of Harvard Law School Derek Bok noted that NSSE’s evaluation of how extensively colleges use effective teaching methods would present a better basis of measuring the quality of professional schools. Derek C. Bok, *Markets and Mindwork*, 10 WASH. U. J.L. & POL’Y 1 (2002).

46. Faculty members and scholars who reviewed and commented on the draft survey include Thomas Ehrlich (Carnegie Foundation), Charles Geyh (Indiana–Bloomington), Gerald Hess (Gonzaga), Carl Monk (Association of American Law Schools), Judith Wegner (North

4300 students from eleven law schools⁴⁷ across the country. Student focus groups⁴⁸ and cognitive interviews⁴⁹ conducted at several participating schools helped to further refine the survey questions for the law school environment.

The LSSSE differs from other efforts to estimate law school quality in several important ways. The survey instrument focuses squarely on the teaching and learning activities that personally and intensely involve all types of students at different types of law schools with different types of missions. When law students read more, write more, and interact more in productive ways with their professors and peers, they gain more in terms of essential skills and competencies, such as critical thinking, problem solving, and effective communication.⁵⁰

The information comes directly from currently enrolled students. More than 34,000 law students from seventy-three law schools completed the LSSSE survey online in spring 2004 and 2005. The students represent a broad cross-section of JD students from across the country. Because all JD students are surveyed by an independent survey research organization,⁵¹ the results are reliable, comparable, meaningful, and credible.

LSSSE findings provide insights into student behaviors and law school environments that can be addressed almost immediately to enhance student learning and law school effectiveness.⁵² Law schools already are using LSSSE results at faculty retreats and board meetings to focus discussions about the quality of legal education, to inform internal academic reviews, and to identify areas of teaching and learning where improvement may be desired.

Brigham Young University Clark Law School is a good illustration of how law schools can use student engagement data to improve the quality of the educational experience.⁵³ Among their initiatives, the law school integrated what they learned from their LSSSE results into their orientation program to set high standards for entering JD students. The law school also reallocated resources to better meet student needs and to help remove potential barriers to student involvement. A faculty committee examined

Carolina at Chapel Hill), James White (Indiana–Indianapolis), Dale Whitman (Missouri–Columbia), and Gita Wilder (Law School Admission Council).

47. Law schools in the LSSSE pilot administration included Brigham Young, District of Columbia, Duke, Florida, Fordham, Indiana–Bloomington, Minnesota, New York Law, North Carolina at Chapel Hill, William and Mary, and Wisconsin.

48. See Judith A. Ouimet et al., *Using Focus Groups to Establish the Validity and Reliability of a College Student Survey*, 45 RES. HIGHER EDUC. 233 (2004) (describing the value of using focus groups to refine survey questions).

49. See FLOYD J. FOWLER, JR., *IMPROVING SURVEY QUESTIONS: DESIGN AND EVALUATION* 110–14 (1995) (describing how allowing students to think aloud while completing a survey is an effective means to investigate whether questions are understood in a similar manner by different students).

50. See Kuh, *supra* note 16, at 25.

51. The Indiana University Center for Survey Research administers the online LSSSE survey by contacting students directly and collecting all survey responses. A detailed report of survey results is later sent to each law school.

52. Kuh, *supra* note 24, at 12.

53. Brigham Young's associate dean Scott Cameron publicly shared information about these law school initiatives at a national conference. Scott Cameron et al., *A Dialogue with the Law School Survey of Student Engagement*, Panel Presentation at the Association of American Law Schools Annual Meeting (Jan. 5, 2004).

how to modify curricular requirements and expectations to enhance learning. The school also shared their survey results with their Student Bar Association which sponsored several student-led initiatives designed to create a more supportive environment for all students.

CONCLUSION

Law school rankings may be a fact of life, but they have little to do with educational quality. That is, they do not represent what students experience nor do they point to areas where law schools can improve teaching and learning. As John Sexton observed, "There is no one thing that makes a law school great. What makes a great institution is reflection on purpose, and actuation based on that reflection."⁵⁴ By working to structure learning opportunities and arrange institutional resources so that more students can take part in a variety of challenging and complementary educational activities, law schools can help shift the conversation about law school quality beyond rankings to other factors that are important in effective legal education.

54. John Sexton, President of New York University, was formerly Dean of the Law School. David Gosset, *Dialogue: Legal Education, Today & Tomorrow*, John Sexton, 3 GREEN BAG 2D 417, 424 (2001).

