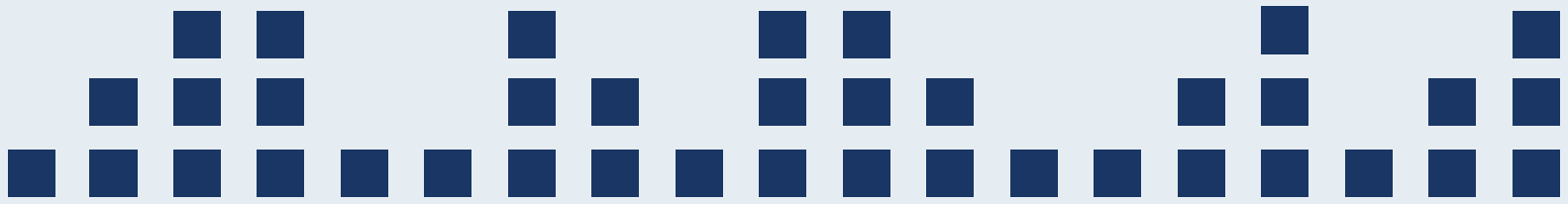




LST's
2025
VISION



This document—an excerpt
from LST's 2025 Vision—
summarizes the LST Index
and Certification

LST'S ROLE IN REMAKING INCENTIVES



The LST Index and Certification: External Validation of Law School Values and Achievement

As a general benchmark, the *U.S. News* rankings push schools in ways that do not align with their values. After countless conversations with current and former law school deans and other senior administrators, it is apparent that they desire a deliberate, thoughtful, and transparent mechanism that measures the good work that they do and that they want to do. In other words, these deans seek an external validator beyond *U.S. News* in part to arm themselves for difficult conversations with stakeholders. From LST's perspective, the purpose is to unbind schools from the grips of *U.S. News*, create the necessary conditions for affordable, accessible, and innovative legal education, and cause faster positive change.

[T]he *U.S. News* rankings push schools in ways that do not align with their values.

A Model for Success in Legal Education

In 2013, LST assessed school websites for the accurate publication of information important to consumers and required by the ABA. This process uncovered problems and motivated schools to improve the quality of information they provided. For the assessment, named the Transparency Index, schools received a green ✓ or red ✗ for each of the 19 criteria: ten voluntary disclosure criteria and nine criteria that measured compliance with the new ABA Standard 509.⁴⁹ Administrators at 199 ABA-approved schools received performance results along with explanations of the requirements and common issues. Schools had three weeks to address shortcomings. A website disclosed initial performance, but emphasized where schools landed. This encouraged schools to improve performance over time.

In that short time, 84 schools improved their standing on the Transparency Index. The media covered the results, which caused even more schools to improve and the ABA to ramp up enforcement related to Standard 509, all-but eliminating violations of the new ABA disclosure standards. The process and results earned the Transparency Index a mention in Transparency International's Global Corruption Report as one of the U.S. case studies on integrity in higher education. Even today, over 60% of law schools publish the voluntary disclosures from the Transparency Index in full each year.⁵⁰ It lastingly changed disclosure norms.

Fundamentally, schools were motivated by the ability to earn green checks. In some cases, law school deans wanted green checks for all criteria. In other cases, the deans just wanted to meet or exceed performance of particular peers. In all cases, schools were responding to a new market for transparency. Schools competed on a series of new, straightforward metrics that looked at the quality and honesty of consumer disclosures.

⁴⁹ Law School Transparency, 2013 Transparency Index, <https://www.lawschooltransparency.com/reform/projects/Transparency-Index/>.

⁵⁰ LST Data Dashboard, NALP Report Database, <https://data.lawschooltransparency.com/transparency/nalp-report-database/>. The voluntary components of the Transparency Index are all met through publishing the NALP report.

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Philosophy and Basic Structure

LST will extend its success on transparency with three additional themes: access, affordability, and curricular innovation. As outlined in earlier in this report, an unrelenting system of incentives makes equitable access, lowering prices, and modernizing curriculums extremely difficult. LST will help schools align their values and decisions by creating a functional market for access, affordability, and curricular innovation.

There are two key top-level elements that will allow these new markets to flourish: a public performance index and a free certification. The LST Index will assess schools according to transparent criteria related to the above four themes. A school receives a **✓** for each criterion it meets; a school receives an **X** for each criterion it does not meet. For some criteria, a **?** may be a third option that indicates no position.

Figure 8

	A	B	C	D	E	F	G	H	I	J
B. Obama Law School	✓	✓	X	✓	✓	X	X	X	✓	✓
RGB School of Law	X	✓	✓	✓	X	X	✓	X	?	✓
J. Roberts Law School	✓	X	X	X	X	✓	X	✓	X	✓

The criteria may measure gender and racial representation, tuition transparency, diverse faculty and staff hiring practices, concrete steps to create inclusive environments, and much more. Version 1 of the criteria will be set after a period of notice and comment. The standards, required documentation, and performance will all be publicly available at www.LSTIndex.com.

Schools will also be able to earn a certification that signals to the market its values and achievements. To become certified—an official name will be revealed at a later date—a school must meet or exceed a points threshold. Schools will earn points based on LST Index performance. The points available for meeting each individual criterion will be determined through a variety of factors by an independent standards board created by LST. Through a transparent point system, schools will retain flexibility in how they achieve their minimum certification score. The total score will rise and fall with performance over time, but as long as the school meets or exceeds the threshold, it may claim certification.



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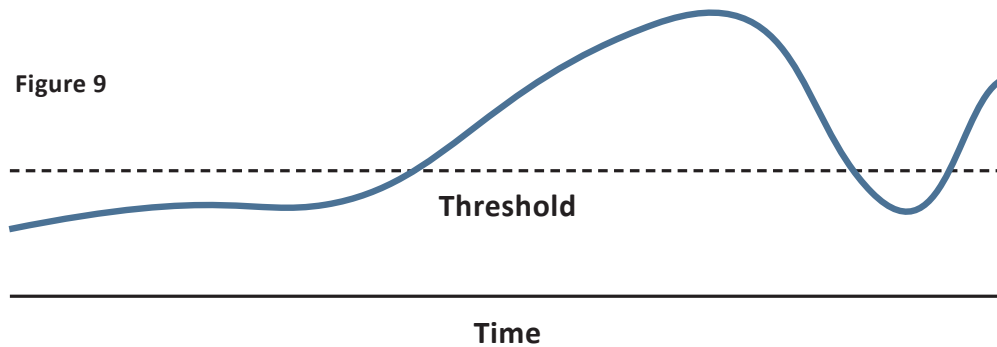




Figure 9 looks at the fictional RBG School of Law's performance over time. Schools will receive a score by participating in an online assessment that asks schools a series of questions related to the criteria. Some answers will be pre-populated with data from the ABA, which the school must confirm for accuracy. Other answers will require documentation. Each criterion will have a set period of time for which the answer qualifies. For example, every December, the ABA publishes new data related to tuition, scholarships, and student demographics. Insofar any part or combination of the December dataset qualify a school for one or more criteria, these data preempt the prior year's data, unless the criteria utilizes performance over several years. Expiration will be baked into the program to ensure timeliness and progress. Schools will receive advanced notice when documentation will expire, especially if the expiration jeopardizes certification without the school updating its documentation. The lead time will allow schools to pivot when possible.

The index and certification will not take a 360° view of a law school and its contributions to their community, the legal profession, and beyond. The purpose is not to dictate the missions or emphasis of law schools. Instead, this project seeks to instill a baseline for U.S. legal education as it relates to cost, diversity, transparency, and innovation. The vision will be robust but not so strident that schools do not retain the flexibility to serve diverse missions. The criteria selected, weight prescribed, and threshold delineated will reflect a vision of legal education where law schools are more affordable, more inclusive, more open, and more responsive to what society needs from its lawyers. They will also reflect a process that involved law school administrators and educators from the start.

Ultimately, the 2013 Transparency Index worked because it created a market for disclosure. Law schools competed for green checks, seeking to do as well or better than peer schools. The tabular green 's and red 's in the new LST Index, along with the certification and associated scores, will likewise promote accountability and competition; law school stakeholders can benchmark their school against peer schools and internal goals. The certification will attest to what a school values and showcase that it devotes more than words to meaningful objectives. In the end, the LST Index and certification will provide a genuine opportunity to alter the incentives landscape that paralyzes legal educators in a time where rapid change is essential. Many individuals in and around law schools care about access, affordability, and curricular innovation. Creating markets for those themes will help them take their efforts to the next level.

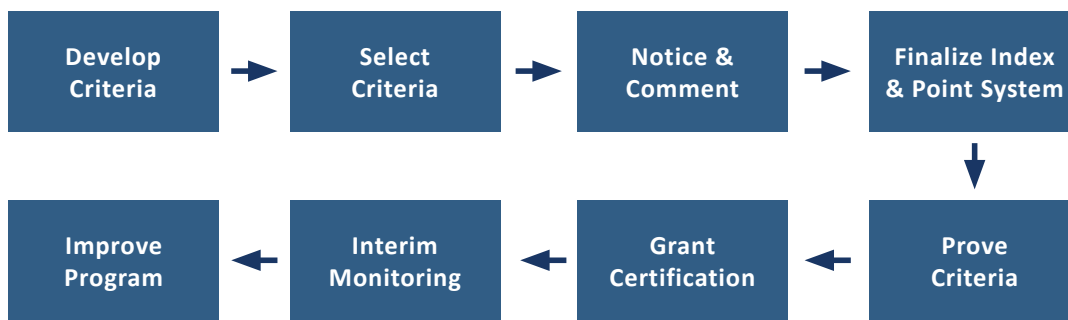
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The Process

The system is designed to recognize achievement and cause positive change. To do so, the system as a whole and each part must be reasonable, practical, and worthwhile. Without these pillars, the system collapses and the potential impact minimized. To ensure success, LST has consulted (and will continue to consult) law school deans, administrators, and faculty; current and former regulators; young and seasoned lawyers; people at legal education nonprofits; and even people outside of the legal profession, including those with expertise in point-based certification systems. The project is completely independent from law schools but requires their input to satisfy the pillars. **Figure 10** (below) charts the process beyond the basic index and certification structure.

Figure 10



Develop Criteria

The LST Index will include a variety of criteria that touch on one or more themes. Each criterion is a measurement. Sometimes we will measure outcomes; other times we will measure process or practices. The key consideration is what is necessary for the kind of progress envisioned, or even what just might be helpful. Small movements can be incredibly valuable when targeting the right levers. The criteria cannot be so unreasonable that schools cannot possibly comply, but must reach far enough as to make the entire enterprise worthwhile. Importantly, perfect cannot be the enemy of the good.

Many of the conversations related to potential criteria have been one-on-one conversations. Others have involved very small groups over the phone or video conference. LST also presented the core index and certification structure at Wolters Kluwer Leading Edge in July 2019, the ABA Annual Meeting in August 2019, Law's Futures: New Institutions for Legal Education in September 2019, the Center for Computer-Assisted Legal Instruction (CALI) Board of Directors meeting in January 2020, and the Society for American Law Teachers (SALT) Board of Directors meeting in January 2020. At each event, LST solicited feedback on the structure and ideas for criteria from senior law school administrators, legal educators, and members of the bar.

Additionally, LST co-hosted two workshops related to access, diversity, and inclusion metrics at two law schools. In October 2019, the University of South Carolina School of Law co-hosted the first workshop. Participants included senior leaders from the Law School Admission Council (LSAC), Law School Survey of Student Engagement (LSSSE), CALI, and Diversity Lab's Move the Needle Fund, the dean on an HBCU law school, members of the local bar, and law students. In February 2020, Boston College Law School co-hosted the second workshop. Participants included a half-dozen current and former law school deans, former regulators, members of the local bar, and law students.

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At both convenings, LST asked participants to take an industry-wide scope, wear their model citizen hat, and understand that successful administration of the project will benefit the legal profession, access to justice, and the rule of law. All participants took the instructions seriously. During and after the events, the consensus was that the workshop was personally enriching, but also that success was plausible and would mean lasting, wide-ranging change in legal education. This in large part was because the convenings brought together former ABA regulators, law school and university administrators, students, legal education data wonks, and diversity and inclusion experts to ensure the criteria workshopped were reasonable, practical, and worthwhile.

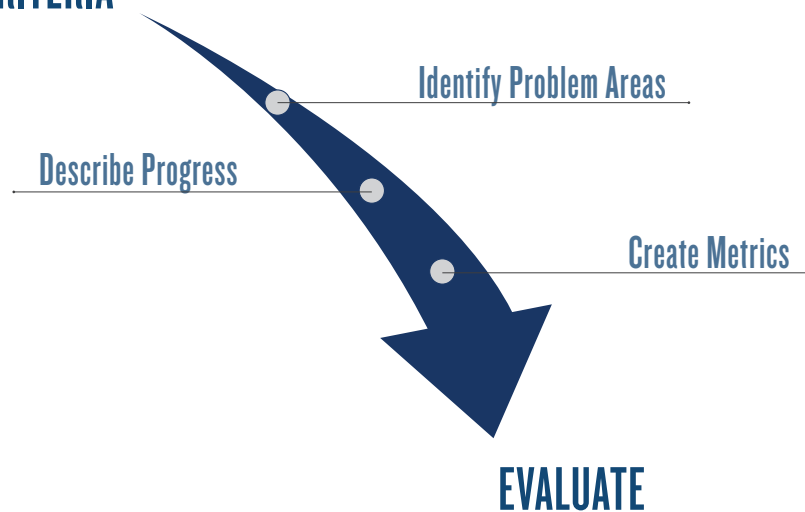
The workshop process moved from problems to progress to metrics through a series of three questions.

- 1 Identify Problem Areas: In what ways do law schools struggle with diversity?
- 2 Describe Progress: What is necessary or helpful for the progress you envision?
- 3 Create Metrics: How should we measure that progress?

LST has used this process through all four themes and the process is ongoing as of this report's release (March 2020). To date, more than 50 metrics have been considered, but only a portion of these metrics will survive to notice and comment and to the Version 1 of the LST Index. Each criterion will go through rigorous evaluation at each stage.

Figure 11

DEVELOP CRITERIA



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Select Criteria

This stage involves finalizing a public draft of provisional criteria. An iterative process, LST will create roughly 50 brief summaries of criteria for consideration for the LST Index and tag each by linked theme(s). For a subset of those most promising criteria, LST will develop standards, measurement tools, and timelines. Working groups of subject-matter experts from throughout legal education, the judiciary, and the practicing bar will help during this stage.

Notice and Comment

This stage involves 60 days of public comment on the provisional criteria. To maximize public engagement, LST will establish a public comment website and solicit feedback through news stories, blog posts, listservs, direct emails, social media, and any other avenue that may reach interested people.

Finalize Index and Point System

LST will establish an independent standards council with representation from law schools, the bench, the bar, prelaw advisors, and the public. The executive council will consider the comments, adjust the standards as appropriate, and determine the final criteria and point system. While the LST staff and other subject matter experts will advise throughout the process, the final decisions reside with the standards council, unless the LST Board of Directors overturns a decision within 30 days with a two-thirds majority vote. Once the executive council finalizes the criteria for Version 1, including evidentiary standards, the criteria will not change until a later version is released.

Once finalized, LST will announce Version 1 of the LST Index, the point values for each criterion, and the threshold schools must meet or exceed to qualify for certification. To start, school performance on the LST Index and their point totals will not be public to provide schools the opportunity to surpass the threshold without the penalty that may be associated with the appearance of slow uptake. The timeline for performance disclosure will be determined by the standards council based on the criteria selected for Version 1 of the LST Index.

Prove Criteria

With the criteria finalized, schools will be able to take an online assessment that measures and tracks progress. The assessment will automatically update point totals as schools complete it. The assessment will ask schools for documentation (or confirmation of the information LST has about the school), and once LST verifies submissions, the LST Index will update, along with the school's official point totals. Along the way, LST will provide guidance to help schools either achieve new goals, make good on current goals, or demonstrate achievement. The guidance will be provided throughout the assessment, as well as to law school administrators directly in-person, over the phone, or over email. If a school disagrees with LST's evaluation, the school may appeal. The appeal will prompt a discussion with an LST staff member or member of the standards council. If a resolution cannot be reached, the school may escalate its appeal to the standards council, where the decision will be final.

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Grant Certification

Certification will last as long as schools remain at or above the points threshold and the dean signs the certification agreement. There will be no charge for certification. Even before the LST Index and school point totals become public, schools may use the certification if they meet or exceed the threshold and sign the agreement. Schools that seek to comply may also voluntarily disclose current performance on their websites, provided they meet certain, to-be-defined disclosure standards related to the project.

Interim Monitoring

Law schools can lose credit for the criteria they meet in several ways:

- 1 New data render previous data obsolete, and the new data do not qualify the school for the criterion;
- 2 Schools do not fulfill pledges;
- 3 Failure to renew policies or procedures;
- 4 Changing or reducing disclosures;
- 5 Violating the certification agreement.

Depending on the final criteria, there may be additional ways to lose credit. Appeals will be handled through the appeals process described above.

Improve Program

As previously noted, the index and certification will not take a 360° view of a law school. This project provides a baseline vision related to four themes: access, affordability, innovation, and transparency. Accordingly, Version 1 of the LST Index, as well as later versions, may disappoint or frustrate some legal educators, administrators, and others. But over time the project will evolve and LST will remain committed to creating positive incentives that make the legal profession and society better.

Feedback for the next iteration will begin immediately after we release Version 1. While the criteria, evidentiary standards, and point system will not change after the release of a new version, help documents can be updated to reduce confusion. Feedback for future versions will be sought from law school administrators, legal educators, the bench and bar, and other subject matter experts. For example, Version 1 is likely to be light on curricular

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innovation. LST and its partners plan to convene workshops with key stakeholders on curricular innovation. Future criteria may focus on the innovation process, e.g. whether the school develops empirically-validated learning outcomes. It may also focus on incentives to restructure programs and spending in a way that makes them more accessible and affordable. The standards council will update the criteria periodically and schools that previously earned certification will receive a grace period to comply with new criteria.

LST and its strategic partners from throughout the legal profession must work to make the LST Index mean something.

Making Markets: Hope Will Not Suffice

The LST Index will measure progress over time and lead to certification for schools that attend to significant issues in legal education. What gives the LST Index such promise is the potential for law schools to demonstrate value to university provosts, presidents, and trustees; students and alumni; employers; prospective law students; and their communities. Law schools need this path because, to date, *U.S. News & World Report* has served as *the* benchmark for law school quality and prestige.

Perhaps counterintuitively, explanations of this project have led to palpable enthusiasm among deans. LST began to discuss the project in mid-2019 with select law school deans around the country—beyond those we consulted on the structure, mechanics, and potential criteria. Sample responses included “Yes!,” “How can I help make this happen?,” “Please, please, please make this happen,” and “This could transform legal education.” These deans wanted to be judged, just not by *that* benchmark.

Not all deans will react this way, but enough have. Yet hope is not enough. LST and its strategic partners from throughout the legal profession must work to make the LST Index mean something. A market will not be made if stakeholders pay little attention. To do this, LST will work to integrate index performance on other third-party websites and seek news coverage and write columns about the schools that commit to the project and its vision. Schools that use the certification, or their intention to become certified, on their websites and other marketing materials will also advance the goal of establishing this new benchmark.

In addition to media coverage and integrations, LST and its partners will visit law schools, speak at conferences, conduct webinars, and more to teach school administrators and faculty how the LST Index works and persuade them to seek compliance with as many criteria and as quickly as practicable. LST will also recruit students, alumni, and faculty champions at law schools. These individuals will build support among key stakeholders at their law school. LST will support these individuals throughout the process.

The legal profession must demand better and support models that do so—to credit the schools that make consistent, valuable societal contributions on a range of measures. If the profession does not come together, legal education will continue captive to the whims of a for-profit company that will always prioritize its bottom line over the health of the legal profession, its members, and those it serves.

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Competition is Key

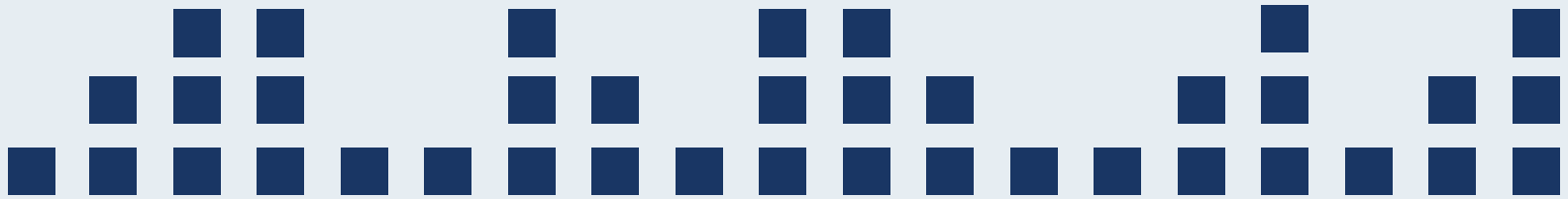
The game is mitigation, not elimination. Genuine competition will help unbind schools from the grips of a single ranking regime. The LST Reports will continue to be LST's principal means of providing students the tools they need to make informed choices about where to apply to and attend law school (if at all). It is not enough for advisors like LST to merely tell prospective students not to use the *U.S. News* rankings. Advisors must point to viable alternatives, or create them when they do not exist.

The LST Index and certification will also provide new consumer information, although its primary function will be to provide an alternative validation framework to schools so that educators and administrators have something else to shoot for and sell to their many stakeholders. Increasingly, today's generation of law school applicants (not to mention donors) care about spending money with institutions committed to social, environmental, and other impact. The more stakeholders care, the more schools will care. Accordingly, schools will want to improve their standing on any measure with currency. This means more green checks from the LST Index and more cumulative points from the assessment, each of which will push schools to improve above the certification threshold.⁵¹ The point, after all, is to bend decision-making in favor of the vision that animates the project.

While law school administrators do not hold all the keys to mitigating the influence of *U.S. News*, they hold many of them. Embracing credible, alternative approaches can help to change the narrative among prelaw students, students, alumni, faculty, and the media. A rubber stamp from LST is unlikely to move the needle, but a system that is reasonable, practical, and worthwhile can.

Yet a reasonably challenging system does complicate the decision to take the LST Index assessment and build internal support among faculty, staff, and students for improvement. Fortunately, LST has not and will not create criteria in a vacuum. The project has been purposefully developed in concert with a collection of legal education's most thoughtful innovators and will provide key additional consumer information—the kind that LST can strategically disseminate through many different, competing platforms to maximize awareness and therefore effectiveness. If successful, legal education can get where it needs to go much faster.

⁵¹ B Corps are a great example. With B Corps, corporations have not stopped just because they meet the minimum threshold to qualify as a B Corporation. *Improve Your Impact*, <https://bimpactassessment.net/how-it-works/improve-your-impact>. Corporations do not unlock higher levels with more points, as with LEED Certification. Yet they still seek to improve performance over time.

The logo for Law School Transparency (LST) features the letters 'LST' in a bold, orange, sans-serif font. To the right of the letters is a vertical orange bar, and to the left of the bar are three vertical bars of varying heights, resembling a bar chart.

**LAW SCHOOL
TRANSPARENCY**

You can learn more about how to support the
projects related to LST's 2025 vision at

www.LawSchoolTransparency.com/progress/