

LSSSE's Challenge: Gaining Recognition in the Wake of U.S. News & World Report

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Higher education increasingly has stressed the importance of using data in decision-making,¹ and one might think this trend would translate into booming participation by law schools in a project that generates data about students' experiences in a particular law school, as well as providing comparative data. That was my hope, at least, when I joined the Law School Survey of Student Engagement (LSSSE) in 2010 as its second executive director. LSSSE houses the largest database of information about law students' experiences, which it has compiled through annual surveys of law students.² Its data offer insight into the perceptions of students about their relationships, learning,

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1. See generally Julie A. Marsh et al., *Making Sense of Data-Driven Decision Making in Education*, Rand Education (2006), https://www.rand.org/content/dam/rand/pubs/occasional_papers/2006/RAND_OP170.pdf (analyzing types of data and types of decisions they tend to inform); David M. Moss & Debra Moss Curtis, *Essential Elements for the Reform of Legal Education*, in *REFORMING LEGAL EDUCATION: LAW SCHOOLS AT THE CROSSROADS* 217, 226 (David M. Moss & Debra Moss Curtis, eds. 2012) ("Perhaps the most significant question facing legal education in this regard is how to foster an enduring culture of accountability and feedback such that the focus on data-driven reform enhances our work in meaningful ways."); Ellen B. Mandinach, *A Perfect Time for Data Use: Using Data-Driven Decision Making to Inform Practice*, 47 *EDUC. PSYCHOLOGIST* 71 (2012) ("High-level education officials are looking to DDDM [data-driven decision-making] as a potential solution to some of education's most pressing problems such as improving the graduation rate, decreasing the dropout rate, and better preparing students for higher education. DDDM is not, however, considered a panacea. It is labor intensive and costly; but, given the recent mandates, it is no longer optional for educators." (footnote and references omitted)). For a current statement about this, see *Analytics Can Save Higher Education. Really*, Educause (2020), https://changewithanalytics.com/wp-content/uploads/2020/02/Joint_Analytics_Statement_2020.pdf.
2. See *About LSSSE*, Law School Survey of Student Engagement, <https://lssse.indiana.edu/who-we-are/> ("Since 2004, 203 law schools in the U.S. (184), Canada (17), and Australia (2) have administered the LSSSE Survey, eliciting over 380,000 student responses—the largest such dataset in existence.").

satisfaction and experiences, and survey results give law schools a way to explore differences across segments of the student body, as well as to compare results with those of other participating law schools. But despite participation being relatively inexpensive in terms of both money and time,³ not all law school deans intuitively recognized the value of the information LSSSE produced. In fact, the higher a law school's *U.S. News & World Report* rank, the less likely its dean was to see a need for the insight LSSSE could offer. This had little to do with whether the school generated analogous information about its students' experiences on its own, and instead reflected the fact that there was no clear connection between the information provided by LSSSE and a school's ability to raise its *U.S. News* rank. LSSSE data addresses a wealth of issues central to educating law students, but these generally are unrelated to the factors influencing *U.S. News*.

My role at LSSSE included explaining why LSSSE *could* and *should* matter to law schools. The importance of data on student engagement was obvious to the world of higher education, but an effective translation into the language of legal education was needed to transform LSSSE into an asset that also was recognized as valuable in the hierarchy of legal education. This challenge animated my work with LSSSE and it is the focus of this essay. After a brief review of the *U.S. News* influence, Part II describes four distinctive aspects of LSSSE's approach that starkly differentiate it from *U.S. News* and, because of the centrality of *U.S. News*—particularly to elite law schools—these differences risk LSSSE being perceived as irrelevant or even suspicious. Part III further explores the value of participating in LSSSE at this moment, when issues of inequality are highlighted by the COVID-19 pandemic, and the murder of George Floyd and the Black Lives Matter protests. In the conclusion, I suggest why LSSSE is a crucial asset for law schools to navigate this unprecedented period.

I. *U.S. News* Rules

It is no surprise that *U.S. News* rankings matter for law schools.⁴ This recognition, however, does not by itself suggest anything about the value ascribed to LSSSE by the various actors who comprise what can be seen as the world of legal education.⁵ For that, it is essential to begin with a review of the pivotal role of rankings.

Rankings are a response to the struggle to capture and convey something about the quality of a law school's education. As explained by Michael Sauder

3. At the time that I was director, LSSSE had never increased its fees; it charged between \$2700 and \$4700, depending on the size of the student body.
4. The most thorough and thoughtful analysis of the role of *U.S. News* rankings for law schools is WENDY NELSON ESPELAND & MICHAEL SAUDER, *ENGINES OF ANXIETY: ACADEMIC RANKINGS, REPUTATION, AND ACCOUNTABILITY* (2016). On how *U.S. News* matters, see *id.* at 113 (regarding deans) and *id.* at 135 (regarding career services administrators).
5. These actors include law schools, regulators, prospective and current students, alumni, and prospective employers of students, among others.

and Ryon Lancaster, "Signals . . . are especially valuable in markets such as legal education, where quality is hard to measure and information is difficult for outsiders to gather themselves."⁶ Reputation serves as a signal of the quality of the education offered by a school.⁷ And for U.S. law schools, one reputational signal has emerged as the most significant: its *U.S. News*' law school ranking.⁸

This ranking system produces a reputational signal that affects the competition for students and faculty, and shapes attention and support from alumni as well as from prospective employers of a school's graduates.⁹ As explained by Wendy Espeland and Michael Sauder, "Most students believe the reputation of the school is an important determinant of career trajectories. 'The prestige of your law school really does give you some capital later in your career. At every stage of your career, where you went to law school might help you in some way,' a second-year law student explained. Asked how he defined 'prestigious,' the student quickly replied: 'U.S. News & World Report. It's the only way to go.'"¹⁰

But students' perceptions do not entirely explain the significance of the rankings for purposes of this essay. Also crucial is that the ranking regime permeates decision-making within law schools, reshaping the focus toward increasing a school's position on the *U.S. News* list in ways that marginalize and devalue other goals the school might have pursued. This recursive, interactive effect is described by Espeland and Sauder: "[M]easures [including *U.S. News* law school ranking] are reactive. Measures elicit responses from people

6. Michael Sauder & Ryon Lancaster, *Do Rankings Matter? The Effects of U.S. News & World Report Rankings on the Admissions Process of Law Schools*, 40 L. & SOC. REV. 105, 106-07 (2006).
7. *Id.* at 108 (educational quality is "difficult and costly" to assess).
8. Rankings generally reflect a school's resources. See generally Jeffrey E. Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 229, 232 (2006) (discussing the incentives created by rankings in the allocation of resources: "If important ranking systems include a given factor, schools will shift resources to improving that factor and away from factors that count for less in the rankings The rankings cause schools to devote too many resources to some goals and too little to others.").
9. Richard Abel, *Crunched by the Numbers (reviewing Engines of Anxiety)*, 66 J. LEGAL EDUC. 961, 972-75 (2017) (explaining that "Students rightly anticipate that the rank of the school from which they graduate will influence their career prospects. . . . Firms emphasize the rank of the schools from which their lawyers graduated (even those who have been practicing for years) because clients, in turn, use that metric as a proxy for quality (another instance of an experience or credence good difficult to evaluate in advance or perhaps at all). . . . USN rankings affect faculty hiring[, and] law school administrators live or die by the rankings. . . . [A]lumni/ae give money to schools that are rising in the rankings and withhold it from those that are falling. . . . As Espeland and Sauder reveal, each of these elements reinforces the others, making it more difficult for any actor in the system to disregard rankings.").
10. Wendy Espeland & Michael Sauder, *Rating the Rankings*, 8 CONTEXTS 16, 18 (2009), <https://journals.sagepub.com/doi/pdf/10.1525/ctx.2009.8.2.16>; see also Abel, *supra* note 9, at 970 ("Ranking is particularly important for those choosing an education—what Philip Nelson called an "experience" good, which can be evaluated only after it is consumed. Indeed, education may more closely resemble a "credence" good, whose worth cannot be measured even after it is experienced." (footnote omitted)).

who intervene in the objects they measure.”¹¹ This results in administrators’ preferring in their decision-making the factors that drive the rankings, frequently to the exclusion of other goals.¹²

Despite this interactive complexity regarding the effect of ranking criteria on the internal workings of law schools, the ranking produced by *U.S. News* operates as a straightforward and simple signal, positioning law schools comparatively and competitively according to a single number that is perceived as indicating reputation and quality. This clarity is one of its strengths. A law school can be summed up as #X, up a certain number of slots from last year, and at the top of a particular group of schools to which it has some similarity, whether by region, affiliation, expertise, or otherwise. The simplicity of the output makes *U.S. News* especially easy to use; no nuance or explanation is required. But the ease of using one number to define a school risks our losing sight of the fact that that number defers to the opinion of others (here, *U.S. News*) about what matters in assessing the quality of legal education.¹³

II. LSSSE in a Context Framed by *U.S. News*

LSSSE’s approach in many respects is the antithesis of that reflected in *U.S. News*. Notably, it has avoided attempts to reduce a school to a single number or measure. Unlike *U.S. News*, it draws on sources of information internal

11. Wendy Nelson Espeland & Michael Sauder, *Rankings and Reactivity: How Public Measures Recreate Social Worlds*, 113 AM. J. SOCIOLOGY 1, 2 (2007). On transnational recursivity in the context of international legal and higher education, see Carole Silver & Swethaa S. Ballakrishnen, *Sticky Floors, Springboards, Stairways & Slow Escalators: Mobility Pathways and Preferences of International Students in U.S. Law Schools*, 3 UC IRVINE J. INT’L TRANSACTIONAL & COMP. L. 39 (2018); for background on the notion of recursivity generally in the global context, see Terence Halliday & Bruce G. Carruthers, *The Recursivity of Law: Global Norm Making and National Lawmaking in the Globalization of Corporate Insolvency Regimes*, 112 AM. J. SOCIOLOGY 1135, 1135 (2007); Gregory Shaffer, *The World Trade Organization Under Challenge: Democracy and the Law and Politics of the WTO’s Treatment of Trade and Environment Matters*, 25 HARV. ENVTL. L. REV. 1, 1-93 (2001).
12. For a description of the factors included in the current *U.S. News* law school ranking, see Robert Morse et al., *Methodology: 2021 Best Law Schools Rankings*, U.S. NEWS (Mar. 16, 2020), <https://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology>.
13. Jeffrey Evans Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 230, 231 (2006) (“But law school rankings are not presentations of data or other facts. Law school rankings are opinions.”); ENGINES OF ANXIETY, *supra* note 4 at 19 (“One of the most perplexing aspects of educational rankings is how a set of numbers produced by people with no expertise in education and using a methodology that has been consistently criticized by educational experts and insiders could generate such far-reaching changes and influence.”); see also *Rankings and Reactivity*, *supra* note 11 at 32-33 (describing local reputation outside of rankings indicators); Richard Schmalbeck, *The Durability of Law School Reputation*, 48 J. LEGAL EDUC. 568 (1998) (describing the durability of reputation apart from *U.S. News* ranking); Abel, *supra* note 9 at 967 (“Despite the long-standing stratification of law schools . . . , the triumph of Langdell’s Socratic case method meant that legal education was extraordinarily homogeneous. Having gone to Columbia and taught at Yale, UCLA, USC, NYU, Fordham, and CUNY, I came to believe that if I found myself teaching a first-year torts class in any of the 200 American law schools, I would not be able to tell where I was without looking out the window or listening for regional accents.”) (footnote omitted).

to the school and refuses to give preference to any particular comparative or competitive vantage point. Instead, its data convey the richness of students' activities, experiences, and perceptions. Schools receive their data (anonymized) and an in-depth analytical report, which together provide a participating law school with an opportunity to take a broad and deep look inside itself, but the opportunity is devoid of coercion regarding what should be done with the data and findings. This reflects LSSSE's mission, which is to help law schools improve the quality of the education they offer by understanding students' engagement.¹⁴ The contrast between LSSSE's insider focus and the outsider focus of *U.S. News* is reminiscent of Erving Goffman's description of the backstage and front stage relationship between nonpublic conduct and what is shared and visible to an audience.¹⁵

LSSSE's data is collected from the primary consumers of the law schools: the students. The project's fundamental tenet is that students' views are important to improving the quality of legal education. The survey asks students how they spend their time (including studying, law school-related activities and personal activities); how they experience class (including participating in class and working with other students in class); what their relationships are like with other students, as well as with faculty and administrators; how involved they are in various groups and activities; and how satisfied they are with their choice to go to law school and of their specific school, among other things. Overall, the survey's topical focus addresses the everyday activities and experiences of law students while they are in law school.

But because law schools are so engrossed in responding to *U.S. News*, LSSSE's very different approach and emphasis has resulted in schools failing to recognize its relevance to their mission. During my tenure, the project was characterized by at least four factors that were (and remain) so substantively distinct from the *U.S. News* approach that they shaped LSSSE's uncomfortable place in the rankings-laden legal education environment.

The first distinctive factor is LSSSE's output: a detailed dataset on a wide range of topics, each explored through several related survey items, which stand in contrast to the single number that is the *U.S. News* rank. Results are conveyed through an analytical report showing statistical mean scores broken down to reveal differences by respondents' year in law school; these

14. See Carole Silver et al., *Gaining from the System: Lessons from the Law School Survey of Student Engagement about Student Development in Law School*, 10 U. ST. THOMAS L. J. 286, 289-90 (2012) ("Scholars describe the concept of student engagement in terms of 'students' levels of active involvement in their undergraduate programs and in its constituent elements.' This involvement includes, among other things, 'learning inside the classroom, [participation] in student organizations, and . . . research experiences.' Student engagement also can refer to those behaviors that benefit learning, such as studying independently or collaboratively, or seeking help from a professor. Generally, empirical research investigating students in college has demonstrated a relationship between student engagement and academic success. Research on college students shows that student engagement often correlates with persistence in school and higher grades.") (footnotes omitted).
15. ERVING GOFFMAN, *THE PRESENTATION OF SELF IN EVERYDAY LIFE* (1959).

also are contextualized by their comparison to results for other participating law schools (grouped into schools of a similar (i) student-body size, (ii) orientation (public/private/parochial), (iii) all participating schools during the year, and (iv) a five-school comparison group selected by each school). These results can be overwhelming in their detail, but this very detail also is an important asset: LSSSE provides each law school with its own data, so that it could analyze its results rather than be limited by the standard analysis offered to each participating school.¹⁶ In this way, LSSSE enabled each school to pursue the questions that mattered most in light of its unique constellation of students, curricular and extracurricular opportunities, and culture. For *U.S. News* to do something comparable would require it to share and unpack the reputational information it gathers, for example, to enable analysis according to the background and position of the informants.

Moreover, LSSSE encourages participating law schools to go beyond its survey to understand and contextualize its results. That is, it recognizes the inherent limitations of its survey methodology. As with any survey, LSSSE's results cannot explain why certain responses may have changed or the reasons behind particular responses. Rather, to answer such questions, LSSSE advisors routinely recommend additional qualitative research.¹⁷

In an effort to provide more explanation and guidance, LSSSE developed several additional analytical reports intended to highlight particular issues without oversimplifying and losing the richness in the results.¹⁸ This tension—essentially between extracting trends and dumbing down results—characterized the translation project that I hoped would facilitate LSSSE's transformation into a universally recognized asset in the law school world.

The second factor distinguishing LSSSE from *U.S. News* was its refusal to endorse any single comparison or ranking. The data are presented in a way that offers a variety of analytical reference points. These include comparisons with other law schools through the four groupings described above, as well as enabling schools to compare with earlier annual results. More nuanced analyses

16. To broaden the message of the value of LSSSE's data, it was used to inform academic research on legal education so that it could make the case for its contribution on a second front, through the familiar role of scholarship that is a highly-valued element of legal education. See Silver et al., *supra* note 14; Carole Silver et al., *Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement*, 17 J. LEG. WRITING INST. 373 (2011); Carole Silver, *Getting Real About Globalization and Legal Education: Potential and Perspectives for the U.S.*, XXIV STAN. L. & POL. REV. 457 (2013); Carole Silver & Louis Rocconi, *Learning From and About the Numbers*, 4 J. OF LEG. METRICS 53 (2015); Alex Steel, *LSSSE in Australia: The UNSW Results* (2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2304219.

17. Qualitative research also was useful in explaining what else might influence LSSSE results; while it's tempting to explain a change from one year to the next as reflecting a particular innovation introduced into the school, other forces may be more significant in shaping students' responses, and this is explained only by supplemental research.

18. These were the Executive Snapshot and Engagement Indicators, based on the development of statistical scales. See *LSSSE Reports*, LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT, <https://lssse.indiana.edu/lssse-reports/> (last visited Apr. 2, 2021).

can be accomplished by exploring the data directly, which, for example, enable a school to learn about differences related to particular segments of the student body in personal characteristics or involvement in particular activities. By presenting results with a variety of relational references, LSSSE avoids messaging that any one particular comparison is most important.

Interest in comparison drove several memorable conversations, while I was heading up LSSSE, with deans of highly ranked law schools who offered justifications for deciding not to participate in the survey by pointing out that their peers—whom they identified according to their *U.S. News* ranks—also were not participating. Without enough high-ranking schools to form a peer group, they argued, it would be fruitless for them to administer LSSSE at their law school. I have to admit to cynically suspecting that a few of these decisions were driven by an interest in avoiding the discomfort of learning that a comparison with a group of lower-ranked schools would reveal no meaningful difference in student engagement, satisfaction, and experiences.¹⁹

The third distinction is the privacy and confidentiality characterizing LSSSE results, which contrasts with the *U.S. News*' approach. LSSSE leaves it to participating law schools to decide whether and how to share their results, or even the fact of their participation.²⁰ While some have argued the benefits of publishing a list of participating schools in order to shift attention toward LSSSE and its student-centered approach, this strategy was not pursued on my watch. But maintaining the confidentiality of participation might inadvertently also remove pressure on participating schools to understand and use their results. A number of schools that participated in LSSSE during my tenure seemed uninterested in using their results, or even digging into them to learn what they revealed. This was facilitated, at least in part, because there was no public pressure to use or respond to the results. This is not to say that results cannot create the same internal reactivity described by Espeland and Sauder regarding *U.S. News*' ranking. The way a law school uses its results may

19. While the number of law schools that participated in LSSSE increased during my tenure, it remained a challenge to enroll enough of the most highly ranked schools to comprise a representative group of ABA-approved law schools. See George Kuh & Patrick O'Day, *Whence Did They Come, LSSSE?*, in this issue for information on participation in the early years. In 2010, seventy-seven law schools participated (average institutional response rate was forty-eight percent); ninety-five law schools participated in 2011 (average institutional response rate was fifty-two percent) and eighty-one schools participated in 2012 (average institutional response rate was forty-six percent). During these years, Canadian law schools participated every other year, including in 2011.
20. Recently, because of changes to the standards governing law schools, the relevance of LSSSE has become more obvious. See *ABA Standards and Rules of Procedure for Approval of Law Schools Standard 314*, American Bar Association (2019–2020), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf (requiring law schools to use “both formative and summative assessment”); Judith Welch Wegner, *Law School Assessment in the Context of Accreditation: Critical Questions, What We Know and Don't Know, and What We Should Do Next*, 67 J. LEGAL EDUC. 412 (2018).

lead to similar contortions. But this is within the control of each individual law school, and is not tied to LSSSE's value or mission.

The fourth distinction is LSSSE's internal focus; the survey asks insiders about their perception of their experiences, rather than emphasizing the perceptions of outsiders about the quality of the education being offered. Survey respondents are current students at the participating law school. And because LSSSE is mindful of the risks of self-reporting, its questions largely ask students to report on their current activities and experiences.²¹ Of course, LSSSE is not the only means of learning about the internal environment of a law school. Additional assessments might be generated from inquiries to faculty, staff, and graduating students, among others; course evaluations offer some insight into students' views of their classroom experiences, too.²² But the effort to view the law school from an insider's perspective highlights one of LSSSE's distinctions from the *U.S. News* approach, which relies on external validation—whether through test scores or reputation—for its legitimacy.²³

Together, these distinctions presented such a contrast from the culture surrounding the focus on and response to *U.S. News* that LSSSE risks being seen as inapposite. While some schools embrace the project as the healthfully oriented antidote that it intends to offer, others are at a loss for how to find relevance from its perspective.

III. LSSSE's Importance Internally and as a Signal

LSSSE's distinctive characteristics, described above, not only differentiate it from *U.S. News*; they also complicate what LSSSE is understood to stand for, as well as how—and whether—its results are used. The volume and nature of information produced by LSSSE presents a rich and nuanced dataset for participating law schools to unpack, but for decision-makers accustomed to being animated by moving a single number, these very attributes can be overwhelming. Moreover, the inside of a law school—LSSSE's target—can be messy. Alongside analyses highlighting results, it is common to find disheartening responses (more ambivalence, for example, than one would have hoped), and responses that are difficult to understand without additional research.

Insights gained from analyzing LSSSE data do not always point to clear paths or solutions. While law school administrators who work through their

21. On self-reported measures, see Silver et al., *supra* note 14, at n.23.

22. *But see* Rebecca J. Kreitzer, *Evidence of Measurement and Equity Bias in Standard Evaluations of Teaching*, <http://www.rebeccakreitzer.com/bias/>.

23. This is not to say that external endorsement was irrelevant to LSSSE. As Kuh and O'Day describe in their contribution to this issue, LSSSE's development was supported by several heavy hitters in the world of legal education, including Carl Monk, then executive director of the Association of American Law Schools, and Thomas Ehrlich, former dean of the University of Pennsylvania Law School and president emeritus of Indiana University, among others. But AALS did not continue to endorse LSSSE after Monk's retirement, nor did the ABA.

LSSSE results undoubtedly gain awareness of what various students are and are not experiencing within their schools, this does not necessarily enable them easily to transform this insight into action plans that expand engagement, intensify interaction, and ensure equal opportunities, for example. Often, the first step in understanding the data comes in the form of questions and challenges.²⁴ Nevertheless, it is precisely these questions and challenges that offer an opportunity for LSSSE's value to shift from being purely a useful internal asset to one that also is recognized as valuable in signaling a law school's ambition and sensitivity to the conditions that are polarizing society, including law schools, in the United States. In essence, using LSSSE for internal improvement transforms a school, which contributes to its external valorization, as well—the two are linked.

To understand this opportunity, consider that LSSSE data offer schools a chance to identify patterns of inequality inside their organizations, allowing administrators to learn how different students experience law school differently. Research shows that students who identify as Black, Latinx, Asian-American (which ignores important differences within this label), international, female, genderqueer, religiously observant, and many identity groups not listed here, experience organizations—including law school—differently regarding myriad matters from mentor relationships to participation in student organizations, engagement in class, relationships with classmates, and navigating career steps.²⁵ Relatedly, law schools recognize that these and other factors relate to the various academic outcomes students experience. These variations essentially are indifferent in the *U.S. News* regime, but they are hugely important to the health of a law school and the promise it holds for its students.

24. This was sometimes compounded by the lack of research resources within a law school's administration to facilitate analysis of LSSSE data. Not all law schools include institutional researchers, certain schools struggled to find adequate substitutions, and others were reluctant to share their data with such experts within their university. Some outsourced their data and the task of analysis and application to a third party, and others gave the job to an internal law school group that did not have any particular statistical expertise. On institutional researchers in law schools, see Tiffane Cochran, *Exploring the Role of Institutional Research in Graduate and Professional Education*, AccessLex Research Brief (2015), <https://www.accesslex.org/exploring-the-role-of-institutional-research-in-graduate-and-professional-education>.
25. For a sample of relevant research, see Swethaa S. Ballakrishnen & Carole Silver, *A New Minority? International JD Students in US Law Schools*, 44 L. & SOC. INQ. 647 (2019); *Sticky Floors*, *supra* note 11; Anthony Paik et al., *Diversity and Networking in Law School* (forthcoming); Christopher Williams, *Gatekeeping the Profession*, 26 CARDOZO J. EQ. RTS. SOC. JUSTICE 171 (2020); Meera E. Deo, *Two Sides of a Coin: Safe Space & Segregation in Race/Ethnic-Specific Law Student Organization*, 42 WASH. U.J.L. & POL'Y 83 (2013); WENDY LEO MOORE, *REPRODUCING RACISM: WHITE SPACE, ELITE LAW SCHOOLS, AND RACIAL INEQUALITY* (2008); ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO "THINK LIKE A LAWYER"* (2007); CARRIE YANG COSTELLO, *PROFESSIONAL IDENTITY CRISIS: RACE, CLASS, GENDER, AND SUCCESS AT PROFESSIONAL SCHOOLS* (2005); Antoinette Sedillo Lopez, *Latinas in Legal Education—Through the Doors of Opportunity: Assimilation, Marginalization, Cooptation or Transformation*, 13 AM. U. J. GENDER, SOC. POL'Y & LAW 109 (2005); David B. Wilkins, *Two Paths to the Mountaintop—The Role of Legal Education in Shaping the Values of Black Corporate Lawyers*, 45 STAN. L. REV. 1981 (1993).

From these foundations, law school administrators and faculty can engage in the crucial steps of attempting to adjust and improve their work so that their environments can begin to change. Because the survey can be administered annually, it offers schools a chance to observe the incremental dynamics inherent in organizational change. This sort of strategic use of LSSSE offers a pathway for addressing a number of issues dominating society as I write, including the isolation, divisions, and inequality that were highlighted in the summer and fall of 2020. In offering this insight, participation in LSSSE can signal a law school's commitment to addressing inequality and student health, for example, through greater understanding; that is, participation stands as some evidence of a law school's willingness to invest in learning about and addressing difference in order to provide a fairer environment for students. Not that LSSSE is a solution on its own, but there is no need to overstate here—participation enables learning about the hidden ways that inequality is experienced within the processes and organizations that produce lawyers.

IV. Conclusion

As I write this essay, the COVID-19 pandemic has shuttered law schools and universities, and some predict the consequences will be shattering into the future.²⁶ In that process, law students around the country have experienced common challenges: Classes shifted to Zoom, grades moved from curved to some version of pass/fail, internet connectivity was spotty, and students struggled to remain engaged in their classes and communities and to adapt to increased uncertainty regarding their career opportunities. In these ways, the pandemic acted without regard to a school's rank. But this equalizing effect exists alongside the unequal ways individuals have been affected by the pandemic, and this also cuts across law schools regardless of rank. In this context, and with the undercurrent of renewed sensitivity to issues of racial inequality, one must wonder whether law schools can retain their relevance if defined by something like the *U.S. News* ranking regime. Or must legal education engage with inequality and power allocation in ways that offer the opportunity for introspection and change? Attending to what is happening backstage, LSSSE has much to contribute,²⁷ and it can claim recognition as a crucial aid for moving forward.

26. See, e.g., Vijay Govindarajan, *COVID-19's Impact on the Future of Higher Education: What University Leaders Should Be Thinking About Now*, Harvard Business Publishing (2020) (webinar recording), http://academic.hbsp.harvard.edu/webinar_COVID-19_impact_on_the_future_of_higher_education?cid=email%7Celoqua%7Crecording-covid-19-impact-on-future-of-higher-education-non-dean-5-21-20%7C214046%7Cwebinar%7Ceducator%7Cdedicated-landing-page%7C202005211836&acctID=8335824 (describing a prediction that 90% of U.S. colleges and universities would close within 50 years of the pandemic or earlier).

27. See GOFFMAN, *supra* note 15.