

their tribunal practice. Over a period of four consecutive weeks, students made entries in a professional journal, recording each step in the process of reaching a decision in an actual case from their tribunal practice.

To support the online delivery of the subject, a program was used which was developed by Monash University's Centre for Higher Education, for the delivery of professional education courses. The use of online delivery enabled this subject to be delivered to an important target group for which this sort of specialised education would not otherwise be accessible.

The subject was delivered during 2001 as a pilot offering to a group of 19 students, drawn from seven different State and Commonwealth tribunals across four states. They were of diverse professional and disciplinary backgrounds, and included six students with legal training. The subject was evaluated by both external and internal methods. External sources of evaluation included comments from the heads of four major tribunals who reviewed the printed materials, and evaluative feedback from an external academic assessor who had access to the online worksites and discussion forum as well as the printed materials.

The external academic assessor commented on the high standard of written materials, which represented a major synthesis of administrative and other laws pertaining to tribunal work, and the practical focus of the assessment activities. Comments provided by the tribunal heads on the written materials illustrated the diversity of the tribunals and of their positioning in relation to this subject, given the variation in levels and areas of training they provide to members. The subject evaluation questionnaire, completed by 10 students, showed that students were very happy with the subject content, teaching methods, study guide and activities. Completing the subject enhanced their ability to perform their functions as tribunal members, and

stimulated their interest in further study.

Australian law schools are well placed to contribute to the professional education of tribunal members. The absence until recently of a national peak body for Australian tribunals has led to lacunae in the provision of common training programs. Australian universities have the expertise to develop attractive subjects and the educational infrastructure to support learners, whether studying locally or at a distance. The provision of university-based programs will promote consistency in professional standards and prepare members for a broader role within the tribunals sector.

## **EVALUATION**

### **Why the US News and World Report law school rankings are both useful and important**

M Berger

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In 1990 US News and World Report published its first ranking of law schools and other graduate programs. The criticism started almost immediately and has continued unabated. Even deans and faculty of high-ranking and well-respected law schools generally denounce the rankings as counterproductive, flawed and unfair. Certainly, sales of the magazine's annual rankings issue have not suffered on account of their criticism. By carefully evaluating their arguments, we can gain insight into some of the problems that exist in legal education today. The arguments made against the rankings can be shown to be flawed. And by reviewing the criticisms we can better understand why the US News rankings seem to fulfill applicants' need for information in a convenient and simple format.

The US News rankings evaluate reputation among practitioners and academics, selectivity, placement

success and faculty resources to come up with an overall score for each ABA-accredited US law school. The rankings are published in the spring of each year. Reputation accounts for 40 percent of each school's overall score. Twenty-five percent is based on the results of a survey mailed to the dean and three faculty members at each law school. Each respondent is asked to evaluate every law school on a scale ranging from 1 ('marginal') to 5 ('distinguished'). The remaining 15 percent is based on survey responses from hiring partners, other lawyers, and senior judges.

Critics of the rankings say that law school applicants take the rankings too seriously, choosing their schools on the basis of rank while ignoring other more important factors such as quality of life. Who encourages this? Not the US News, which states that the rankings can start applicants on the right track of finding the right school but that many other factors which cannot be measured should figure in the decision. Not the legal education establishment. The Law School Admissions Council's Web site features a letter endorsed by the deans of 174 ABA-accredited law schools advising applicants that numbers-based ranking systems like the one published by US News are inherently flawed because none of them can take special needs and circumstances into account when comparing law schools. And not by individual law schools.

Despite the concerns expressed by some critics, it seems apparent that students are not really being encouraged to overemphasise the ranking. But is it possible that, even without encouragement from anyone in a position of authority, students are nevertheless taking the rankings too seriously? It is probably fair to say that many students do indeed consider rankings in making their decisions, but by no means is it clear that students are relying exclusively (or almost so) on the ranking. No one has demon-

strated that students take the rankings as anything close to gospel.

A common criticism of the rankings from law teachers and deans is that the methodology is flawed. This point was emphasised by the 1998 AALS study. The academic reputation portion of the rankings has probably received the most criticism, perhaps because it carries the greatest weight. The reputation score, critics charge, artificially inflates differences between schools that, in reality, have equally strong programs. AALS is probably correct in many of its assertions concerning the US News method for determining law school reputation. But even if these criticisms are valid, the US News rankings are nonetheless important. Reputation is based on perception, not reality, and that is a true for institutions as it is for individuals. The reputation rankings may indeed short-change some excellent schools that are relatively unknown. And they may make other schools look far better than they should because they happen to be associated with large universities or have well-known graduates or have been in existence for a long time. But when all is said and done, the rankings roughly correspond to the way both practising attorneys and law teacher perceive certain schools. That perception, however unfair, will have a huge influence on a student's job prospects.

Faculty, even those at lower-tier schools, are no less elitist than other legal employers. Although law schools are fond of advising applicants to pick the school that is best for them, law school attended is unquestionably a factor in faculty hiring. It is more than moderately hypocritical for deans and law teachers to assert that the US News rankings are unfair, while at the same time making law school attended a major criterion when screening prospective faculty.

Law school deans suggest students consider such things as the alumni

network, location, loan repayment assistance, public interest programs, writing instruction, skills instruction, class size, externships, diversity, faculty expertise, research opportunities, interdisciplinary programs, part-time enrolment options, and cost. But exactly how is an applicant supposed to go about gathering information on criteria such as teaching quality, student satisfaction, or strength of the alumni network? Students can certainly find out about the existence of clinical programs or interdisciplinary programs or externships, but how can they determine whether the clinical programs are well taught or whether they will have a good chance at getting that great externship if they apply for it. The way a program looks on paper and the way it works in reality may be very different.

It is true, then, that the rankings fail to consider many important things. But it is often extremely difficult to get unvarnished and reliable information on many of these criteria, and law school applicants, understandably, want to look at some of the factors about which reliable and objective information is available (e.g. student-faculty ratio). US News helps students compare different schools by ranking them on the basis of such factors. The US News ranking serves an important and valuable function for students and helps promote accountability among law schools. Criticisms of the rankings ignore how applicants actually use the information provided and fail to substantiate their claims with concrete examples where the rankings have harmed either law schools or applicants.

Law schools must begin to offer applicants a constructive and beneficial alternative to US News. They should treat applicants as people who are about to enter a professional career and provide them with complete and accurate information to enable them to decide if that school is right for them. This means that law schools need

to discuss their weaknesses as well as their strengths.

One relatively inexpensive way to implement this idea might be to have a website with a section for each school maintained by LSAC or another stakeholder in the law school admissions process. Law schools also need to disclose in a clear and concise format important information, such as the average debt load upon graduation, the kinds of careers students tend to pursue after graduation, alumni satisfaction with the school, career opportunities for those not in the top quarter, mentoring and opportunities to get to know faculty and so on.

Finally, although there is scant evidence that the rankings are serving as gospel, the rankings debate highlights the need for a better understanding of how applicants choose a law school. What information do they use? Where do they get their information? How do they use the information they have obtained? And law schools need to evaluate what additional information could be useful to prospective students. Students are not going to stop using the US News rankings until law schools start to meet their ethical responsibility to provide applicants with meaningful information in a convenient format.

## INDIVIDUAL SUBJECTS/ AREAS OF LAW

### **Corporate social responsibility: There's a forest in those trees: Teaching about the role of corporations in society**

K Greenfield

34 *Georgia L Rev*, 2000, p 1011ff

Corporate law is primarily about the relationships among shareholders, boards of directors, managers and, occasionally, bondholders and other creditors. Questions surrounding the role of corporations in society arise only at the periphery of the dominant narratives of corporate law, if at all. It