

MEASURING CLINICAL LEGAL EDUCATION'S EMPLOYMENT OUTCOMES

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INTRODUCTION

Clinical training is one of the most significant developments in legal education over the last century.¹ Legal education experts and bar committees have praised clinical education's ability to teach law students the competencies necessary for the practice of law and a sense of their professional identity and obligations.² Some even identify the added benefit of aiding J.D. students in securing employment and possible negative impact of inadequate skills training on the job market for graduates.³

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1. See, e.g., PHILIP G. SCHRAG & MICHAEL MELTSNER, REFLECTIONS ON CLINICAL LEGAL EDUCATION 5 (1998); ROBERT STEVENS, LAW SCHOOL 215 (1983).

2. See, e.g., ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM 234 (1992) [hereinafter MACCRATE REPORT]; OHIO STATE BAR ASS'N, REPORT OF THE TASK FORCE ON LEGAL EDUCATION REFORM 4 (2009); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS 120 (2007) [hereinafter CARNEGIE FOUNDATION REPORT].

3. ILL. STATE BAR, FINAL REPORT, FINDINGS & RECOMMENDATIONS ON THE IMPACT OF SCHOOL DEBT ON THE DELIVERY OF LEGAL SERVICES 3 (2013) ("In fact, . . . the tight job market facing recent law school graduates may have—at least in part—resulted from the inadequate training."); MASS. BAR, BEGINNING THE CONVERSATION: REPORT OF THE TASK FORCE ON LAW, THE ECONOMY AND UNDEREMPLOYMENT 5 (2012) (finding graduates were more marketable with real-world experience); STATE BAR OF CAL., TASK FORCE ON ADMISSIONS REGULATION REFORM: PHASE I FINAL REPORT 14

Professor Jason Yackee examines this last claim to determine if there is a link between experiential learning opportunities and J.D. employment outcomes.⁴ He focuses on just one of three types of experiential course, law clinics, to model any possible relationship between the availability of law clinic courses or percentage of students enrolling in clinics and school employment rates. He concludes, “[T]here is not much evidence that law schools that provide greater opportunities for skills training have substantively better employment outcomes than do those law schools that provide fewer opportunities.”⁵ Because his measure of employment outcomes is strongly related to *U.S. News* law school ranking, he argues that over-investment by schools in experiential learning may harm employment outcomes by taking away investment in other factors that may more directly drive a school’s rank. Commentators on Yackee’s study have noted that the purpose of clinics, like other aspects of a school’s educational program, is to prepare students for the practice of law.⁶

Rather than focusing on those educational benefits, this article accepts Yackee’s call to consider the potential employment benefits of law clinics, initially through reexamination of his methodological approach and then by looking beyond both clinics and his statistical model. The expanded empirical analysis finds it is not possible to draw any reliable conclusion from Yackee’s models about the likely effects of law clinic courses, or other activities like law journal and interschool skills competitions, on employment outcomes, and surely not the negative conclusion he puts forth about clinic opportunities. Indeed, other studies show that law clinic experiences are important to potential employers and aid some students in securing employment.

I. MISDIAGNOSIS—CORRELATION IS NOT CAUSATION

Yackee’s study seeks to measure whether potential employers favor schools that make law clinic courses more available to students. The presumption for any such link is that a clinic signals enhanced skills or competence to potential employers, and employers act on that

(2013) (finding that enhanced skills will improve marketability; that inadequate practice-readiness has contributed to difficult job market); STATE BAR OF WIS., CHALLENGES FACING NEW LAWYERS TASK FORCE REPORT AND RECOMMENDATIONS 15 (2013) (finding that offering hands-on training would increase marketability of students).

4. Jason Webb Yackee, *Does Experiential Learning Improve JD Employment Outcomes?*, 2015 WIS. L. REV. 601.

5. *Id.* at 604.

6. See, e.g., Keith A. Findley, *Assessing Experiential Legal Education: A Response to Professor Yackee*, 2015 WIS. L. REV. 627, 629.

information by valuing clinic availability or experience in the hiring process.

Modeling the employment decision-making process is particularly challenging when undertaken *en masse* across 100 schools for over 25,000 J.D. students who graduated in 2013. Yackee does not have data granular enough to calculate the employment rate for graduates who took a clinic (or did not). Rather, he focuses on the variation in employment rates between schools that offer more or fewer clinics. Although Yackee should be commended for his thoughtful effort to explain that complex process, his method does not support any conclusion about if or to what degree law clinic availability or experiences affect employment outcomes.

A significant shortcoming of Yackee's analysis is that, at most, it shows a negative correlation between clinic course opportunities and employment. Even these correlations, as shown below, are of questionable validity and change direction when different variables are modeled. As the saying goes in statistics, "correlation is not causation."⁷ An article on empirical legal scholarship explained, "Careful empiricists follow a number of practices, including . . . avoiding reaching conclusions about causation when the data proves only a correlation, and avoiding reaching conclusions about the world writ large when the data support only a conclusion about a subset of the world."⁸

Yackee focuses particular attention on two regression results where statistical significance was achieved, showing a negative correlation between law clinic opportunities and employment. These two outcomes lead Yackee to suggest that in some way clinic opportunities may actually harm schools and their students. This stunning suggestion—that employers in a sense punish or think worse of schools that provide more clinic opportunities or of students who enroll in those clinics by hiring them less often—should caution against any causal claim. As Yackee concedes, causality may be reversed. Schools with poorer employment prospects for their students may address that concern by providing more law clinic opportunities. Thus, without the additional clinic opportunities, the school's employment outcomes might be worse. Because the results never account for more than half of the variability in employment across schools, any result could also be due to factors the models fail to control.

7. THOMAS SOWELL, *THE VISION OF THE ANOINTED* 54 (1995) ("One of the first things taught in introductory statistics textbooks is that correlation is not causation. It is also one of the first things forgotten.")

8. Russell Korobkin, *Empirical Scholarship in Contract Law: Possibilities and Pitfalls*, 2002 U. ILL. L. REV. 1033, 1050–51.

While acknowledging this lack of evidence of causation, Yackee nonetheless repeatedly asserts that his study demonstrates that law clinic experiences are not helpful and that schools might want to focus their limited resources on enhancing their *U.S. News* ranking. Not only, then, is the reader asked to conclude that employers may find students with clinic experiences or from schools that offer more clinic opportunities less qualified but also that the solution may be for schools to play the ranking game and focus tuition and other financial resources on improving prestige indicators such as academic peer reputation (i.e., more resources toward faculty scholarship) or admission selectivity (i.e., more merit-based financial aid), rather than on training students for the practice of law. Yet, ranking is an expensive, zero-sum game. For every school in the top 100 that takes up the call to transfer resources away from experiential training toward ranking indicia and is able to move up in the ranking, some other school, absent ties, would be pushed down.

Moreover, “law school reputations are extremely durable. . . . the *reputational* surveys have been largely impervious to that fluctuation [in overall rankings], and impervious as well to everything else that one might imagine would influence people’s views about the relative quality” of various law schools.⁹ An analysis of sixteen years of *U.S. News* rankings found that it is extremely difficult to improve academic reputation: “The data certainly suggests that an obsession with academic reputation scores is counterproductive. The likelihood that a law school can significantly improve its academic reputation is sufficiently low that one has to question whether all such efforts are justified from a cost-benefit standpoint.”¹⁰

Yackee’s choice of response variable is also problematic. A Law School Transparency (LST) employment score merely reflects the overall success of a school’s students in securing employment. The score reveals nothing about which students are employed, their educational experiences in law school, or any differences in the one relevant respect—law clinic coursework—from the school’s other graduates or those from comparable schools. As an example of this problem, take a school where 25% of its graduates took a clinic during their course of study. If the school’s employment score is 60%, the

9. Richard Schmalbeck, *The Durability of Law School Reputation*, 48 J. LEGAL EDUC. 568, 586 (1998). “[T]he inertial forces acting on law school reputation are so powerful that [schools] are unlikely to improve their ranks no matter how hard they try, but equally unlikely to lose ground if they simply continue (more quietly) to do what they do well.” *Id.* at 587.

10. Robert L. Jones, *A Longitudinal Analysis of the U.S. News Law School Academic Reputation Scores Between 1998 and 2013*, 40 FLA. ST. U. L. REV. 721, 786 (2012).

model does not know if 75% of the students with clinic experience obtained a position while 55% without that coursework did not, if those percentages are reversed, or not different at all. Yackee's model is not able to reflect the actual effect taking or not taking a clinic had on a student's, or even the school's, employment outcomes or the effect of offering more or fewer clinic positions to a school's students.

Therefore, while Yackee's study provides interesting information on law clinic opportunities and employment outcomes, it should not be used to infer causality in employment decisions and surely not a basis for engaging in an accelerated *U.S. News* ranking arms race.

II. QUESTIONABLE VARIABLES AND MEASUREMENTS

The caution against reading the results of correlations as a call to redirect a school's educational focus is particularly appropriate given significant problems with the variables in Yackee's models.

In trying to determine whether clinic courses influence employment decisions, Yackee seeks to control for the possible confounding effect of prestige, by using *U.S. News* rank or peer review score as controls, and for unemployment in the state in which the greatest number of a school's students took the bar examination.¹¹ These rival explanatory variables, though controlled to some extent, unfortunately fail to ensure that differences observed in LST scores are the result of different levels of clinic availability or participation.

The employment conditions in the state where the student is seeking employment is a particularly challenging control variable. While labeled "main bar state," this variable does not control for all of the students included in the LST score; for a number of schools, it does not even account for a majority of students. For example, Notre Dame's main bar state for 2013 was Illinois, yet this state accounted for only 16% of the school's graduates.¹² With main bar states capturing as little as one-sixth of a school's graduates and with unemployment rates varying between states from 3.8% to 9.8%, it cannot be said that the main-bar-state variable controls for the effect of a state's unemployment rate on a legal employer's decision.

11. Professor Yackee used the preliminary state annual average unemployment report for 2013, which was published in February 2014. Yackee, *supra* note 4, at 609. These numbers were updated in March 2015. See *Unemployment Rates for States*, BUREAU OF LAB. STAT., <http://www.bls.gov/web/laus/laumstrk.htm> (last modified Aug. 21, 2015). As the changed rates had no significant impact on model results, all 2013 modeling uses Yackee's early data.

12. AM. B. ASSOC., NOTRE DAME LAW SCHOOL - 2013 STANDARD 509 INFORMATION REPORT (2013), available at <http://abarequireddisclosures.org>.

Bar passage also potentially confounds employment results. Bar passage percentages among the top 100 ranked schools range from 66% to 100% in the largest bar state. If a greater percentage of one school's students have not passed the bar at the time of the potential employment decision then the possible influence of that school's or student's clinic opportunities on the employment decision is muted by the potential employer's preference for another student simply because of bar status, not clinic experience. As with the main bar state, it is not possible to capture a school's bar passage percentage in a single variable. Because both unemployment and bar passage may confound any result, one cannot confidently say that all other matters affecting employment decisions are equal except for the explanatory clinic variable.

Yackee's main explanatory variables—positions available and filled in faculty-supervised law-clinic courses—also raise validity, as well as reliability, issues. Availability and enrollment in clinic courses is self-reported by schools in their annual questionnaires. Until August 2014, no accreditation standard defined a “law clinic” and the questionnaire instructions have left room for schools to potentially count a single student's clinic experience as multiple positions. The annual questionnaire instructions, or lack thereof, could result in some schools over-reporting positions by counting as two positions: separately graded clinic seminar and casework components; clinics that require two semesters but are separately graded each semester; and courses that split credits between graded and ungraded.¹³ Under the reporting scheme, a student who took more than one clinic would show up under positions filled as two, while the percentage of graduating students presenting themselves to an employer as having a clinic experience would not have increased. One need only see schools reporting increases in clinic positions of over 100% in a single year—for example, from 190 in 2012 to 395 in 2013 back to 183 in 2014—to be concerned about accurate reporting.¹⁴ The ABA recognized this reliability issue by amending that instruction for the 2014 questionnaire and changing it still further for 2015.¹⁵

13. See e-mail from author to Scott Norberg, Stetson Law School (Mar. 19, 2015 11:05 CST) (on file with author).

14. For example, from 2012 to 2013, Boston University reported 205 new law clinic positions available (108% increase), University of Houston reported 180 new positions (176% increase), and Georgia State reported 94 new positions (125% increase). See AM. B. ASSOC., 2012 & 2013 STANDARD 509 INFORMATION REPORTS, available at <http://abarequireddisclosures.org>. The following year, Boston University reported 212 fewer clinic positions, a decrease of 51%. See AM. B. ASSOC., 2014 STANDARD 509 INFORMATION REPORT, available at <http://abarequireddisclosures.org>.

15. See Memorandum from Chris Pietruszewicz, Chair, Data Policy & Collection Comm. & Scott Norberg, Accreditation Project Dir. For Data Policy & Collection, to ABA Council of the Section of Legal Educ. & Admissions to the Bar

In addition, clinics across the country, and even within schools, vary greatly. Contrary to Yackee's assumption, not all clinics are "intensive[]" or "extended."¹⁶ The typical credits earned for clinic casework are 3, not the 12 at Yackee's school. Only 2% of law clinics award 10 or more credits; the median is just 3 credits.¹⁷ Students also do not typically work in a clinic for an entire year, as they apparently may at Yackee's institution—74% of clinics only last one term.¹⁸ This is not to discount the value of more limited experiences to a student's legal education. But it does highlight the problem with assuming similar clinic courses across all 100 schools and, hence, judging that an employment decision was related to the presence or absence of comparable experiences.

The timing of the employment decision also is not addressed by the models. If a student received an offer of employment prior to enrolling in a clinic, then the assumption that the cause preceded the effect (i.e., that the clinic experience in some way could have an effect on the employment decision) is not correct. A majority of state student practice rules require four semesters of coursework before a student may practice under the rule; forty states require at least three semesters.¹⁹ Therefore, students typically take a clinic during their third year. Yet, many students receive employment offers before the start of the third year. Absent information showing that the clinic experience preceded the employment decision, one cannot measure its effect on student employment.

III. VARIABLE CHOICES DRIVE THE RESULTS

Yackee's Models 1 and 2, and the results reported in his appendix, use as the dependent variable the LST employment score for a class of graduates that obtained full-time, J.D.-degree- and bar-passage-required positions within nine months of graduation. This score includes jobs funded by the law school, which, as the ABA explained, are "not

(May 27, 2015) (on file with author); Memorandum from Len Strickman, Chair, Data Policy & Collection Comm., & Scott Norberg, Deputy Managing Dir., to ABA Council of the Section of Legal Educ. & Admissions to the Bar (May 14, 2014) (on file with author).

16. Yackee, *supra* note 4, at 608.

17. ROBERT R. KUEHN & DAVID A. SANTACROCE, 2013-14 SURVEY OF APPLIED LEGAL EDUCATION 23 (2014), available at <http://www.csale.org/results.html>.

18. *Id.* at 17.

19. Data compiled from GEORGETOWN LAW LIBRARY, STUDENT PRACTICE RULES - CLINICAL RESEARCH GUIDE, <http://www.law.georgetown.edu/library/research/guides/StudentPractice.cfm> (last visited July 10, 2015).

provided by the market,” “not ‘long-term’” and “misleading.”²⁰ As such, the score does not merely measure employer decisions to hire students for long-term, J.D.-required positions but also reflects a school’s willingness to assist its unemployed graduates with temporary employment. Yackee notes that some schools have placed a significant percentage of their students in these jobs, driving up their LST score by as much as 21%.²¹ This is a particularly significant issue among schools that are the focus of Yackee’s model. Over half of schools ranked by *U.S. News* in the top 100 provide school-funded jobs, with just 13% of all law schools accounting for over 80% of school-funded jobs.²² If the intent of a model is to judge employer interest in graduates based on clinic availability or experience, school-funded jobs cannot count as true long-term, J.D.-required positions. One does not have to take a position on the potential value of school-funded jobs to students to recognize that Models 1 and 2 in Yackee’s analysis, and in his appendix, have no place in, and distort, any discussion of the possible effect of clinic experiences on employment. Indeed, the ABA no longer will allow school-funded jobs to be considered long-term, full-time positions requiring bar passage except in very limited circumstances.²³ Therefore, the following discussion focuses only on Yackee’s Models 3 and 4, which *exclude* school-funded jobs.

When the LST score is adjusted to exclude school-funded jobs, Model 3 (controlling for *U.S. News* rank) finds no statistically significant relationship, positive or negative, between clinic positions available or filled and employment. Even when rank is replaced with the magazine’s academic peer assessment score to avoid the problem created by the ranking score’s reliance on employment, Model 4 finds no statistically significant relationship between availability and employment if Yale is appropriately excluded as an outlier. It is only when measuring the relationship between employment and positions filled, excluding Yale as an outlier, and testing for robust standard errors that statistical significance is finally obtained.²⁴ In the end, after

20. Memorandum from Chris Pietruszewicz, Chair, Data Policy & Collection Comm., to ABA Council of the Section of Legal Educ. & Admissions to the Bar (May 15, 2015) (on file with author); see *Methodology*, L. SCH. TRANSPARENCY, <http://www.lstscorereports.com/guides/methodology/> (last visited July 3, 2015).

21. Yackee, *supra* note 4, at 617.

22. Pietruszewicz, *supra* note 20.

23. See Karen Sloan, *ABA Rejects Pay-for-Externs Proposal, LSAT Exemption*, NAT’L L.J. (Aug. 3, 2015), <http://www.nationallawjournal.com/id=1202733737532/ABA-Rejects-PayforExterns-Proposal-LSAT-Exemption?slreturn=20150706104424> (“[O]nly school-funded jobs that last at least a year and pay at least \$40,000 will be considered long-term.”).

24. This final model yields an adjusted R² value of 0.51 and significance at the $p < 0.10$ level.

all the adjustments, only one substitute variable with one model yielded a statistically significant result.

Even this single result is not robust to slight changes in the model's variables. To control for the possible influence of perceived prestige of the school on the employment decision, Model 4 uses academic peer assessment as a control. The peer assessment score is based on a survey of the dean and select faculty members at a school. Yet controlling for the possible effect of school prestige could be better addressed by using the *U.S. News* assessment score by lawyers and judges.²⁵ That score is based on a survey of those who potentially will be making employment decisions about graduates, not simply opining as law professors on the quality of other, including competing, schools.²⁶ When the lawyers/judges assessment score is substituted as a control, Yackee's model yields statistically insignificant positive and negative relationships between the clinic-available and -filled variables and 2013 LST scores.²⁷

The models also merit adjustment to address the effect of an additional outlier—the University of Wisconsin.²⁸ When Wisconsin is also excluded, using rank and lawyers/judges as control variables show positive relationships between clinics-available and employment outcomes, although statistically insignificant; the academic peer assessment control continues to show a statistically insignificant

25. See Brian D. Galle, *Do Clinical Offerings Improve Law School Graduates' Job Outcomes?*, L. & ECON. PROF. BLOG (Feb. 9, 2015), http://lawprofessors.typepad.com/law_econ/2015/02/that's-the-question-raised-by-jason-yackee-in-a-working-paper-he-recently-posted-to-ssrn-the-paper-is-a-nice-starting-poin.html.

26. *Id.* The correlation of the lawyers/judges score with *U.S. News* ranking (-0.89) is comparable to the academic peer assessment correlation (-0.88).

27. Using robust standard error values throughout. Like Yackee's other models, the lawyers/judges control model is robust to clustering standard errors by main bar state and has low variance inflation factors (1.03 or lower).

Lawyers/Judges Assessment as Control	LST Estimate (Std. Error)	p-value
Clinic Positions Available	0.52 (5.42)	0.92
Clinic Positions Filled	-1.78 (5.95)	0.77

28. Like Yale, the studentized residuals for Wisconsin on the clinic positions available and filled variables exceed 3.0. See James P. Stevens, *Outliers and Influential Data Points in Regression Analysis*, 95 PSYCHOL. BULL. 334, 336 (1984) (explaining that any studentized residual "with an absolute value greater than 3 is an outlier and should be carefully examined"). The University of Hawaii's residual on positions filled also exceeds 3.0.

negative relationship.²⁹ Thus, the sole statistically significant relationship from 2013 appears to be an artifice of the use of the academic peer assessment score, rather than lawyers/judges assessment score, as a control variable for prestige or, alternatively, the influence of an unaddressed outlier.

The contingency of Yackee's conclusions is further highlighted by looking at the influence of his decision to report results only for 2013 graduates.³⁰ However, when 2014 data are examined, the rank and lawyers/judges control models both show positive relationships with employment but lack statistical significance; the peer assessment control model likewise shows statistically insignificant, but negative, relationships.³¹ Reviewing 2012 graduate outcomes, the three control models again show statistically insignificant positive and negative relationships with employment. Averaging school data over the four-year period from 2011–14, the models all yield statistically insignificant results for the positions available and filled variables.

29.

Clinic Positions Available Variable	LST Estimate (Std. Error)	<i>p</i> -value
School Rank as Control (Model 3)	2.25 (5.79)	0.70
Lawyers/Judges Assessment as Control	3.13 (5.59)	0.58
Academic Peer Assessment as Control (Model 4)	-5.61 (5.61)	0.32

Substituting clinics-filled as the variable yielded both positive and negative employment estimates, but none approached statistical significance. Treating Hawaii as an additional outlier showed little effect.

30. In the appendix, Yackee asserts that modeling 2014 graduates with school-funded jobs excluded produced results "substantially similar" to 2013. However, he chose not to report the results of modeling 2014 data, which likely repeat the reliability and validity problems that plague his 2013 results.

31.

Explanatory Variable	2014 LST Estimate (Std. Error)	<i>p</i> -value
Clinic Available; School Rank Control	0.53 (5.14)	0.92
Clinic Filled; School Rank Control	0.65 (7.15)	0.93
Clinic Available; Peer Assessment Control	-3.55 (5.44)	0.52
Clinic Filled; Peer Assessment Control	-3.40 (7.32)	0.64
Clinic Available; Lawyers/Judges Control	1.34 (5.64)	0.81
Clinic Filled; Lawyers/Judges Control	2.13 (7.71)	0.78

Therefore, the most realistic conclusion from the nationwide models developed to measure the possible relationship between clinic positions available or filled and employment outcomes is that they provide inconclusive results. The models do not achieve statistical significance at the 0.10 level and yield both positive and inverse relationships depending on the choice of year of graduation, control variables, and outliers.

IV. APPLICATION OF THE MODEL TO LAW JOURNALS, SKILLS COMPETITIONS, AND *U.S. NEWS* SUB-GROUPS ALSO SHOWS NO RELATIONSHIP TO EMPLOYMENT OUTCOMES

If Yackee's model could validly capture the link between student educational opportunities and employment outcomes, then additional data in ABA Standard 509 Information Reports allow the model's application to other educational activities believed to positively affect a student's employability.

As Yackee points out, two law school experiences that employers rely on in deciding whether to hire new associates are participation in law review and moot court selection. Law review participation is commonly touted as enhancing a student's resume and ability to obtain a desired position upon graduation. As a *U.S. News* headline proclaimed, "Law Review Leads to Legal Jobs, Recruiters Say."³² A review of studies concluded that "the idea that law review membership boosts an applicant's job prospects seems nearly universally accepted,"³³ a claim far exceeding any asserted benefit of law clinic participation on employment.

The ABA requires law schools to report the number of students who participated in law journals during the prior academic year. To look for a possible relationship between journal participation and employment outcomes, I used the same variables as Model 4—the LST score without school-funded jobs as the response variable with peer assessment and unemployment in main bar state as controls.³⁴

The results, as reflected in four years of reported data, fail to show any significant relationship between increased law journal participation

32. Menachem Wecker, *Law Review Leads to Legal Jobs, Recruiters Say*, U.S. NEWS & WORLD REP. (Jan. 19, 2012, 9:00 AM), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/01/19/law-review-leads-to-legal-jobs-recruiters-say>.

33. Dexter Samida, *The Value of Law Review Membership*, 71 U. CHI. L. REV. 1721, 1721–22 (2004).

34. To account for differences in enrollment between schools, journal participation was calculated as a percentage of the total upper-level J.D. enrollment, as participation typically begins after the first year of law school.

and employment outcomes. Table 1 shows primarily negative relationships but none is statistically significant.

TABLE 1: RELATIONSHIP OF INCREASED LAW JOURNAL PARTICIPATION TO LST EMPLOYMENT SCORE

Year of Graduation	LST Estimate (Std. Error)	<i>p</i>-value
2011	-3.59 (4.97)	0.47
2012	-0.58 (4.21)	0.89
2013	2.87 (3.33)	0.39
2014	-0.15 (3.04)	0.96

Averaging data over the four-year period from 2011–14, the rank, peer assessment, and lawyers/judges control models also result in primarily negative, but statistically insignificant, estimates. Thus, if one accepts the validity of Yackee’s methodology, there is no evidence that participation on law journal will improve employment outcomes for a school’s graduates.

As cautioned when applying the models to clinic positions, the lack of statistically significant positive associations should not be read as demonstrating that law journal participation does not help a student obtain employment. Moreover, in spite of the negative estimates, the results surely should not be interpreted to support a claim that journal participation “may actually harm employment prospects.”³⁵ As with clinic modeling, many issues caution against drawing conclusions from the data: reporting combines the school’s premier law review and secondary journals; no account is taken of editorial board positions or published notes or comments; and no account is taken of the timing of the employment offer.

Like journal participation, employers are thought to value moot court and other skills competition experiences. The University of Wisconsin Law School’s Moot Court Board notes that employers ask applicants to have moot court experience: “There is no doubt that employers recognize the value of Moot Court.”³⁶ The ABA Law

35. Yackee, *supra* note 4, at 614.

36. *What is Moot Court?*, WIS. MOOT CT. BOARD, <http://hosted.law.wisc.edu/wordpress/mootcourt> (last visited July 2, 2015).

Student Division similarly trumpets competitions as giving students “important resume-building experience and recognition.”³⁷

Schools are required to report the number of students who participated in an interschool moot court competition during the prior academic year. Using four years of data and again applying the peer assessment control model, I examined the possible relationship between interschool moot court competition and employment outcomes.

The data fail to show any relationship between increased competition participation and employment outcomes. Table 2 displays both negative and positive relationships from increased participation but none are statistically significant.³⁸

TABLE 2: RELATIONSHIP OF INCREASED INTERSCHOOL SKILLS
COMPETITION PARTICIPATION TO LST EMPLOYMENT SCORE

Year of Graduation	LST Estimate (Std. Error)	p-value
2011	-1.65 (7.58)	0.83
2012	0.81 (6.22)	0.90
2013	4.96 (5.21)	0.34
2014	-10.19 (6.87)	0.14

Averaging data over the four-year period likewise yields primarily negative, but statistically insignificant, estimates. Therefore, as with journal participation, Yackee’s methodology provides no evidence that skills competitions improve employment outcomes.

Again, the lack of statistically significant associations does not indicate that competitions do not help a student obtain employment nor do negative associations suggest that competitions may harm employment prospects. As noted, correlations should not be read as causation, especially when never achieving statistical significance. Moreover, interschool skills reporting combines premier and less well-known competitions, does not reflect moot court board positions or success in competitions, and fails to account for the timing of the employment offer.

Surprisingly, certain *U.S. News* ranking ranges show no relationship to enhanced employment outcomes. In Yackee’s model, a

37. *Practical Skills Competitions*, AM. B. ASSOC., http://www.americanbar.org/groups/law_students/events_competitions/practical_skills_competitions.html (last visited July 2, 2015).

38. The University of Georgia was excluded as an outlier for 2011; Washington and Lee was excluded for 2012–14.

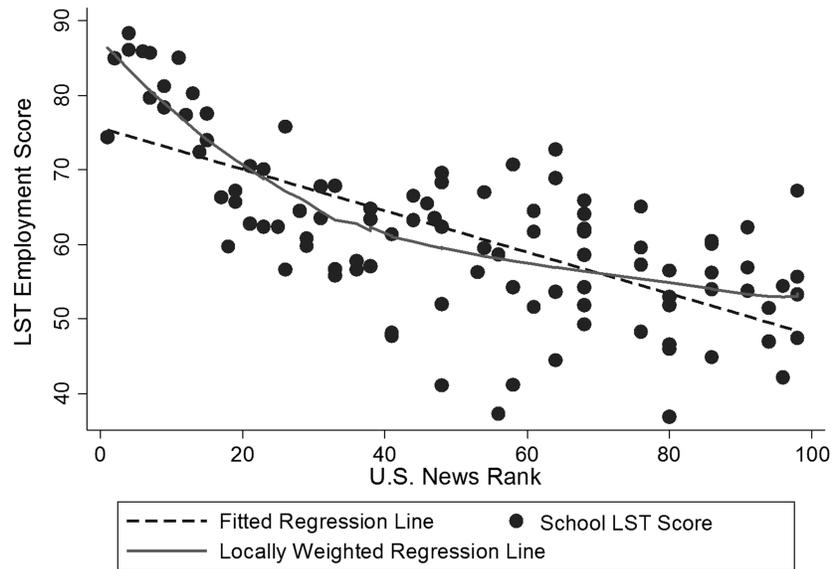
better ranking is strongly associated with improved employment outcomes. For each ten-position improvement in the top 100 ranking, employment is estimated to increase, on average, by around 2.8%. However, closer examination of the relationship between rank and employment indicates that this positive association, although statistically significant when applied across the entire range of top 100 schools, does not hold true for schools ranked 51 through 100.

Graph 1 shows a school's *U.S. News* ranking plotted against its LST score without school-funded jobs. The dashed line shows the ordinary least squares fitted regression line, reflecting a coefficient of around -0.3. When a locally weighted linear regression (LOWESS) is applied to take account of variations within the top 100, a different story emerges. As the solid trend line indicates, while there is a strong negative correlation between employment and rank for schools in the top 50,³⁹ that relationship is both quite modest and statistically insignificant for schools ranked between 51 and 100.⁴⁰

39. Controlling for unemployment, an increase in rank by one place within the top 50 ranked schools is associated with an average -0.58 decrease in the 2013 LST employment score ($p \leq 0.01$).

40. An increase in rank by one place within schools ranked 51 to 100 is associated with an average 0.13 decrease in the 2013 LST score but the result is not statistically significant ($p = 0.16$).

GRAPH 1: RELATIONSHIP BETWEEN U.S. NEWS RANK AND LST
EMPLOYMENT SCORE



Data for 2014 graduates and data averaged over the period from 2011–14 yield similar results—there is no statistically significant relationship between rank and employment outcomes for schools ranked between 51 and 100.⁴¹

Therefore, even one of the seemingly strongest correlations from the various models—the influence of school rank on employment—does not hold throughout the range of 100 schools. This result suggests that many schools ranked above 50 would gain very little, and perhaps no, measureable employment advantage for their students were they to invest heavily in improving their *U.S. News* ranking. When coupled with the absence of any statistically significant relationship between law journal or interschool competitions and employment outcomes, the usefulness of these nationwide models in informing decisions about the value of a school’s educational opportunities in enhancing student employment is highly suspect.⁴²

41. A one-place increase within schools ranked 51 to 100 in 2014 is associated with an average decrease of 0.10 in the 2014 LST score but the result is statistically insignificant ($p = 0.18$). Averaging school data over the period from 2011–14 also results in a small (-0.12) but statistically insignificant ($p = 0.12$) estimate.

42. See generally Theodore P. Seto, *Where Do Partners Come From?*, 62 J. LEGAL EDUC. 242, 254 (2012) (concluding from a study of national law firms that

V. EVIDENCE DOES SHOW POSITIVE EMPLOYMENT BENEFITS FROM
LAW CLINIC EXPERIENCES

Although the model developed by Yackee has not satisfactorily answered the question whether law clinic participation may positively affect employment outcomes, there is evidence that clinic courses do aid students in gaining employment.

Law students witness this benefit during job searches, as many employers identify law clinic experience as a positive factor in hiring. The U.S. Department of Homeland Security's Honors Program for attorneys advertises that clinical experience is a factor in the hiring decision, along with law journal and moot court participation.⁴³ Legal services and legal aid offices note that prior law clinic work is "strongly preferred."⁴⁴ Postings for district attorney, public defender, fellowship, and law firm positions indicate that law clinic experience is preferred or a plus in their hiring decisions.⁴⁵ Some employers even require clinical experience.⁴⁶

New lawyers believe their clinical experience aided them in obtaining their jobs. A 2011 National Association of Law Placement (NALP) survey of lawyers with non-profit and government law offices asked to what extent different types of experiential learning in law school were useful in obtaining the attorney's first job in a non-profit or government setting.⁴⁷ On a 1–4 scale (1=not useful; 4=very useful) participation in a legal clinic was rated 3.3, externships were rated 3.6,

"hiring and partnering, even by national law firms, is remarkably local. *U.S. News* rank is often a poor predictor of partner placement records").

43. *Honors Attorney: Dep't of Homeland Sec. Office of the Gen. Counsel*, PSJD (June 11, 2015), www.psjd.org (announcement on file with author).

44. *E.g., Dekalb County Staff Attorney: Atlanta Legal Aid Society*, PSJD (May 19, 2015) www.psjd.org (announcement on file with author); *Staff Attorney: Land of Lincoln Legal Assistance Foundation*, PSJD (June 1, 2015), www.psjd.org (announcement on file with author).

45. *E.g., Associate Attorney: Whittel & Melton*, INDEED (June 11, 2015), www.indeed.com (announcement on file with author); *George N. Lindsay Civil Rights Fellowship: Lawyer's Committee For Civil Rights Under Law*, PSJD (Aug. 27, 2014), www.psjd.org (announcement on file with author); *NDS Fellows: Neighborhood Defender Service of Harlem*, PSJD (Nov. 11, 2015), www.psjd.org (announcement on file with author); *Third-Year Law Student New Attorney Hiring Program, City of Philadelphia District Attorney's Office* (Aug. 1, 2014), www.law.arizona.edu (announcement on file with author).

46. *See* e-mail from Ian Weinstein, Fordham University School of Law, to author (June 29, 2015, 14:41 CST) (on file with author); e-mail from Carol Vizzier, Career Services Office, Washington University School of Law, to author (June 29, 2015 14:54 CST) (on file with author).

47. NAT'L ASS'N FOR LAW PLACEMENT & THE NALP FOUND., 2011 SURVEY OF LAW SCHOOL EXPERIENTIAL LEARNING OPPORTUNITIES AND BENEFITS: RESPONSES FROM GOVERNMENT AND NONPROFIT LAWYERS 30 (2012).

and practice skills courses 2.4.⁴⁸ Fifty-nine percent of lawyers who had taken a law clinic course rated that experience as “very useful” in obtaining their first job; seventy-six percent rated their clinic experience as useful to at least some degree.⁴⁹

A similar NALP survey of lawyers in firms, predominantly of more than 100 attorneys, asked if participation in an experiential course was discussed during the interview process for their current employer.⁵⁰ Thirty-seven percent of respondents who had taken or were registered for a clinic replied that these experiences were discussed.⁵¹

Employers also note the importance of clinical experiences for potential new attorneys. A NALP survey of public interest legal employers (legal services, prosecutors, public defenders, and local, state, and government law offices) asked how law students could stand out and land a public interest legal job.⁵² It found that employers “value practical experience” and advise students to “[e]nroll in a clinical education program.”⁵³ “Public interest employers want to see applicants that have practical and effective lawyering skills, including client interviewing, motion practice and courtroom experience.”⁵⁴ A NALP presentation on the employment market for 2013 law school graduates reported that law firms say they want new graduates to have “more experiential learning, client-based [and] simulated.”⁵⁵

In a recent nationwide survey of hiring partners and senior associates who supervise new attorneys, 95% responded that recently graduated students “lack key practical skills at the time of hiring,” explaining that hiring new lawyers without those skills was costly to firms.⁵⁶ The study found that firms were increasingly evaluating

48. *Id.*; see also Margaret Reuter & Joanne Ingham, *Experiential Education and Our Divided Campuses*, 22 CLINICAL L. REV. (forthcoming Fall 2015), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2533698 (discussing survey design and results).

49. E-mail from Margaret Reuter, Visiting Professor, Indiana University Maurer School of Law, to author (June 26, 2015, 10:54 CST) (on file with author) (includes attached NALP survey data).

50. NAT'L ASS'N FOR LAW PLACEMENT & THE NALP FOUND., 2010 SURVEY OF LAW SCHOOL EXPERIENTIAL LEARNING OPPORTUNITIES AND BENEFITS 37–38 (2011).

51. Reuter, *supra* note 49.

52. NAT'L ASS'N FOR LAW PLACEMENT, NALP PUBLIC INTEREST EMPLOYMENT MARKET SNAPSHOT REPORT 3, 16 (2012).

53. *Id.*

54. *Id.*

55. James Leipold, Exec. Dir., Nat'l Ass'n for Law Placement, An Update on the New Entry-Level Legal Employment Market 16 (Apr. 16, 2014) (on file with author).

56. LEXISNEXIS, WHITE PAPER: HIRING PARTNERS REVEAL NEW ATTORNEY READINESS FOR REAL WORLD PRACTICE 6 (2015).

practice skills during the hiring process and that “[l]aw schools are presented with a great opportunity to improve upon the employment prospects of their graduates by focusing on certain practical skills that law firms most desire.”⁵⁷ Attorneys involved with hiring agreed that these practice skills could be effectively gained through law clinics and externships.⁵⁸ The report concluded, “Integrating more practical skills instruction and experiences is the best way for law schools to better equip their graduates with the skills their future employers need, making them more marketable and better able to quickly contribute to their profession.”⁵⁹

Professor Neil Hamilton surveyed law firms, county attorneys, and legal aid offices to determine the relative importance of twenty-one different competencies in the decision to hire a new associate lawyer.⁶⁰ The most highly valued competencies in potential new attorneys involved professionalism and practice skills.⁶¹ The MacCrate and Carnegie Foundation Reports singled out clinical legal education for its ability to develop these same competencies in law students.⁶²

The rank of a candidate’s law school was at the bottom of the list of hiring factors, ranking 22nd out of 25 among large law firms and last among county attorney and legal aid offices.⁶³ A candidate’s class rank also was deemed relatively unimportant to the hiring decision.⁶⁴ After discussing this unexpected result with some respondents, Hamilton concluded that firms do use rank as a surrogate threshold that a candidate’s legal analysis and doctrinal knowledge must meet.⁶⁵ Among candidates remaining after that initial screen, professionalism and skills competencies “are important differentiating factors in the decision to hire.”⁶⁶

57. *Id.* at 1.

58. *Id.* at 8; see also Katy Montgomery & Neda Khatamee, *What Law Firms Want in New Recruits; Business Acumen, a Greater Focus on Global Issues, Management Skills and the Ability to Write Well.*, 241 N.Y. L.J. 11, 14 (2009) (finding in a survey that law firm practice chairs, hiring partners, and recruiters “believe that the third year’s emphasis should change, though, to more clinical and practical work”).

59. LEXISNEXIS, *supra* note 56, at 8.

60. Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 S.C. L. REV. 547, 557–58 (2014).

61. *Id.* All employer types rated knowledge of doctrinal law far down the list—between 9th and 14th in importance in the hiring decision. *Id.* at 559.

62. CARNEGIE FOUNDATION REPORT, *supra* note 2, at 120–22; MACCRATE REPORT, *supra* note 2, at 235, 238.

63. Hamilton, *supra* note 60, at 552–56.

64. *Id.*

65. *Id.* at 559.

66. *Id.*

A focus group study by Professor Susan Wawrose similarly asked legal employers to describe the ideal recent law graduate.⁶⁷ Like Hamilton, she found employers prefer new hires with “well-developed professional or ‘soft skills[;]’” and “strong fundamental practice skills, i.e., legal research, written and verbal communication, and analysis.”⁶⁸

After reviewing a number of studies on the competencies employers want, Hamilton offered this observation on the employment market for students:

In this challenging market for employment, a law student can differentiate herself from other graduates by demonstrating to legal employers that the student both understands the core competencies that legal employers and clients want and is implementing a plan to develop these competencies, including an ability to demonstrate that the student has experience with these competencies.⁶⁹

As these studies show, potential employers believe these competencies can be gained through law clinics and, accordingly, do highlight the value of a student’s clinic experience in hiring decisions.

CONCLUSION

Professor Yackee’s ambitious effort to develop a model to explain the tens of thousands of employer decisions and prescribe how schools should best educate students fails to demonstrate a statistically significant link, positive or negative, between law clinics (or even law journal or skills competitions) and J.D. employment outcomes. Attempts to model this nationwide hiring process are hampered by conjecture about cause and effect, uncertainty about the underlying data, variability from year-to-year, conflicting control variables, and differences among schools and their employment markets.

However, “absence of evidence is not evidence of absence”⁷⁰ of employment benefits from law clinic participation. As shown, studies of employers and graduating students repeatedly document the value of clinical experience in the hiring process. But, as Yackee argues,

67. Susan C. Wawrose, *What Do Legal Employers Want to See in New Graduates?: Using Focus Groups to Find Out*, 39 OHIO N.U. L. REV. 505, 507 (2013).

68. *Id.* at 522 (alteration in original).

69. Neil Hamilton, *Law Firm Competency Models & Student Professional Success: Building on a Foundation of Professional Formation/Professionalism*, 11 U. ST. THOMAS L.J. 6, 26 (2013).

70. CARL SAGAN, *THE DEMON-HAUNTED WORLD* 200 (2d ed. 1997).

schools and students would benefit from further studies.⁷¹ Rather than attempting to create a nationwide predictive model, studies could best be done on a school-by-school basis by, for example, surveying likely employers to find out what educational experiences of students are most valued.⁷² Schools also could retrospectively look at various employment outcomes for graduates and any relationship to their experiences while students.⁷³

The effort to determine what may improve employment outcomes should not just focus on law clinics. If schools wish to undertake an empirical examination they should look broadly to see which activities appear to most benefit employment—first-year or upper-level classes, required courses, concentrations, law journal, skills competitions, summer employment, extracurricular activities, etc.

The effort also should not focus solely on employment outcomes. Legal education knows too little about the success of its coursework or pedagogical methods in training future lawyers. How effective are certain first-year or required upper-level classes and the many other curricular and extracurricular activities that schools promote or fund in preparing students for “effective, ethical, and responsible participation as members of the legal profession?”⁷⁴ For if schools would benefit from an evidence-based approach to the value of experiential coursework, then students in particular would benefit at least as much from knowing that their tuition and time is being spent on activities that will best prepare them for a lifetime of successful law practice.

71. Yackee, *supra* note 4, at 621.

72. See, e.g., John Coates et al., *What Courses Should Law Students Take? Lessons from Harvard's BigLaw Survey*, 64 J. LEGAL EDUC. 443, 445 (2015); Hamilton, *supra* note 60; Wawrose, *supra* note 67.

73. See, e.g., Samida, *supra* note 33, at 1721–24 (reviewing nine studies on the benefits of law review participation); Kevin Houchin, *Specialization in Law School Curricula: A National Study*, WOODENPENCIL, 60–61 (2003), <http://www.woodenpencil.com/research/JDspec041403.pdf> (finding that completion of a certificate or specialized law school curriculum program “does not necessarily give graduates a competitive advantage in the job market” and in some cases might hurt a candidate’s prospects of employment).

74. ABA STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS. Std. 301(a) (2014–15).