

# THE LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT: HELPING LAW SCHOOLS UNDERSTAND WHAT'S WORKING (AND WHAT'S NOT)

by Carole Silver and Lindsay Watkins

In the same week that *U.S. News & World Report* released its 2013 law school rankings, Robert Frank, an economist from Cornell University, commented in the *New York Times* that the preference granted in the job market to graduates of top-ranked schools leads to increased competition for those factors that result in high rankings (such as “bid[ding] more aggressively for the most distinguished researchers”<sup>1</sup>), and this in turn undermines the Obama administration’s efforts to encourage universities to control tuition.<sup>2</sup> The tension between the goals of high rankings and reasonable tuition levels frames the conversation about legal education in 2012. Notably absent from this conversation is an emphasis on educational quality or professional preparation.

While *U.S. News’* and other rankings attempt to provide a shorthand signal of quality in legal education, their significant limitations are widely acknowledged.<sup>3</sup> Whatever their value, *U.S. News’* rankings fail to focus on one key aspect of legal education: the student experience.<sup>4</sup> It is not possible to use these rankings systems to learn about the ways in which students at a particular school invest time and energy in their legal education, or whether the norm at a school is to work collaboratively with other students or interact frequently with faculty and staff. Yet these are among the most important issues shaping the educational experience of law students during law school. At the same time, schools that are

interested in improving the education they provide to students will find little to guide their efforts in the information offered by these rankings.

The Law School Survey of Student Engagement (LSSSE) takes a radically different approach: it focuses on legal education from the viewpoint of law students. Its mission is to help law schools learn about effective educational practices. LSSSE is an independent research project housed at the Indiana University Center for Postsecondary Research,<sup>5</sup> since its inception, it has benefited from close working relationships with the Association of American Law Schools and the Carnegie Foundation for the Advancement of Teaching. LSSSE looks to students for information and asks them about a variety of issues relevant to learning. By gathering responses to approximately 100 questions, including demographic items, the survey collects data that law schools can use to determine what things they are doing well and what needs improvement.<sup>6</sup>

## A FOCUS ON STUDENT EDUCATIONAL ENGAGEMENT

LSSSE’s conceptual focus is on educational engagement, which involves the notion that what students do during the course of their law school experience relates to how they learn. Engagement is a well-accepted concept in higher education generally.<sup>7</sup> It is a “deceptively simple, even self-evident prem-

ise: the more students do something, the more proficient they become.”<sup>8</sup> Engagement serves as a proxy for student learning, emphasizing the process of legal education. Rather than taking the approach of *U.S. News*, which rewards schools that have rich resources, LSSSE’s emphasis is on how “resources influence the experience of students in the school.”<sup>9</sup> LSSE results provide a complement to other information about the education offered by a law school, including student assessment in law school courses and performance on the bar examination.

### **What LSSSE Asks about Students’ Law School Learning Experiences**

In order to allow schools to assess engagement, LSSSE asks students about a variety of issues relevant to learning, such as how hard they work in law school and how much time they spend on various class-related, co-, extra- and non-curricular activities; their relationships with faculty, staff, and other students, including students who are different from them with regard to a variety of characteristics; what their law school emphasizes in terms of how they spend their time and what they learn; the extent to which their law school experience has contributed to their knowledge, skills, and personal development in various areas; their writing (and rewriting) experiences; whether they work collaboratively; and the kind of learning emphasized in class (such as analysis, making judgments, or memorization). The survey also asks students to evaluate the level of support they feel from their school; this includes support from particular administrative offices, such as career advising and student services, and the overall environment in the school for both academic and personal support. (See the sidebar on page 16 for sample survey questions.)

Most of the issues targeted by the survey are the subject of several questions; the results thus yield

both general and specific information about the issue under investigation. For example, with regard to student-faculty interaction, the survey examines the frequency of interaction, the topic of interaction (such as classes, assignments, or career plans), the means of communication, the timeliness of feedback, and the context of interaction (in or outside of class, or unrelated to class). Overall, LSSSE’s questions generate information about specific aspects of the law school, such as career services, as well as about systemic matters, including students’ perceptions of their law school’s emphasis on ethics and professionalism.

### **HOW LSSSE IS ADMINISTERED**

When schools participate in LSSSE, each currently enrolled student is asked to complete the survey through an Internet-based interface. The approach is to survey each student, rather than a segment of the student population, in order to identify the differences among students who otherwise may appear similar. Nearly all the questions ask students to reflect on their activities, lessons, and experiences of the current year. The survey is administered in the spring semester, toward the end of the academic year; this timing minimizes memory-related bias in responses. Participation in the survey is completely voluntary on the part of the students.

Students might complete the survey in each year of law school at some schools, while other schools participate every other year, every third year, or less frequently. Patterns of participation relate to schools’ use of their LSSSE data, as well as to concerns at some schools about survey fatigue. For schools most interested in monitoring change over time, regular participation is useful. The average institutional response rate has been slightly above 50%, and at certain schools it is as high as 90%.<sup>10</sup>



# Law School Survey of Student Engagement

**In your experience at your law school during the current school year, about how often have you done each of the following?**

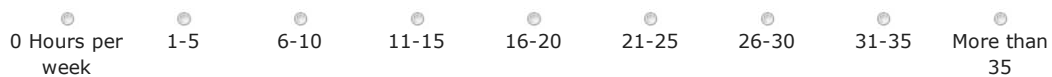
	Very often	Often	Sometimes	Never
Asked questions in class or contributed to class discussions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepared two or more drafts of a paper or assignment before turning it in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Worked on a paper or project that required integrating ideas or information from various sources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Included diverse perspectives (different races, religions, sexual orientations, genders, political beliefs, etc.) in class discussions or writing assignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**During the current school year, how much has your coursework emphasized the following mental activities?**

	Very much	Quite a bit	Some	Very little
<b>Analyzing</b> the basic elements of an idea, experience, or theory, such as examining a particular case or situation in depth, and considering its components	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Synthesizing</b> and organizing ideas, information, or experiences into new, more complex interpretations and relationships	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Making judgments</b> about the value of information, arguments, or methods, such as examining how others gathered and interpreted data and assessing the soundness of their conclusions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**During the current school year, about how many hours do you spend in a typical 7-day week doing each of the following?**

**Reading assigned textbooks, online class reading, and other course materials**



**Preparing for class and clinical courses other than reading (studying, writing, doing homework, trial preparation, and other academic activities)**



**Legal pro bono work not required for a class or clinical course**



**To what extent has your experience at your law school contributed to your knowledge, skills, and personal development in the following areas?**

	Very much	Quite a bit	Some	Very little
Acquiring a broad legal education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acquiring job or work-related knowledge and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Writing clearly and effectively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Speaking clearly and effectively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Thinking critically and analytically	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Using computing and information technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing legal research skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Working effectively with others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Since LSSSE first was administered in 2004, 178 law schools in the United States and Canada have participated in the survey. More than 198,000 students responded between 2004 and 2011 (the 2012 administration of the survey was conducted in April). In 2011, more than 33,000 students at 95 law schools in the United States and Canada responded to the survey. Participation in LSSSE costs schools a modest fee, based on the size of the student body. Participation fees of between \$3,000 and \$5,000 have not increased since 2004 and have been the source of funding for the project since its inception.

## THE VALUE OF THE SURVEY TO LAW SCHOOLS

### **A Source for Objective Data**

LSSSE serves a variety of functions for law school faculty and administrators. For example, the insight provided by LSSSE can serve as a powerful reality check on the other messages sent by students to the administration and faculty. Administrators may be inundated with messages from particular special interest groups and may lack a mechanism for assessing the views of those students who are neither student leaders nor sufficiently dissatisfied to complain. LSSSE provides such a measure. Because the survey is administered by an independent third party and in a manner that does not disclose students' identities to their law schools, it also may generate more representative responses than a comparable effort by the school. Nevertheless, complementary investigation through additional sources of information, such as focus groups and interviews, supplements the findings from LSSSE and is useful to provide a thorough understanding of the learning environment of a school.

### **A Means for Contextualizing the Data**

Equally important, however, is that LSSSE offers a mechanism for contextualizing a school's data.

Schools may examine their LSSSE data in two different ways. First, schools can compare their results over time to track progress. Second, schools can compare their results to those of other law schools; this offers insight even to schools that participate on an irregular basis.

As part of the basic report that each school receives, comparable data are provided for four groups of law schools. First, each participating law school selects a peer group of at least five other law schools as a comparative framework; schools receive a report of the aggregated data of their peer comparison group with regard to each question on the survey. Participating schools also receive a report of the aggregate data of all participating LSSSE schools for the year, for schools that are similar in terms of the size of the student body, and for schools that are similar in terms of their identification as public, private, or religiously affiliated law schools.

The ability to analyze student responses in a comparative and historical context, as well as to learn what students have experienced in the current year, makes LSSSE a powerful evaluative asset.

## HOW LAW SCHOOLS RECEIVE LSSSE DATA

### **What Executive Summaries and Means and Frequency Reports Reveal**

Each school participating in LSSSE receives an analysis of its data in a series of reports designed to facilitate the interpretation of the results. The reports include an executive summary, which offers a snapshot of the data. It highlights those questions on which a school scored highest and those needing the most attention in comparison to the school's peer group. (See the sidebar on page 18 for excerpts from a sample executive summary.)

Excerpts from a sample executive summary sent to LSSSE participants. Additional charts and graphs not shown in this sample portray those items with the lowest performance compared to the schools' peer group and all LSSSE schools and highlight further selected results pertaining to student engagement in classroom-related learning and student assessment of their law school experience in terms of gains and satisfaction.



# Law School Survey of Student Engagement Snapshot 2011

Lsosseville Law School

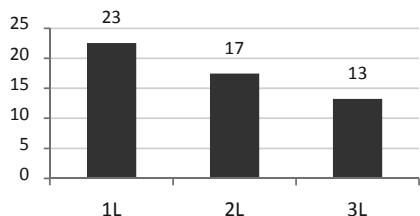
## Highest Performing Items Relative to Peer Group

## Comparison Groups

	<i>Question</i>	<i>Item Description</i>	<i>Lsosseville Law</i>	<i>Selected Peers</i>	<i>LSSSE 2011</i>
<b>1Ls</b>	1. 7f.	Spent <b>more than 5</b> hours per week working for pay in a <b>nonlegal</b> job	<b>25%</b>	12%	14%
	2. 5b.	Volunteer or pro bono work	<b>95%</b>	83%	84%
	3. 6b.	Career counseling	<b>70%</b>	60%	59%
<b>2Ls</b>	1. 5b.	Volunteer or pro bono work	<b>58%</b>	47%	50%
	2. 6b.	Career counseling	<b>61%</b>	50%	49%
	3. 9c.	Your relationships with <b>administrative staff and offices</b>	<b>53%</b>	44%	40%
<b>3Ls</b>	1. 6b.	Career counseling	<b>60%</b>	43%	42%
	2. 1i.	Participated in a clinical or pro bono project as part of a course or for academic credit	<b>46%</b>	34%	38%
	3. 8c.	Providing the support you need to help you succeed academically	<b>78%</b>	66%	57%

## How prepared and engaged in their learning are Lsosseville Law students?

*Average hours per week spent reading:*



*Percent of students who frequently ask questions in class:*

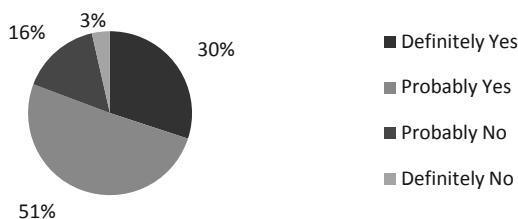
1L	<b>52</b>
2L	<b>57</b>
3L	<b>56</b>

## What do students gain from law school?

*Percent of 3L students who think their law school experience contributed substantially to:*

	<i>Percent</i>
Gains in critical and analytical thinking ability	<b>91</b>
Gains in solving complex real-world problems	<b>63</b>
Gains in job- or work-related knowledge and skills	<b>55</b>
Development of a personal code of values and ethics	<b>60</b>

## Would Lsosseville Law 3L students choose the same law school again?



More detailed analyses are provided through the means and frequency reports. These present means and frequencies for each question, reporting aggregate student responses for each class year in law school. This offers an easy comparison of the experience of students as they progress through school. Simply by comparing students by year of law school, for example, a school might consider whether students increase their interaction with faculty as they become more comfortable in law school, or whether third-year students participate more frequently in class or are more likely to engage in collaborative learning experiences compared to first- and second-year students. A school also could learn whether its third-year students leave the school confident that they would choose the same school if they could begin their legal education over again, which may predict their involvement as alumni in the early years of their careers. Means and frequency reports also include the comparison data to peer schools, all LSSSE schools, and the other two comparison groups described earlier.

### **Analyzing Student Response Data Files**

In addition, each school receives a data file of its students' responses so that it can perform further analyses. These individual-level data are anonymized by LSSSE before they are shared with the law school. The data file allows the law school to use its data in a variety of ways. For example, a school might analyze the similarities and differences in the engagement experiences of different populations of law students. Alternatively, a school might analyze the relationship of engagement and satisfaction in law school or the relationships between different types of educationally significant activities, such as in-class participation and out-of-class discussions with faculty, classmates, and others.<sup>11</sup>

### **Customizing Student Data Results**

Schools also may add supplemental student-level information to the demographic data included in the survey to customize their results and allow for more nuanced analyses. For example, through this option, a school could indicate to LSSSE those students who are in an academic support program, which then would be transformed by LSSSE into an additional variable in the data set; using this new variable, the school could analyze the relationship between participation in such a program and engagement in other educationally purposeful activities. One law school added information about bar passage and found a positive correlation between law school engagement and passing the bar exam. In each case, when a school adds supplementary student-level information, the results are anonymized before data are returned to the school so that students' identities are protected.

### **Evaluating Written Comments**

In addition to this quantitative data, LSSSE offers students an opportunity to provide written comments. These often reveal themes that reinforce the message of the quantitative data.

## **HOW LAW SCHOOLS USE LSSSE DATA**

Schools use their LSSSE data for a variety of purposes:

- The data have been used to guide broad curricular reform, such as the creation of a new course to respond to professionalism issues highlighted by the Carnegie Report,<sup>12</sup> as well as to monitor change after reform.
- LSSSE results have been used as a gauge for student satisfaction with existing curricular offerings; one school's LSSSE data confirmed the need for more clinical and internship offerings.

- Schools have used LSSSE results to improve the support provided to their students. At one school, this took the form of funding on-campus housing to alleviate the stress of long commutes and give students more time to engage in the law school's activities.
- Other schools have reported that their results identified the need to reorient a particular administrative office so that it is more student focused.
- LSSSE data provide a useful foundation for monitoring the effect of existing programs, such as academic support programs, as well as for setting targets related to strategic planning by establishing a benchmark with regard to a particular goal, such as increasing student-faculty interaction.
- LSSSE results have been used to identify diversity issues of concern and, by comparing successive years' data on questions related to these issues, to track progress and evaluate the effectiveness of new initiatives.
- Schools have investigated the relationship between engagement and bar passage by linking their LSSSE data to bar pass results; some schools also are in the process of developing connections with other external information such as student participation in academic support programs or grades, among other variables.
- The data also are commonly used in preparing for reviews by regulatory authorities for accreditation purposes, including in self-studies, because they provide a mechanism for tracking change over time, among other things.<sup>13</sup>

The process for making use of the data also varies substantially. At certain law schools, the LSSSE

results are shared widely with faculty, administrators, and students. Several schools that share the findings broadly also use them to inform community-wide discussions about issues that need improvement; before taking action, the school investigates insight from LSSSE and other sources of information. At these schools, LSSSE is part of the creation of a culture of shared values and transparency. Other schools are more circumspect with their results. LSSSE encourages schools to share the results throughout their communities, as conversations about the findings can contribute to a culture of institutional improvement, but LSSSE itself makes the data public only in an anonymous aggregated fashion.<sup>14</sup>

## HOW LSSSE USES THE DATA

Each year, LSSSE presents selected results of the aggregate data in its Annual Survey Results.<sup>15</sup> The annual results also highlight promising as well as disappointing findings. But the data are much richer than revealed through the brief descriptions in the annual results, and LSSSE encourages scholars and policy makers to use the data to inform their work. LSSSE has used the data to analyze how students learn about professionalism in law school, and the data are the subject of ongoing projects investigating differences in engagement patterns among various student populations.

## ANNUAL AREAS OF FOCUS AND CONSORTIA OPTIONS

LSSSE adds several experimental questions to its core survey each year in order to deepen the understanding of a particular issue and to test survey items in preparation for future editions of or revisions to the survey instrument. The 2011 survey's experimental questions sought information about student


experiences for part-time versus full-time students as well as those transferring versus attending a single law school; they also asked about students' awareness of and interaction with international graduate law students enrolled in their law schools. The 2010 experimental survey questions focused on the effectiveness of law schools' efforts to prepare students to assume a professional role, the factors that influence students' decisions to attend law school and those that keep them motivated to work hard, and the influence of nonacademic support on students' personal and professional development.

In addition, participating schools may combine into consortia and, as a group, design an additional set of questions to be administered to the students of consortium members. These questions could be organized around a particular theme (such as diversity in legal education), or they could relate to issues common to the schools participating in the group (for example, urban law schools may wish to ask additional questions about commuting and housing).

## CONCLUSION

LSSSE provides law schools the opportunity to assess the educational experiences of their students—to unpack the “black box” of legal education. Its focus is on the students and their experiences as students. Apart from LSSSE, the primary sources of information about law students have been pre- and post-law-school quantitative assessment tools such as the LSAT and the bar exam. LSSSE can help us better understand what students and law schools *do* in the intervening years and what educational value law school adds.

Knowing more about the value added during law school and how the student experience differs at individual schools allows schools, students (prospective and current), alumni, and other stakeholders to

gain a meaningful picture of the landscape of legal education. LSSSE offers a new metric—a process-oriented approach to assessment—that has the potential to shift the focus of evaluating the quality of law schools away from library holdings and faculty scholarship, and back to the experiences and environments most conducive to learning to be a lawyer. 

## NOTES

1. Robert H. Frank, *The Prestige Chase Is Raising College Costs*, *NEW YORK TIMES*, March 11, 2012, available at [http://www.nytimes.com/2012/03/11/business/college-costs-are-rising-amid-a-prestige-chase.html?\\_r=1](http://www.nytimes.com/2012/03/11/business/college-costs-are-rising-amid-a-prestige-chase.html?_r=1).
2. *Id.*
3. See Michael Sauder & Wendy Espeland, *Fear of Falling: The Effects of U.S. News & World Report Rankings on U.S. Law Schools*, Law School Admission Council Grants Report (October 2007), available at <http://www.lsac.org/lisacresources/Research/GR/GR-07-02.asp>; Jeffrey Evans Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 *IND. L. J.* 229 (2006); An Open Letter to Other Law Bloggers Regarding the US News Rankings, Brian Leiter's Law School Reports, <http://leiterlawschool.typepad.com/> (March 12, 2012) (“When the new rankings come out this week, may I suggest that you *not* post the overall ranking. You all know the overall rank assigned to a school by *U.S. News* is meaningless, often perniciously so. It combines too many factors, in an inexplicable formula, and much of the underlying data isn't reliable, and some of it [e.g., expenditures on secretarial salaries and electrici[t]y] isn't even relevant.” Leiter is Karl N. Llewellyn Professor of Jurisprudence and Director of the Center for Law, Philosophy, and Human Values at the University of Chicago Law School.)
4. See Patrick T. O'Day and George D. Kuh, “Assessing What Matters in Law School: The Law School Survey of Student Engagement,” 81 *IND. L. J.* 401, 403 (2006) (“Despite their popularity, rankings provide at best specious insights into the quality of the student experience.”).
5. The Indiana University Center for Postsecondary Research is a research center in the School of Education devoted to studying the student experience. See <http://cpr.iub.edu/index.cfm>.
6. See the Law School Survey of Student Engagement website, <http://lssse.iub.edu/index.cfm>.
7. See *STUDENT ENGAGEMENT IN HIGHER EDUCATION* at 3 (Shaun R. Harper & Stephen John Quaye, eds., Routledge 2009) (“Researchers have found that educationally purposeful engagement produces gains, benefits, and outcomes in the following domains: cognitive and intellectual skill development; college adjustment; moral and ethical development; practical competence and skills transferability; the accrual of social capital; and psychosocial development, productive racial and gender identity formation, and positive images of self. In addition, . . . students who devote more time to



academic preparation activities outside of class earn higher grade point averages.”[references omitted]); Bonita London, Geraldine Downey & Shauna Mace, *Psychological Theories of Educational Engagement: A Multi-Method Approach to Studying Individual Engagement and Institutional Change*, 60 VAND. L. REV. 455, 456 (2007); Robert M. Carini, George D. Kuh & Stephen P. Klein, *Student Engagement and Student Learning: Testing the Linkages*, 47 RES. IN HIGHER EDUC. 1, 2 (2006).

8. *Supra* note 4, at 405–406.
9. Carole Silver, Amy Garver & Lindsay Watkins, *Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement*, 17 J. OF LEGAL WRITING INST. 373 (2011).
10. LSSSE helps law schools boost response rates by suggesting that they make select data from prior survey administrations public and talk to their students about how they plan to use the LSSSE results to improve the quality of their legal education. Law schools are able to view real-time response rates during survey administration, allowing them to ramp up efforts to promote the survey if the response rate is low.
11. To help law schools use their data most effectively, LSSSE has developed resources such as a user’s guide for interpreting the data and an instrument to organize the survey items by themes of engagement.
12. The Carnegie Report is the commonly used title for the Carnegie Foundation for the Advancement of Teaching’s study on legal education, *Educating Lawyers: Preparation for the Profession of Law*, published in 2007. William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass 2007), available at [http://www.carnegie-foundation.org/sites/default/files/publications/elibrary\\_pdf\\_632.pdf](http://www.carnegie-foundation.org/sites/default/files/publications/elibrary_pdf_632.pdf). It identified three apprenticeships that combine to form the core of legal education: analytical learning, skills and practical learning, and professional identity and purpose. “The Carnegie scholars found that while law schools do an excellent job of teaching students legal analysis and have made strides in teaching the skills necessary for practice, they have not developed well-focused efforts towards teaching the elements comprising professional identity and purpose.” Silver, Garver & Watkins, *supra* note 9, at 375.
13. LSSSE has developed an Accreditation Toolkit with suggestions for incorporating LSSSE data into accreditation self-studies and a map for aligning specific items from the survey to the ABA accreditation standards.
14. LSSSE offers user workshops to give faculty and administrators an opportunity to learn more about how they can use LSSSE results at their law schools, as well as school visits and consultations to facilitate school-specific interpretation and analyses.
15. The 2011 survey results, “Navigating Law School: Paths in Legal Education,” as well as survey results since the survey’s inception in 2004, are available on the LSSSE website at [http://lssse.iub.edu/order\\_ar.cfm](http://lssse.iub.edu/order_ar.cfm).



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