

## ***The New York Times Exposes Another Law School Shell Game: The Vanishing Merit Scholarship***



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***Holding on to a merit scholarship used to induce law school enrollment at lower tier schools is not a matter of hard work or intellect; it's a matter of beating odds stacked against law students ;the case of disappearing scholarships: law school legerdemain***

David Segal of *The New York Times*, previously exposed the con game that America's law schools are running in an article published on Sunday January 9, 2011 entitled [Is Law School a Losing Proposition?](#)

Segal ran a compelling follow up piece in today's *Times* entitled [Law Students Lose the Grant Game as Schools Win.](#)

Segal's most recent piece

documented how law schools openly game *The U.S. News and World Reports* annual law schools rankings by recruiting college graduates with high GPA's and high LSAT's by offering full "merit" scholarships to applicants who otherwise would likely be enrolling in higher ranked law schools. As Segal correctly explains the *US News'* ranking system, that magazine uses a variety of metrics in measuring a law school's standing. Among the most

influential factors are the GPA's and LSAT scores of incoming students, which together accounts for approximately 25% of the factors considered by *US News*. As Segal said, "...students' academic credentials determine close to a quarter of a school's rank — the largest factor that schools can directly control."



Law schools have in fact been manipulating these metrics through an interesting version of academic three card Monte. Here's how this particular con works: A highly qualified applicant is offered a full scholarship and is told that he or she can retain that scholarship after his or her first year provided he or she maintains a "B" average. However, the school maintains a carefully calculated grading curve, under which it is impossible for all of its scholarship awardees to retain their "B" averages, no matter how hard they study or how well they do. The game is simply fixed. It is not mathematically possible for all of the scholarship awardees to beat the mandatory grading curve.

Lower ranked law schools offer these "merit" scholarships to incoming first year students in hugely disproportionate numbers. The law schools involved in this scam – and there are far too many -- apparently each maintain a secret algorithm under which they (a) determine how much tuition money they need to collect from their entire student bodies, deduct from that gross amount the amounts awarded to snooker qualified first years, (b) calculate how many scholarship awardees should be eliminated at the end of their first year and, then, (c) divide up the entire tuition bill among the balance of the law students.

In short, many of the schools involved in these dodges aren't actually giving away scholarships; they are upping the tuition bills for all students, including those who got snookered in their first year and "lost" their scholarships in the unwinnable grading curve game and *all* of these students ante up. It's simply nothing more or less than the mathematical impossibility of consistently beating a programmed slot machine in a casino.

*The Times'* Segal captured the sordidness of this entire gift in a poignant quote from one victim, which will long be remembered:

"I had a friend once who told me that hunting is a sport," said one Golden Gate merit grant winner who anticipated coming up shy of a 3.0 average. "I said, 'Hunting is not a sport.' He said: 'Sure it's a sport. It's just that the animals don't know they're in a game.' That's what it feels like to be a law student these days. You have no idea you're in a game."



In the spirit of fair and balanced reporting, *The Times* interviewed a number of law school academics who claimed that the information students needed were available through a variety of different sources, which, it turns out, takes a great deal of forensic gymnastics to uncover.

When the *Times* ran its first expose of law school flimflam in January, I was prompted to ask, as they do in law school, [“What, if any, are the rights and remedies of the parties?”](#)



I received scores of emails from recent law school graduates who described their own mostly sad situations, (hard damages, long term unemployment and hundreds of thousands of dollars in non dischargeable law school loans) they suffered and numerous thoughts about the availability of legal relief under various legal theories. Many suggested the commencement of a class action lawsuit. Almost all demurred when asked if they would serve as a class representative. Each of my correspondents asked that I keep their responses confidential, since they did still harbored some small glimmer of hope that they might still get a job as a lawyer and didn't want a pending lawsuit brought by them against their law schools to dash that hope. A small number of law school academics also wrote to me privately and told me of the personal shame they felt and of “feeling dirty” for being beneficiaries of inexcusable ethical lapses by legal academia, but were reluctant to risk their own paychecks by stepping forward and

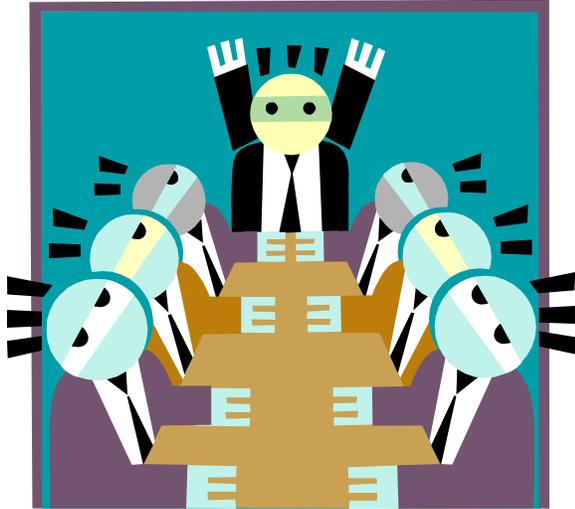
scolding the system that put food on their tables.

One of the few, brave and bold who just last week stood up and decried the situation is outspoken Northwestern University School of Law Professor Steve Harper, who just two weeks ago wrote of the gross [“Debt Loading”](#) imposed on law students.



Another academic who deserves a great deal of credit in openly addressing the law school merit scholarship shell game is [Professor Jerry Organ](#) of the University of St. Thomas School of Law in Minneapolis (quoted at some length by *The Times*). Interestingly, Professor Organ is a graduate of Vanderbilt Law School, the institution from which several dedicated young lawyers who formed [The Law School Transparency Project](#) graduated. That non-profit project has, since 2009, been dedicated to the singular mission of having law schools make full and open disclosure of all facts material to a law school applicant in making his or her decision with regard to attending law school. To its credit, The Law School Transparency Project has achieved the singular success of galvanizing the entire law school academic community as almost never before with a unified chorus of the Latin expression *vado talentum sand* :”Go pound sand”. But to be fair, the law school community and the bar have had numerous meetings and convened countless

committees to talk about the issue. As always, the committees take minutes, spend hours and accomplish nothing.



Let's see what aftershock *The Times*' Segal produces this time.

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