



Q: I understand that *US News and World Report* is going to start ranking law firms like they do law schools, hospitals, etc.

I have heard that these types of surveys are arbitrary, subjective, statistically invalid, and measure the wrong things. I've heard they are unnecessarily time consuming, annoying to clients whose input is requested, and ultimately yield a result that smart clients will not use in deciding which law firm to hire. I'm *busy!* **Can I simply ignore their survey?**

A: You can, but, candidly, I wouldn't.

As much as we might like to philosophically rail against these types of rankings and surveys, it's not enough to state that few prospects will use rankings to choose a law firm. Frankly, in my experience I agree that that's extremely unlikely. But there are additional important considerations, including (1) whether this ranking will be persuasive to law students and laterals regarding which job offer to accept, and (2) the feelings of a firm's lawyers about the firm (and its marketing department...).

I wanted to offer some background insight. As a lawyer with nearly 25 years' experience inside law firms in various capacities, I'm pretty familiar with lawyers' thought processes in these situations, and have also seen the ratings-race in action for decades, including inside law schools. Many schools have publicly denounced the *US News* rankings for similar reasons. Later, regardless of their stern protestations, they still try their darndest to goose their numbers.

Every year articles (now blogs) discuss the threatened boycotts from the nation's top law schools regarding the *US News* rankings. My law school, Emory, did surprisingly well in the early rankings and, in part based upon that score, has been able to steadily improve its numbers, getting increasingly better students and professors over time as their ranking increased 10-15 spots. When I attended Emory, few people outside of NY and the Southeast knew it had a law school. Today, it has broken into the top 20 and has a national reputation. That's heady stuff for law school deans, professors, recruiting, placement directors, potential students, and hiring partners. Circumstantial evidence points to *US News* being partly responsible for this improvement -- they do a very good job of marketing their own surveys.

Schools might hate them, but they brag about their positive results when they can (http://taxprof.typepad.com/taxprof_blog/2009/04/law-school-reactions.html) and decry their invalidity when they score poorly (<http://lawschoolheadlines.com/nebraska-claims-that-ranking-is-wrong/>). Florida complained that the data was invalid when dropping from 46th to 51st (<http://lawschoolheadlines.com/floridas-rankings-data-also-incorrect/>) and acknowledged that "we ignore rankings like these at our peril."

My point is that we may believe/know that these types of rankings are stupid, arbitrary, capricious, ridiculously time-consuming, and statistically invalid. We may believe/know that few sophisticated clients will read a survey and change their minds and choose to call the firm ranked 17th over the one ranked 18th. But if your failure to play the game means that next year your firm receives a lower ranking than its lawyers *feel* they

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deserve, I predict that there will be hell to pay. Last year's self-satisfied boycott could be forgotten the instant the lawyers see that they ranked *below* "those jerks at Slow & Dim, LLP." Never mess with a lawyer's ego.

We may not want to get sucked in, or spend what will assuredly be a significant amount of time filling out their extensive survey. But to my in-house friends who want to boycott, I'd ask that they fully protect themselves *just in case* things hit the fan next year. Write a clear, full-disclosure email to the Managing or Marketing Partners detailing why you do not want to comply. You should state that *US News* will rank the firm regardless of whether you fill out their forms, and that there's a chance that ignoring them may cause the firm to receive a lower score than firms that bit the bullet and played along.

Candidly, I'd want you to have an email or memo straight from the Managing or Marketing Partner stating that they understand the risk and ordering you to ignore the *US News*' requests for information. Then print it out and save a hard copy.

Trust me, next year, you'll appreciate the high-level cover. Get it in *writing*.
Good luck.
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