

We understand that there are questions concerning information provided by Brooklyn Law School to *U.S. News & World Report* in connection with the preparation of the magazine's annual issue about law schools. For many years, we have engaged *U.S. News* editors in debate over what we regard as flaws in its rankings methodology. An important aspect of this debate has been our position that it is inappropriate to consider the numerical credentials (LSAT and GPA) of part-time students on the same basis as full-time students. Other flaws in the *U.S. News* methodology that we have raised in correspondence with the editors are discussed below.

Part-time law school programs have long fulfilled a unique role in legal education and students in those programs are often selected for admission on the basis of potential demonstrated by their non-numerical qualities. Accordingly, we have argued that full-time programs should be measured against full-time programs and that part-time programs should be measured against part-time programs.

Consistent with our view of the appropriate methodology for rankings, we have for many years declined to provide *U.S. News* with LSAT/GPA information about our part-time students. We have done this openly and without deception. In the past, although *U.S. News* made part-time information available to its readers, it did not incorporate that information into its mathematical rankings model. When we learned that such a change was under consideration, we vociferously argued against it in a letter to *U.S. News*. We received no reply, and *U.S. News* did not announce this change in its methodology.

Accordingly, when we completed the 2009 questionnaire, we reported the LSAT/GPA information about our full-time students. Consistent with prior practice, we left blank the questions about LSAT/GPA of part-time students. Following these two questions was a question that sought combined LSAT/GPA information for all entering students – full-time and part-time. In prior years, we had left that line blank. This year, however, we mistakenly inserted only the information provided for the previous two questions – the LSAT/GPA information for our full-time students. This error was completely inadvertent. There was no intention to hide the existence of our part-time program, as evidenced by substantial other information we provided about our part-time program elsewhere in the questionnaire. Moreover, given the one point difference between the LSAT median of 163 for our full-time students and the LSAT median of 162 for our entire class, we do not know what effect, if any, the omission of data about our part-time students would have had on our *U.S. News* ranking.

As noted above, we have raised with the editors two other flaws in the *U.S. News* methodology that result in serious distortions of the rankings. First, many schools depress the size their entering classes and then enroll large numbers of second-year transfer students with lower LSATs and GPAs; because *U.S. News* considers the numerical

credentials only of first-year students, this manipulation results in a higher ranking than if the credentials of all students at the school were taken into account. Second, LL.M. students are not counted in the computation of student-faculty ratio and expenditures per student, notwithstanding the fact that, at many law schools, LL.M students are often enrolled in the same classes as J.D. students and use the same services as J.D. students. The result is to artificially increase the rankings of schools that have such programs. We hope that, at some point, *U.S. News* will acknowledge these flaws in its methodology and correct them.