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Feature: Teaching the Teachers

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new ranking system explores ‘intellectual super-spreaders’

Michigan Law ranks third in study

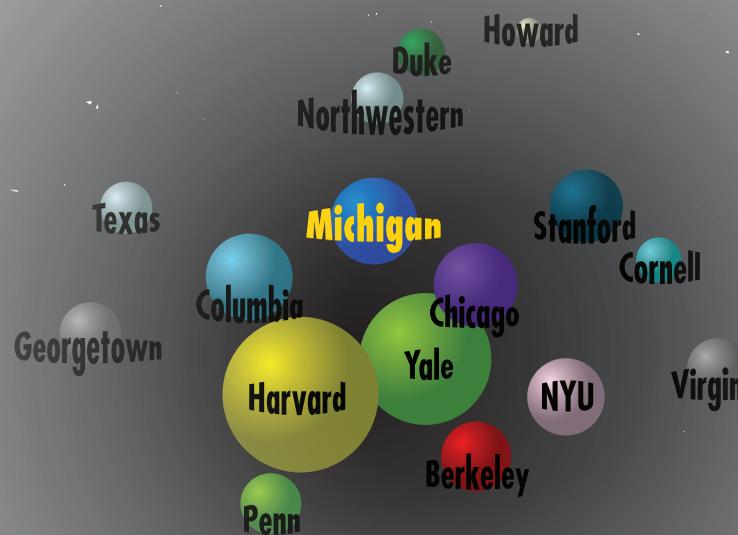
By Nicole Fawcett

Among law schools, rankings give clues to which institutions are the most prestigious. But rankings are only part of the picture. The real question, say the authors of a new paper, is how legal ideas become accepted and shared, and which schools play the largest roles.

A new model for determining the influence of law schools looks at the links between where law professors received their J.D. and where they go on to teach law. The model, which uses a mixture of social network analysis and computer simulation, shows how a handful of elite institutions are likely influencing legal principles and attitudes across the country.

The concept, referred to as peer effects, suggests certain schools become “intellectual super-spreaders” as their alumni go on to shape the curricula of other schools. Michigan Law ranked third in the new study.

“Between 10 and 15 law schools are responsible for socializing a significant percentage of the future legal academics. This has implications for how we think about the development of American law,” says study author Daniel Katz, J.D., M.P.P., a Ph.D. candidate in political science and public policy at the University of Michigan



and a fellow with the U-M Center for the Study of Complex Systems.

Think of how rumors spread. In this case, students hear an idea from their professors. They then carry that idea with them to a new school and begin teaching it to the next generation of students. Those students in turn take that idea and spread it to another school.

“We know that people are influenced by more than what they learn in school, but clearly this is one way that ideas spread,” says Katz, ’05.

The paper, posted in March to the Social Science Research Network, looked at more than 7,200 tenure-track professors at the 184 institutions accredited by the American Bar Association. Researchers from the Center for the Study of Complex Systems combed the schools’ websites to match each faculty member to his or her alma mater to determine which schools place the most faculty in other institutions.

Their paper finds Harvard Law School and Yale Law School dominate in terms of influence, followed by Michigan Law and a small core of other elite law schools.

The analysis offers an alternative to the *U.S. News & World Report* rankings of graduate programs, although in many cases the results were similar. The same schools comprised the top 14 for both lists.

The concept of computational simulation, which is used extensively in the physical sciences, is fairly new to the social sciences. But, Katz says, it has tremendous potential for looking at the questions of how the law works and what makes good legal policy.

The graphic image generated by the model shows a series of lines converging into key hubs in the middle. The closer to the center and the larger the circular node, the more influential the school is. The model also takes into account the prestige of the other schools that an individual institution links to. In other words, schools that connect to other influential schools rate higher than those that link to the less-influential schools along the fringes.

Further, the computational simulation showed that the more influential a school was, the faster an idea was likely to spread. If school A is successful at placing its students at many institutions, then the ideas starting at school A are more likely to spread and take root.

The authors cite four pillars of constitutional legal canon that have come to be taught with a specific viewpoint: the Supreme Court’s alleged abandonment of the freeman, the Court’s decision in *Lochner v. New York*, the development of modern First Amendment speech doctrine, and the New Deal “Switch in Time.” The authors note that other legal scholars have recently analyzed and questioned the long-standing historical accuracy of the underpinnings of these doctrines.

Katz points out that the process of condensing these cases into a textbook forces authors to boil down cases to their essential elements. In the process of doing this, the case becomes subjected to an individual’s or institution’s viewpoint. Over time, a particular viewpoint can become accepted throughout the legal world. Katz believes peer effects can help explain why this happens.

In addition to the current paper that looks at law school hiring trends, the study authors have used these same techniques to analyze the connections among top federal judges and their law clerk hiring practices.

While Katz emphasizes that this is merely a first pass at using computational analysis and complex systems to look at the legal system, the paper generated immediate interest from several legal websites, as well as the *U.S. News & World Report* college rankings blog.

In addition to Katz, the study authors were Josh Gubler, Ph.D. candidate, political science; Jon Zelter, Ph.D. candidate, sociology, and Center for the Study of Complex Systems; Eric Provins, political science undergraduate student; and Eitan Ingall, organizational studies undergraduate student.

To learn more about this research, visit Katz’s Computational Legal Studies blog at computationallegalstudies.com.

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