

# The Journey, The Work, The Impact: Reflections on my Tenure as LSSSE Director

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## I. Introduction

I became LSSSE director on January 1, 2014. Legal education was in the midst of a historic downturn that saw student enrollments decline almost twenty-five percent in just three years. Questions regarding the value of the law degree were being posed in unprecedented ways. Law graduate debt was as high as it had ever been, slamming head-on into employment and salary trends showing that law schools were producing far more graduates than the post-recession legal job market could absorb. Legal employers, seeking to reduce their obligations to develop new lawyers, piled on by arguing that law schools were failing to train “practice-ready” graduates. And the media highlighted, sometimes sensationalizing, every gripe, legitimate and questionable.

These were challenging times. But with challenges often come opportunities. And, to me, the challenges presented an opportunity to use LSSSE’s unique and expansive dataset to contribute to the collective soul-searching taking place. This opportunity gave me a sense of purpose that informed not only my work as director, but also my research agenda as a faculty member at Saint Louis University School of Law. In short, my experience as director was impactful for legal education and transformative for me.

In this essay, I reflect on my journey to LSSSE and the string of coincidences that seemed to funnel me to the directorship. Then, I transition to the work we did and our efforts to position LSSSE as an advocacy voice for law students. Last, I offer my perceptions of LSSSE’s impact on legal education.

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### **Part I: The Journey**

I first became aware of LSSSE in 2003 while serving as assistant director of admission at the University of the District of Columbia David A. Clarke School of Law (UDC Law).<sup>1</sup> UDC Law was one of the earliest adopters of LSSSE, having been selected in 2003 as one of eleven “field test” schools. I remember being intrigued by this novel idea of student engagement. As an admission officer, I was struck by its seeming relevance to the admission process. If engagement was tied to student success, then it seemed that the admission process should be designed to identify applicants most likely to be engaged students. This thought was fleeting; but a seed was planted.

My next experience with LSSSE was truly prophetic. I was serving as admission dean at the University of Arkansas at Little Rock Bowen School of Law (Bowen), a position I held from 2006 until 2011. Like UDC, Bowen was one of the earliest and most consistent LSSSE adopters, having administered the survey every year from 2004 to 2014. One day, in what I am guessing was 2009, I received an e-mail announcing the search for LSSSE’s inaugural director. The e-mail was not directed at me specifically. It was one of many messages I received daily through various mailing lists. Normally, I would summarily delete these e-mails. On occasion, I would give a cursory read before deleting. In rare situations, I would read a message closely. This was one of those rarities.

I read the position description and was enthralled. I remember the description highlighting the distinctive nature of the project and its dataset. The director would lead an unprecedented effort to measure the impacts of legal education on law students, by asking students themselves. Even more, this was at a time when few people were promoting the idea of studying legal education empirically. All I could think about was LSSSE’s potential for informing policies, procedures, and practices, from admission to curriculum to student services.

I did not consider applying for the position because, frankly, I was not qualified. I remember the ideal director being someone with a track record of rigorous scholarship; credibility within the legal academy; experience managing research projects; and some knowledge of statistics. The announcement seemed to describe a true scholar-practitioner, a forward-thinking, well-respected person who sought to engage in research for the purpose of action and impact.

My entire career at that time had been on the administrative side of legal education. I had not yet published a piece of academic scholarship. In fact, the idea of being a faculty member had never entered my mind. Coincidentally, however, I was undertaking doctoral studies in higher education administration at Vanderbilt’s Peabody College (while working full time at Bowen). My sole motivation for going back to school was to study the research that underlay my work as an admission officer. In short, I wanted to merge the practical job skills I had honed with knowledge of the multidisciplinary theories that affected

1. I held this position from 2002 until 2005.

my work. But something unexpected happened during that educational foray. The more I learned, the more questions I had. The more research I conducted, the more research I wanted to conduct. This expanding curiosity culminated in my deciding to seek a law faculty position and joining the faculty at Saint Louis University School of Law in summer 2011.

As a faculty member, my teaching focus was K-12 education, while my research focus was higher education,<sup>2</sup> with a frequent focus on legal education. My first published piece in my new role was an October 2011 op-ed titled *Why Law School Is Still Worth It*.<sup>3</sup> I wrote the piece in response to consistently negative sentiments I was reading and hearing about the payoff of the law degree. I had spent almost a decade advocating for the schools at which I worked and for legal education, generally. My passion for the endeavor was sincere. The decision to go to law school is, to this day, the best decision I have ever made professionally. In fact, it was more than a professional decision. Law school fundamentally altered my life's trajectory. And as an admission officer, I had seen many dreams come true and many lives changed, like mine.

The response to the piece was surprising and overwhelming. There was positive feedback. There was negative feedback. A lot of negative feedback. And it mostly came from students and recent graduates who were living the realities of high debt and employment prospects that fell far below their expectations. To them, the piece rang hollow and may have even seemed disingenuous. With reflection, I realized that in writing the op-ed, I failed to account for two things. One was the extent to which the degrees from the schools at which I worked were uncommonly good values. Both schools—UDC and Bowen—had tuition not much above \$10,000. Therefore, the entire J.D. program at either institution cost less than just one year's tuition at many others. Neither school boasted particularly high graduate salaries; but there was nonetheless a favorable long-term payoff awaiting most graduates.

The other thing I failed to account for was the extent to which my words would be both embraced and scrutinized now that my byline said "Assistant Professor." The title rightly communicates an expectation that claims are offered in good faith and supported by relevant data. The claims I made in the piece were surely offered in good faith. They were also supported by relevant and recent data, though there were legitimate questions about the extent to which even recent data was relevant to the still-unfolding realities.

I share this anecdote because through this experience I realized that I had a voice, and with that came a responsibility to use it judiciously. The experience also confirmed that there was much hunger for the collection and application of relevant data that could help frame problems and solutions in legal education.

2. One of my doctoral professors at Peabody, Claire Smrekar, always implored that you cannot understand higher education without also understanding its principal feeder, K-12 education. Therefore, I sought to maintain a substantive connection to K-12 education.
3. *Why law school is still worth it*, THE NATIONAL JURIST (Oct. 11, 2011), <http://www.nationaljurist.com/national-jurist-magazine/why-law-school-still-worth-it>.

This was right up my aspirational alley. Buoyed by my doctoral studies and my new career shift, I aspired to be a scholar-practitioner. I wanted my work to raise awareness of tangible problems while putting forth tangible solutions, all informed by data.

After years of admiring LSSSE from afar, I was finally given the opportunity to indulge my curiosity through a chance conversation with its first director, Carole Silver. Carole had been selected through the search I mentioned earlier. I cannot remember exactly when or where our conversation took place (I think it was AALS in 2013); but I remember we bonded over discussions of the great potential of LSSSE and of data generally to help law schools navigate challenges of the time. I found Carole to be immensely insightful and progressive in her thinking. As a new scholar, I wanted to emulate her. I came away from our conversation further impressed by LSSSE and more committed than ever to using data as an integral component of my scholarship.

Over the following months, I grew as a scholar and teacher. I continued to learn from amazing colleagues in plotting my path to be the scholar-practitioner I aspired to be. Then one day, Carole sent me an e-mail stating that she was planning to step down from the LSSSE directorship. More than that, she encouraged me to consider applying for the position once it opened. This exchange was surreal. On one end, I did not feel qualified. I was still a new professor, still seeking to build the type of track record and reputation that are so valuable to leading the project. On the other end, this seemed like an almost fated culmination. My years of distant admiration were manifesting as a real opportunity to do work that I only could dream of just a few years before.

## II. The Work

On January 1, 2014, I began my tenure as LSSSE director. My first official duty was to convene the annual meeting of the advisory board. These meetings took place every January during the AALS Annual Meeting. My first meeting was in New York City. Before the meeting, I suffered from a bit of trepidation, as the board comprised people whom I considered icons. Their names (and positions at that time) bear mention here:

- Dan Bernstine, president and CEO, Law School Admission Council<sup>4</sup>
  - Barry Currier, managing director, Accreditation and Legal Education, American Bar Association<sup>5</sup>
4. Dan was a hero of mine. I had long followed his career. The first time I met him in person, it was like meeting a celebrity. Thereafter, whenever I would contact him, he willingly served as a sounding board and a source of good advice. His untimely death in 2016 stung. I penned a tribute saying things I wish I had said to him while he was still with us: Aaron Taylor, *A Tribute to Dan Bernstine*, Law School Survey of Student Engagement (Sept. 29, 2016), <https://lsse.indiana.edu/uncategorized/a-tribute-to-dan-bernstine/>.
  5. Barry is tireless. Seriously, I do not know where he gets his energy. He is everywhere all at once, including at every LSSSE Advisory Board meeting. He contributed a wealth of

- Bryant Garth, professor of law, UC Irvine School of Law<sup>6</sup>
- Richard Matasar, senior vice president for Strategic Initiatives, New York University<sup>7</sup>
- Rachel Moran, dean, UCLA School of Law<sup>8</sup>
- Lauren Kay Robel, provost and executive vice president, Indiana University<sup>9</sup>
- William Sullivan, senior scholar, New American Colleges and Universities<sup>10</sup>

These were leaders. These were innovators. These were scholars. And they were willing to give me seventy-five minutes of their time first thing that morning while I talked about my plans to move LSSSE forward. To my relief, the meeting went well. The discussion was robust, and the ideas flowed. I left with a clearer sense of priorities and more confidence in my belief that LSSSE could be a valuable tool for law schools.

Any discussion of my tenure as LSSSE director must include a mention of LSSSE's project manager and my friend, Chad Christensen. Chad began his tenure just a few months before mine, and we spent those early days learning and stumbling together. Like me, Chad had an admission and student services background. So our frame of focus was always on students. Chad also had an acute customer service orientation, an artifact, I suspect, of his time working at Indiana's Kelley School of Business. This alignment and mix of skills between us worked well as we plotted a two-pronged strategy to 1) increase LSSSE's value proposition; and 2) position LSSSE as the voice of the law student.

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perspectives gained over his diverse legal education career. I could always rely on Barry to be honest and supportive. Barry stepped down from the board in 2017, and I hated to see it, because the next director would not benefit from his contributions as I had.

6. I am immensely thankful to Bryant. His service as chair of the LSSSE Advisory Board was instrumental to the success we had. He was a knowledgeable, engaged, and calming presence. And he is one of the legends of legal education empiricism and an icon among law deans—a true scholar-practitioner. I simply cannot say enough about Bryant.
7. I followed Rick's career while he was dean of New York Law School and was always taken by his willingness to think in innovative terms. He strikes me as one of the earliest legal education reformists, advocating for new approaches long before most realized the old approaches were outdated.
8. Every interaction I have had with Rachel, whether through her board service or otherwise, I have come away better for it. As a board member, she was always a source of useful insight and actionable ideas. Her ability to hone in on what was truly important and distill frank guidance always stood out.
9. Lauren was unable to attend this first meeting. I would not meet her in person until a year or so later. Her vast knowledge of legal education and higher education was immensely valuable to me as both director and a higher education scholar. Her schedule was unimaginably stretched, but she remained responsive to me the few times I had the temerity to bother her.
10. I did not get to know Bill well. But I was well aware of his work studying legal education as a researcher with the Carnegie Foundation for the Advancement of Teaching. He was one of the earliest voices calling for reform of the manners in which the law school curriculum was designed, delivered, and assessed.

*1. Value proposition*

For a long time, LSSSE's principal deliverable to participating schools was a binder filled with snapshot summaries and detailed survey response data. The binder was rather large, and the data (beyond the snapshots) was rather dense. The binder could surely be intimidating to someone who was not well versed in interpreting quantitative data. We would often joke at LSSSE about how the binders commonly became bookshelf and desk ornaments. They looked substantial, but too often did not have much practical use for schools beyond that visual heft. Jokes aside, we understood that the binder's lack of tangible value for many schools was not a laughing matter.

The issue of value increased in importance during the early days of my tenure. The enrollment downturn was wreaking havoc on law school budgets, and with no end in sight, schools were feverishly looking for expenses to cut. While the LSSSE registration fee is barely a blip in the context of a law school budget, it made sense for a school to opt out of administering the survey if past binders had only ornamental value. So we needed to increase LSSSE's value proposition by making the data more understandable and more usable.

One of the first things we did was enhance the manners in which we visualized the data. Visualizations are a compelling means of communicating about data. Done well, visualizations can make data-based findings much easier to interpret. To paraphrase an old adage, a good visualization can say a thousand words. With this in mind, we redesigned the reports included in the binder. In fact, we reduced the size of the binder, making much of the data available to schools through a password-protected online dashboard. We enhanced the dashboard as well. Schools could now view visualizations and engage in straightforward analyses on their own.

We also expanded our capacity to conduct special analyses for schools that had research questions that were answerable with their data, but not part of the default package of analyses. For example, a few schools wanted to tie survey responses to certain outcomes, such as grades and bar exam performance. We were able to conduct those analyses and, in some cases, found interesting trends that schools could act on.

We also made concerted efforts to educate school officials on how to interpret their LSSSE reports and how to use findings to inform policies and practices. For example, if the data showed that higher levels of interaction between students and faculty yielded higher engagement (even after controlling for other relevant factors), schools could attempt to create more opportunities for such interactions.

Much of the survey has implications for tangible things that a law school does (or does not do). Our goal was to translate the underlying theories into real-world practicality. Along these lines, we mapped the survey questions to the ABA Standards, including the newer standards pertaining to learning outcomes. Chad and I also did regional workshops and visited individual

schools to do presentations for faculty and staff about their schools' data and its practical relevance.

We tried to make the survey instrument itself more responsive to contemporary times. The principal way we did this was by appending topical modules to the core survey. Modules are essentially batteries of questions all pertaining to a specific topic, such as student stress. Modules had been started during Carole's tenure. A couple new ones (including the student stress module) were added during my tenure. The primary source of module topics was law schools themselves.

These efforts yielded positive results. My first year as director, we saw a pretty stark decline in registrations, an outcome of the austerity measures gripping law schools. But we were able to stem these declines and stabilize annual participation at around seventy U.S. law schools. While we did not experience the growth in participation that I had hoped for, a flat trend line was nonetheless a "win," given the historically challenging environment in which we were operating. More importantly, many schools were making better use of their data, which was the central point of our efforts.

## *2. Voice of the student*

The legal education downturn brought on many discussions about reform. How could the law school curriculum and overall experience be made more relevant to contemporary and evolving times? I found the discussions refreshing; such vibrant reflection was long overdue. But I was struck by a persistent oddity: Hardly anyone was asking students for their opinions.

As someone who had reviewed thousands of admission applications, gaining a glimpse into the impressive and substantive backgrounds of many aspiring lawyers, I was bullish on the value of student input. And why not? They faced the highest stakes in all of this. Additionally, law students are qualified to chime in. They are intelligent and thoughtful. They often come to school with relevant professional and life experiences. Their opinions should matter, and it was striking to me that their opinions were rarely elicited. Well, with one notable exception. LSSSE had been eliciting the opinions of students for over a decade by this time. And as director, I was determined to use that data as a means of inserting (if not imposing) the student view into discussions and debates on the future of legal education.

We figured that to position LSSSE as the voice of the student, we needed to increase awareness of the project. We wanted legal education stakeholders to know that the data existed and to understand its usefulness; this included people who worked in law schools as well as students, aspiring students, the media, and others with an interest in legal education. One of our first actions was to redesign the website to make it more user friendly and visually appealing. While contemplating the new website, we decided that a full rebrand was needed. We redesigned the logo; created a new tagline ("Understanding Legal Education"); and adopted a new color scheme.

On the site, our goal was to weave together a story about a compelling and relevant dataset. We talked about the LSSSE's origins, purpose, and scope. We made all of the annual reports available for viewing and download. We provided case studies on how schools had used LSSSE data as part of curricular reform efforts and budget-setting, and for other purposes. We also added a blog and a tool that allows site visitors to conduct and visualize their own analyses of LSSSE data. Again, the goal was to demonstrate the relevance of LSSSE and make the data accessible.

The crux of our efforts to insert the student perspective was the annual reports. Each year, a report is published describing noteworthy findings from the pooled data of all participating LSSSE schools. Each report is organized around a theme. The reports are mailed to law schools, with electronic copies made public via the LSSSE website. In her final annual report, Carole had encouraged me to pen an essay providing a sense of what was in store for LSSSE under my leadership. In the essay, I stated: "LSSSE is an important tool for informing larger discussions of the future of legal education." This line, more than any other, captured how I planned to use the annual reports to amplify the student perspective.

Before my tenure, the reports had served as arm's-length summaries of the survey results.<sup>11</sup> This approach was understandable in times of relative stability. But the turmoil that typified the period of my tenure required a more engaged approach. I wanted not only to summarize interesting findings, but to offer perceptions on why they mattered. I thought about that moment a few years earlier when I had realized I had a voice and how I'd committed at that time to use data to highlight problems and inform solutions.

Two of the reports we published highlighted how law school financial aid policies contributed to and exacerbated societal disparities and inequities:

- *How a Decade of Debt Changed the Law Student Experience*<sup>12</sup> highlighted the exponential growth in expected law school debt among LSSSE respondents during the ten-year period 2006 to 2015.<sup>13</sup> But it went a step further in showing how the rate of increase was significantly higher for Black and Latino/a students than for other students.<sup>14</sup>

- *Law School Scholarship Policies: Engines of Inequity*<sup>15</sup> built on the previous

11. In seeking to attract more attention to the annual reports, we changed their visual layout, providing more compelling colors and pictures. Making them more visually appealing with pictures (mainly of students) and generous use of visualizations.

12. *2015 Annual Survey Results: How a Decade of Debt Changed the Law Student Experience*, Law School Survey of Student Engagement (2015), <https://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE-Annual-Report-2015-Update-FINAL-revised-web.pdf>.

13. *Id.* at 8.

14. *Id.* at 12.

15. Aaron N. Taylor & Chad Christensen, *2016 Annual Survey Results: Law School Scholarship Policies Engines of Inequity*, Law School Survey of Student Engagement (2016), <https://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-2016-Annual-Report-1.pdf>.



year's report by highlighting how law school scholarship awarding practices exacerbate debt disparities that exist along racial, ethnic, and socioeconomic lines. I implored law school leaders to "consider the impact their [scholarship] decisions and policies have on . . . the human beings who entrust us with their hopes and dreams."<sup>16</sup>

Both reports garnered attention. I was invited to make presentations at conferences and other gatherings expounding on the data. I made the inequitable impacts of scholarship policies a central focus of my own research and writings, publishing two journal articles and an op-ed addressing the topic.<sup>17</sup> Other researchers cited the reports in their writings.<sup>18</sup> The reports attracted media and social media attention as well, something I considered essential to broadening awareness of the issues.

Gradually, it became clear that LSSSE was increasingly part of relevant conversations. More was being explored and written about the dataset. Findings had made their way into common discourse. When I became director, I would regularly meet people who had no awareness of LSSSE. By the end of my tenure, such interactions had become rare. One of my proudest moments as director came at the 2017 NCBE Annual Bar Admissions Conference, when during the opening plenary LSSSE board members Barry Currier and Bryant Garth referenced LSSSE data in their remarks. The pride came not just from the mentions, but from the fact that the data was relevant and timely enough to be mentioned. And given that the audience was made up principally of state supreme court chief justices and state bar officers, these mentions likely exposed a new audience to LSSSE.

### III. The Impact

In November 2014, in commemoration of LSSSE's tenth anniversary, we hosted a research symposium that brought together various law school stakeholders, including faculty, administrators, and representatives from legal education groups, such as the Law School Admission Council. The symposium was sponsored by Access Group, an organization that was seeking to encourage and support research focusing on issues of legal education access, affordability, and value. In 2017, I would join Access Group, now AccessLex, as executive director of its Center for Legal Education Excellence. I will return to this transition in a bit.

16. *Id.* at 6.

17. Aaron N. Taylor, *The Marginalization of Black Aspiring Lawyers*, 13 FIU L. REV. 489 (2019); Aaron N. Taylor, Robin Hood, *In Reverse: How Law School Scholarships Compound Inequality*, 47 J. L. & EDUC. 41 (2018); Aaron N. Taylor, *Op-Ed: Law School Scholarships Foist Surtax on Neediest*, NATIONAL LAW JOURNAL (July 12, 2015), <https://www.law.com/nationallawjournal/almID/1202731858541/OpEd-Law-School-Scholarships-Foist-Surtax-On-Neediest/?slreturn=20210307201912>.

18. Jerome M. Organ, *Net Tuition Trends by LSAT Category from 2010 to 2014 with Thoughts on Variable Return on Investment*, 67 J. LEGAL EDUC. 51 (2017).

The LSSSE Symposium took place over a day and a half at my home institution, Saint Louis University School of Law. It featured presentations from various stakeholders on both theoretical and practical uses of data. The following session titles provide a sense of the content:

- Using Data to Demonstrate and Improve the Value of Legal Education
- Using Data to Devise and Assess Admission Criteria
- Using Data to Predict Enrollment
- Using Data to Reform the Curriculum

As indicated by the titles, we wanted to emphasize that data is more than merely interesting; it is useful. It can inform policies, procedures, and practices. Better use of data could have helped law schools foresee and plan for the enrollment downturn. Better use of data can help in curricular reform and in directing resources where they are most needed and most effective.

The symposium was the first that LSSSE had ever hosted and one of the first of its kind in legal education. Over a hundred people attended, far exceeding my expectations. I mentioned in my opening remarks that an assessment culture was building in legal education. I used the word “assessment” generically to refer to the reform-minded empirical study of legal education.

The symposium was a means of highlighting the various ways data was being used, while facilitating the exchange of ideas. Contributing to legal education in this way was a core organizational goal. And now, more than six years after I became director, I can look back and be proud of what we accomplished on this front. The assessment culture in legal education is here to stay. And LSSSE is part of the reason for that. As director, I was part of the group that conceptualized the AALS Section on Empirical Study of Legal Education and the Legal Profession in 2017.<sup>19</sup> The section has put on programs at the AALS Annual Meeting since 2018, helping bring the data and assessment movement into the mainstream of legal academia.

My work as LSSSE director helped position me to take on a new challenge. As I mentioned earlier, I joined AccessLex in summer 2017 as executive director of its Center for Legal Education Excellence. In this role, I lead efforts to conduct, fund, and encourage research into the form and function of legal education. But as at LSSSE, we are not conducting research merely because it is interesting; our efforts are centered on impact. We want to help increase bar passage rates, law student diversity, and financial literacy among law students.

19. Judith Welch Wegner (Professor Emerita and Dean Emerita, University of North Carolina School of Law) is the real force of nature behind creation of the section. She took what was a vague idea put forth by attendees at a small gathering of researchers hosted by UC Irvine’s Center for Empirical Research on the Legal Profession and led the efforts to meet all requirements for creation of the new section. *Section on Empirical Study of Legal Education and the Legal Profession*, The Association of American Law Schools, <https://www.aals.org/sections/list/empirical-study-of-legal-education-and-the-legal-profession/>.

We also want to make data that is relevant to legal education more accessible to those who need it.

One of most significant projects to date is a joint endeavor with LSSSE to explore statistical relationships between student engagement and bar exam performance. More than twenty law schools are taking part in the three-year study. Each participating school gets individualized reports providing actionable findings from the analyses of its bar-takers. We will release a report on the findings across all participating schools in 2021. This collaboration is a broad extension of my efforts to use LSSSE as a tool of continuous improvement and reform in legal education. That was always my goal as director. And when I look back on my tenure, I am proud of our efforts to put the student perspective front and center, and of the progress we made in fostering an assessment culture among law schools that is alive, well, and vibrant today.

#### **IV. Conclusion**

Almost twenty years after my first exposure to LSSSE, I continue to find it important, fascinating, and useful. Stepping down as director was bittersweet, but I was very happy when Meera Deo was appointed to succeed me. As a legal scholar and empiricist whose research centers on amplifying the experiences of marginalized people, Meera is the ideal person to move LSSSE forward. Brighter days are ahead for the project. The research appearing in this volume is evidence. I look forward to continuing to support and partner with LSSSE in whatever capacity I can.