

## Corporate Counsel Organization Highlights

### Letter From The President Of The New York County Lawyers' Association



To The Readers Of *The Metropolitan Corporate Counsel*:

#### Law Firm Rankings – How Useful Are They?

Recently, the American Bar Association adopted a resolution sponsored by the New York State Bar Association directing the ABA to examine efforts to rank law firms and law schools. The resolution was inspired, in part, by the announcement that *US News & World Report* was expanding its "America's Best" series to include rankings of law firms.

More than 5,000 law firms will be ranked in 125 legal practice areas nationally, by state, and by metropolitan area.

In addition to rankings by legal practice area, the national, state, and metropolitan-area rankings for law firms with general corporate practices will be aggregated from rankings in individual practice areas to produce an overall "America's Best Law Firms" ranking.<sup>1</sup>

The rankings will be based on a combination of "qualitative peer-reviews by leading lawyers" and "more than 50,000 client references."<sup>2</sup>

Many types of lawyer and law firm ratings have been published. See, for example, Martindale-Hubbell's peer-reviewed ratings.<sup>3</sup> There have even been some law firm rankings, such as Vault.com.<sup>4</sup> These have not, however, attempted the kind of broad ranking of firms that *US News* has announced. Vault.com, for example, offers rankings of the "Top 100 Firms" based on their relative prestige, as perceived by associates. It also offers rankings of the "Top 25 Firms" in particular practice areas. In short, it is attempting to identify the *crème de la crème* from a very large pool. Further, its criteria – perceived prestige in the case of general firm rankings – are easily stated, if not necessarily objectively determinable.

In contrast, *US News* plans to rank more than 5,000 firms on some overall measure and in 125 practice areas. According to a 2000 ABA survey, there were more than 47,000 firms in the country, but there were only about 5,200 firms with 10 or more lawyers.<sup>5</sup> Thus, it appears that *US News* is attempting to rank all but the smallest firms. This presents serious issues for both law firms and for their customers.

Anyone who has participated in employee reviews that attempt to produce a linear ranking of a large number of employees knows that this is far from an exact science. To start with, there is the problem of comparing apples to oranges. The employee-ranking process, however, is easier than the task of ranking law firms because of the fact that, basically, the rankings are produced by a relatively small number of people who have some personal knowledge of the people they are ranking. With respect to law firms, some, inevitably, will have many more reviews than others. For firms with only a few reviews, the "law of small numbers" comes into play – one glowing review or one pan can skew the results dramatically. With respect to all firms, there is no control over which peers and clients choose to participate in the review process, and how broad their bases for comparison are.

We do not yet know whether the factors taken into consideration in the rankings and their relative weights will be well understood. If they are not, the rank-

ings will suffer from having the appearance of objectivity and precision, when in fact the user does not understand what is being measured and how it is measured.

We do have some experience with the *US News* rankings of law schools. A study commissioned by the American Association of Law Schools in 1998<sup>6</sup> criticized the methodology and purported precision of the rankings:

Statistical analyses of the data that were available to us revealed that virtually all of the differences in the overall ranks among schools could be explained by the combination of two of the *US News* factors. These factors are student selectivity (which is driven by the school's median LSAT score) and academic reputation. The other ten factors are superfluous. However, because the *US News* ranking system inflates small differences in quality among schools, the addition of other factors (and/or slightly changing their weights) could shift a school from the bottom of one broad category of overall quality to the top of another (such as from the second to the third tier). Unfortunately, because of problems with all the factors in the *US News* system, these changes could just as easily decrease as increase the validity of the overall rankings.

Similarly, 164 law school deans deplored the effect of assigning arbitrary weights to a relatively small number of metrics:<sup>7</sup>

The key problem with all law school rating systems is that the final rankings are not based primarily on any hard underlying data. The range of performance among law schools based on most hard variables is actually fairly narrow. Rankings result chiefly from the value judgments that transform a limited range of data into an evaluative scheme. After the ranking "authority" decides which variables are relevant to the ranking, each variable must be given a weight. But the choices of variables and, even more dramatically, the choice of weights to be given those variables can be conspicuously arbitrary.

Given that law firms have few statistical attributes comparable to "median LSAT score," and the number of firms being ranked – more than 5,000 – is so much larger than the number of law schools being ranked – under 200 – it is hard to see how the law firm ranking process can escape similar weaknesses.

Sincerely,  
Ann B. Lesk

<sup>1</sup> <http://www.usnews.com/education/blogs/college-rankings-blog/2010/01/28/americas-best-law-firms-rankings-are-coming-in-2010.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> [http://www.martindale.com/xp/legal/About\\_Martindale/Products\\_and\\_Services/Peer\\_Review\\_Ratings/ratings.xml](http://www.martindale.com/xp/legal/About_Martindale/Products_and_Services/Peer_Review_Ratings/ratings.xml).

<sup>5</sup> <http://www.vault.com/wps/portal/usa/companies/rankings?routerControllerName=selectRankingIndividualController&action=select&parentId=1&rankingId1=2&rankingYear=2010&regionId=0&showVaultAllRankingPortlet=true&showVaultRegionalRankingPortlet=false&routerSignalFromVaultAllRankingPortlet=true&routerSignalFromViewRankingIndexPage=false>.

<sup>6</sup> [http://new.abanet.org/marketresearch/PublicDocuments/Lawyer\\_Demographics.pdf](http://new.abanet.org/marketresearch/PublicDocuments/Lawyer_Demographics.pdf).

<sup>7</sup> "The Validity of the *US News* and *World Report* Ranking of ABA Law Schools," Stephen P. Klein, Ph.D. and Laura Hamilton, Ph.D., February 18, 1998. <http://www.aals.org/reports/validity.html>

<sup>8</sup> <http://jurist.law.pitt.edu/letter.htm>.

## WESFACCA Hosts Pro Bono And Quarterly In-House Issues Programs

The Westchester/Southern Connecticut (WESFACCA) Chapter of the ACC is hosting two programs in April that will focus on Pro Bono, Ethics and In-House counsel issues.

The first program will be held on Friday, April 23, at PepsiCo, 700 Anderson Hill Road, Purchase, NY, from 8:30 until 11:00 a.m. (check website for changes).

The topics will include recent pro bono initiatives and New York State ethics and professionalism issues.

The second program, a Quarterly In-House Roundtable discussion, will be held on Friday, April 30, at the offices of Malcolm Pirnie, Inc., 104 Corporate Park Drive, White Plains, NY. This session will begin at 8:30 and end at 11:00 a.m.

Participants in the in-house roundtable include Gerard P. Cavaluzzi, vice president and general counsel of Malcolm Pirnie Inc. and Amy Romanello, global ethics and business practices at Pitney Bowes, Inc.

Topics are being developed and will be emailed to participants upon registration.

tion.

For information about available CLE credits and fees, visit CLE Events on *The Metropolitan Corporate Counsel* website at [www.metrocorp.counsel.com](http://www.metrocorp.counsel.com).

To register for the program, call Lee M. Cushman at (203) 461-9004 or visit [www.acc.com/chapters/wesfacca](http://www.acc.com/chapters/wesfacca).

## New Jersey ACC And NJSBA Look At Business Courts

On Monday, March 22, the New Jersey American Corporate Counsel Chapter and the New Jersey State Bar Association present Business Courts in New Jersey: What, Why and When?

The program is located at Mayfair Farms, 481 Eagle Rock Avenue in West Orange, and it will begin with a reception at 6:00 p.m. followed by the presentation and buffet dinner ending by 9:00 p.m.

Attendees will learn of the unique features business courts may have, and compare the business court cases in

other states to the cases currently in the Superior Court of New Jersey. Participants will be encouraged to share their thoughts and opinions.

The speaker and moderator are Stuart A. Hoberman, Wilentz, Goldman & Spitzer, P.A., and Mitchell L. Bach, Eckert Seamans Cherin & Mellott, LLC.

For information visit CLE Events on *The Metropolitan Corporate Counsel* website at [www.metrocorp.counsel.com](http://www.metrocorp.counsel.com).

To register for the program, call (732) 249-5000 or visit [www.acc.com/chapters/njsba](http://www.acc.com/chapters/njsba) and [www.njsba.com](http://www.njsba.com).

## Maine Bar Discusses The New Internet

On Friday, March 26, the Maine Bar will present The Information Explosion: What Lawyers Need to Know about the New Internet. The event will be held from 8:45 a.m. until 12:45 p.m. at the Augusta Civic Center, 76 Community Drive, Augusta.

Join Lewis Eisen of the Professional Education Group as he discusses the development of the Internet over the past 15 years. He will explore the current environment of social networking, collaborative authorship, shared repositories, and information integration and the impact of these on a law practice.

Attendees will be given hints as to what is important and not important while navigating the "new Internet."

They will learn of the pitfalls and promises of increased efficiencies by collaborative groups, access to more information and ideas and less depletion of resources. Mr. Lewis will discuss the ethical aspects of blogging, twittering and social networking for attorneys and their practices. He will use examples of recent cases where social networking led to breaches of professional conduct with serious repercussions for practitioners.

For information about available CLE credits and fees, visit CLE Events on *The Metropolitan Corporate Counsel* website at [www.metrocorp.counsel.com](http://www.metrocorp.counsel.com).

To register for the program, call (877) 622-7554 or visit [www.mainebar.org](http://www.mainebar.org).