

FROM: BALKINIZATION

LAW SCHOOLS SUFFER LOSS IN LAWSUITS

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Of the dozen-plus misrepresentation lawsuits filed against law schools by their former students, in recent months three have been dismissed (several have survived motions to dismiss and are in discovery). The core basis for the dismissal is the same in all three: prospective students cannot *reasonably rely* upon employment data posted by law schools.

Judge Schweitzer dismissing the suit against New York Law School:

plaintiffs could not have reasonably relied upon NYLS's alleged misrepresentations, as alleged in their fraud and negligent misrepresentation claims, because they had ample information from additional sources [*] and thus the opportunity to discover the then-existing employment prospects at each stage of their legal education through the exercise of reasonable due diligence.

Judge Cohen dismissing the suit against DePaul Law School:

Plaintiffs allege that it was reasonable to rely on the Employment Information without making any independent investigation of their own because DePaul is a law school and prospective students should be able to rely on information presented by

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a law school. Plaintiffs, however, offer no authority standing for the proposition that prospective students or enrolled students may close their eyes to publicly available information [*] on employment opportunities for lawyers and rely solely on data provided by the educational institution in deciding to enroll at, or stay enrolled at, the institution.

Judge Quist dismissing the suit against Cooley Law School:

The bottom line is that the statistics provided by Cooley *and other law schools* in a format required by the ABA were so vague and incomplete as to be meaningless and could not reasonably be relied upon. But, as put in the phrase we lawyers learn early in law school – *caveat emptor*.

These three law schools, and others facing similar suits, undoubtedly count these decisions as victories. But I cannot shake the sense that they mark a deep wound to the standing of law schools. The students we welcome in our doors are being warned by state and federal judges that they cannot take at face value the employment information we supply. For law schools, which have always held themselves out as honorable institutions of learning and professionalism, this is crushing.

[* Judges Schweitzer and Cohen both assert that there was ample available public information on the true employment prospects. This is not correct. When writing my book on law schools, I discovered that it was nearly impossible to find comprehensive employment data on individual law schools. A sophisticated and suspicious prospective student would have been able to figure out that the employment numbers posted by many law schools are incomplete and untrustworthy, but they would not have been able to find out the actual employment numbers. It was only after the lawsuits were filed that more detailed information became available.] //