

Part Two - The Impact of Attrition on the Composition of Graduating Classes of Law Students -- 2013-2016

By [Jerry Organ](#)

In late December 2014, I posted a blog entitled [Part One – The Composition of the Graduating Classes of Law Students – 2013-2016](#). That blog posting described how the composition of the entering classes between 2010 and 2013 has shifted. During that time, the percentage at or above an LSAT of 160 dropped by nearly 20% from 40.8% to 33.4%. Meanwhile, the percentage at or below an LSAT of 149 increased by over 50% from 14.2% to 22.5%.

But this reflects the composition of the entering classes. How do the graduating classes compare with the entering classes? This depends upon the attrition experienced by the students in a given entering class. This much belated Part Two discusses what we know about first-year attrition rates among law schools.

I have compiled attrition data from all of the fully-accredited ABA law schools outside of Puerto Rico for the last four full academic years. I have calculated average attrition rates for the class as a whole and then broken out average attrition rates by law schools in different median LSAT categories – 160+, 155-159, 150-154 and <150.

In a nutshell, overall first-year attrition increases as the median LSAT of the law school decreases. Over the last few years, while “academic attrition” has declined for law schools with median LSATs of 150 or greater, “other attrition” has increased modestly, particularly for law schools with median LSATs <150, resulting in a slight increase in overall first-year attrition between 2010 and 2013.

Overall First-Year Attrition Rates Have Increased Slightly

In calculating attrition rates, I wanted to capture those students who are no longer in law school anywhere. Thus, for these purposes, “attrition” is the sum of “academic attrition” and “other attrition.” “Academic attrition” occurs when a law school asks someone to leave because of inadequate academic performance. “Other attrition” occurs when a student departs from the law school volitionally. Both of these categories exclude “transfers.”

The following chart shows that despite the declining “LSAT profile” of the entering classes between 2010 and 2013, there has been no meaningful change in the average “academic attrition” rate. The modest increase in overall first-year attrition over this period, from roughly 5.8% to roughly 6.6%, is largely due to a growth in the “other attrition” category from roughly 2.5% to roughly 3.2%.

Overall First-Year Attrition for Classes Entering in 2010, 2011, 2012, and 2013

	Beg. Enrollment	Academic Attrition	% Academic	Other Attrition	% Other	Total Attrition	% Attrition
--	-----------------	--------------------	------------	-----------------	---------	-----------------	-------------

2010-11	50408	1673	3.32	1256	2.49	2929	5.81%
2011-12	46477	1551	3.34	1262	2.72	2813	6.06%
2012-13	42399	1461	3.45	1186	2.8	2647	6.25%
2013-14	38837	1316	3.39	1236	3.18	2552	6.57%

(Calculating attrition rates for 2010-11, 2011-12 and 2012-13, is a little more complicated than one might think. For ABA reporting years of 2011, 2012, and 2013, “academic attrition” was reported separately, but “other attrition” included “transfers out.” Thus, to generate the real “other attrition” number, one needs to “subtract” from “other attrition” the numbers associated with “transfers out.” Because some schools occasionally listed transfers out in “second year” “other attrition,” this analysis should be understood to have a little fuzziness to it for years 2010-11, 2011-12 and 2012-13. For ABA reporting year 2014, transfers out were not commingled with “other attrition,” so the calculations were based solely on the sum of “academic attrition” and “other attrition.” Beginning with reporting this fall, “academic attrition” will include both involuntary academic attrition as well as voluntary academic attrition (students who withdrew before completing the first-year, but were already on academic probation).)

Academic Attrition Rates Increase as Law School Median LSAT Decreases

Notably, there are different rates of attrition across law schools in different LSAT categories. The following chart breaks down attrition by groups of law schools based on median LSAT for the law school for the entering class each year. For each year, the chart shows the average first-year attrition rates for law schools with median LSATs of 160 or higher, for law schools with median LSATs of 155-159, for law schools with median LSATs of 150-154 and for law schools with median LSATs less than 150. In addition, it breaks out “academic attrition” and “other attrition” as separate categories for each category of law school and for each year and then provides the total overall attrition rate each year along with the four-year average attrition rate.

Average Attrition Rates by Category of Schools Based on Median LSAT

	2010-11			2011-12			2012-13			2013-14			
Median LSAT	Acad	Other	Total	Acad	Other	Total	Acad	Other	Total	Acad	Other	Total	Four-Year Average
160+	0.6	1.7	2.3	0.6	1.9	2.5	0.4	2.0	2.4	0.3	1.5	1.8	2.3
155-159	2.9	2.6	5.5	2.2	2.8	5.1	2.1	2.9	5.1	1.7	3.2	4.9	5.2
150-154	6.3	3.8	10.1	6.2	3.4	9.6	6.0	3.7	9.7	4.2	4.3	8.5	9.4
<150	10.1	2.4	12.5	9.4	3.8	13.2	9.1	3.0	12.2	9.7	4.7	14.4	13.1

When looking at this data, some things are worth noting.

First, across different LSAT categories, overall attrition increases as you move from law schools with higher median LSATs to law schools with lower median LSATs, going from an average over the four years of 2.3% for law schools with median LSATs of 160+, to 5.2% for law schools with median LSATs of 155-159, to 9.4% for law schools with median LSATs of 150-154, to 13.1% for law schools with median LSATs of <150. “Academic attrition” consistently increases as median LSAT decreases, while “other attrition” is mixed. (Although this analysis is focused on four LSAT categories, the trend of having overall attrition increase as median LSAT decreases continues if you add a fifth LSAT category. In 2010-11 there was only one law school with a median LSAT of 145 or less, with only 320 students. By 2013-14, however, there were nine law schools with a median LSAT of 145 or less, with 2,075 students. The overall first-year attrition rate (encompassing academic attrition and other attrition) at these nine schools in 2013-14 was 15.9 percent. The overall attrition rate at the other 24 law schools with a median LSAT less than 150 was 13.6 percent.)

Second, over the period from 2010-2013, “academic attrition” generally appears to be flat to decreasing for schools in all LSAT categories except for 2013-14 year for law schools with median LSATs <150, where it increased slightly (largely because of the larger number of schools with median LSATs of 145 or less). By contrast, “other attrition” presents more of a mixed record, but generally appears to be increasing between 2010 and 2013 for schools in most LSAT categories. Nonetheless, average overall first-year attrition is lower in 2013-14 for law schools in the top three LSAT categories.

Third, if you are wondering why the average overall attrition could be increasing while the overall attrition rates for the top three LSAT categories are decreasing, the answer is because of the changing number of students in each category over time. As noted in Part I, the number of students and percentage of students in the top LSAT category has declined significantly, while the number of students and percentage of students in the bottom LSAT category has increased significantly. This results in the average overall attrition rate increasing even as rates in various categories are decreasing.

Thoughts on Attrition Rates

It makes sense that “academic attrition” increases as law school median LSAT decreases. It seems reasonable to expect that law schools with median LSATs of <155 or <150 will have higher “academic attrition” rates than those with median LSATs of 155-159 or 160 and higher.

It may make less sense, however, that “academic attrition” generally decreased across all four categories of law schools between 2010-11 and 2013-14 (with the exception of law schools with a median LSAT <150 in 2013-14), even as the LSAT profile of each entering class continued to decline. With an increase in the number and percentage of law students with LSATs of <150, particularly those with LSATs of <145, one might have anticipated that the average rate of “academic attrition” would have increased, particularly among law schools with median LSATs of 150-154 (who might have seen an increase in the number of students with LSATs less than 150) and among law schools with median LSATs of <150, given the increase in the number of law schools with median LSATs of 145 or less.

Cynics might argue that from a revenue standpoint, law schools are making a concerted effort to retain a higher percentage of a smaller group of students. But this assumes a degree of institutional purposefulness (coordination among faculty) that is rare among law schools. Moreover, my sense is that there are much more benign explanations.

First, if law schools have not adjusted their grading curves to reflect a different student profile, then the standard approach to first-year grading – which involves a forced curve at most schools -- is likely to produce a similar percentage of “at risk” students year over year even though the objective credentials of each entering class have declined.

Second, with the decline in the number of applicants to law school, one might surmise that those choosing to go to law school really are serious about their investment in a legal education and may be working harder to be successful in law school, resulting in fewer students facing academic disqualification, even though the credentials for each entering class have been weaker year over year. This may be particularly true in law schools with robust academic support programs which may be helping some students on the margin find sufficient success to avoid academic attrition.

Third, and perhaps most significantly, however, is the reality that “academic attrition” and “other attrition” are related. Indeed, that is why I have reported them together in the charts above as two components of overall attrition. Some students who might be at risk for “academic attrition” may decide to withdraw from law school voluntarily (and be classified under “other attrition” rather than “academic attrition”). In addition, it is possible that other students, particularly at law schools with median LSATs <150, may be voluntarily withdrawing from law school because they have decided that further investment in a legal education doesn't make sense if they are performing relatively poorly, even though the law school would not have asked them to leave under the school's policy for good academic standing.

The fact that the percentage of students in each entering class with LSATs of <150 and even <145 has increased substantially between 2010 and 2013, while the rate of overall first-year attrition has increased only modestly over this time period, suggests that the composition of graduating classes (based on LSATs) will continue to weaken into 2016 (and probably 2017 if attrition patterns did not change in 2014-15). As a result, the declines in the median MBE scaled score in 2014 and 2015 could be expected to continue in 2016 and 2017. Some law schools also are likely to see bar passage rates for their graduates decline, perhaps significantly, in 2015, 2016 and 2017.

Unanswered Questions

This analysis focuses on first-year attrition. There continues to be attrition during the second year and third year of law school, generally at lower rates, perhaps 2-3% of second-year students and 1-2% of third-year students. (On average, the number of graduates in a given class has been around 90% of the entering class.) It is not clear yet whether attrition among upper level students follows similar patterns across different categories of law schools. The publicly-reported attrition data also does not provide any information regarding the gender or ethnicity or socio-economic background of students leaving law school. Therefore, we don't know whether there are different rates of attrition for women as compared with men or whether students of different ethnic backgrounds have different rates of attrition. We also

don't know whether first-generation law students experience attrition at greater rates than other law students, or whether students of lower socio-economic status experience attrition at greater rates than students of higher socio-economic status.

(I am very grateful for the insights of Bernie Burk and Scott Norberg on earlier drafts of this blog posting.)

Source: Part Two - The Impact of Attrition on the Composition of Graduating Classes of Law Students -- 2013-2016, Legal Whiteboard, Friday, October 2, 2015