

RELIGIOUS LAW SCHOOLS, RANKINGS, AND BIAS: MEASURING THE RANKINGS PENALTY AT RELIGIOUS LAW SCHOOLS

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Abstract

Law school rankings play a pivotal role in shaping legal education. However, these rankings have faced substantial criticism for their methodology, susceptibility to manipulation, and bias related to political ideology and race. This Article measures bias by applying a novel, quantitative analysis to disparities between the objective overall rankings and the subjective peer rankings among religiously affiliated law schools. The findings reveal that religiously affiliated law schools experience a 17.65 peer rankings penalty. Further analysis strengthens the evidence of bias by showing a heightened penalty among more devoutly religious law schools. A longitudinal analysis finds that this trend is rapidly increasing along with correspondingly increasing political partisanship.

This result elicits discussion regarding numerous aspects of rankings, legal academia, religious education, and bias. This is of particular importance given the numerous benefits religious legal education offers through its holistic approach. This study provides a novel framework for further research on bias in legal academia and contributes to the ongoing debate about law school rankings. Finally, it raises broader concerns about the treatment of religion within legal academia and the importance of fostering diverse perspectives. This Article concludes by providing a pragmatic solution to eliminate these biased distortions in the rankings, resulting in a more transparent, equitable, and merit-based outcome.

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INTRODUCTION

Law school rankings have long served as a crucial metric for assessing institutional prestige, guiding prospective students, faculty, and employers in their decision-making processes. Among these, the *U.S. News & World Report* rankings are regarded as the most authoritative, influencing everything from admissions strategies to employment outcomes.¹ While these rankings provide valuable insights into legal education, they have also faced substantial criticism for their methodology, their susceptibility to manipulation, and the unintended consequences they impose on law schools and students alike. This Article measures an additional criticism: bias against religiously affiliated law schools.

Because the *U.S. News & World Report* incorporates objective quantifiable metrics and subjective peer assessment scores into its law school rankings methodology,² the rankings provide a unique opportunity to examine whether reputational perceptions of law schools diverge from more objective measures of institutional performance. Using these two

1. Michael Conklin, *Boycotts, Race, Rankings, and Howard Law School's Peculiar Position*, 22 U.N.H. L. REV. 279, 282 (2024).

2. Eric Brooks et al., *Methodology: 2026 Best Law Schools Rankings*, U.S. NEWS & WORLD REP. (Apr. 6, 2026), <https://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology> [<https://perma.cc/82UQ-W5HF>].

metrics, prior studies have found that factors such as political ideology³ and race⁴ influence how law schools are perceived by their peers, as reflected in disparities between their overall and peer rankings. This Article applies the same methodology to measure whether religiously affiliated law schools experience a similar bias in the rankings. Additionally, this Article examines longitudinal data to assess how this bias has grown over time, particularly in light of increasing ideological polarization within legal academia.

In the realm of legal education, religiously affiliated law schools occupy a unique space, balancing faith-based missions with the broader expectations of legal training. Advocates claim that religious devotion and legal training are compatible and create synergistic effects, resulting in a more holistic education.⁵ But some critics view these institutions with skepticism, questioning whether religious commitments are compatible with the ideals of legal scholarship and professional neutrality.⁶ The findings of this study suggest that such skepticism is accompanied by an artificial downgrading of religiously affiliated law schools in the peer rankings, disadvantaging religious law schools in the broader legal education ecosystem.

The findings of this study have significant implications for legal education and policy. The bias discovered could influence law school hiring, law firm hiring, student recruitment, and institutional funding. Moreover, the findings raise broader questions about the role of religious institutions in legal academia and whether their contributions to diversity in thought and pedagogy are being unfairly discounted. By critically examining these issues and providing a pragmatic solution, this Article seeks to foster a more transparent and equitable ranking system—one that

3. See Michael Conklin, *The Politics of Prestige: Increasing Ideological Discrimination in Law School Rankings*, 1 GEO. J.L. & PUB. POL'Y ONLINE 1, 1 (2024) [hereinafter Conklin, *The Politics of Prestige*]; Michael Conklin, *Increasing Ideological Discrimination in Law School Rankings: Measuring the Conservative Penalty and Liberal Bonus with Updated 2024 Rankings Data*, 16 TENN. J.L. & POL'Y 77, 77 (2023) [hereinafter Conklin, *Increasing Ideological Discrimination*]; Michael Conklin, *Law School Rankings and Political Ideology: Measuring the Conservative Penalty and Liberal Bonus with Updated 2023 Rankings Data*, 37 NOTRE DAME J.L. ETHICS & PUB. POL'Y 508, 508 (2023) [hereinafter Conklin, *Law School Rankings and Political Ideology 2023*]; Michael Conklin, *Political Ideology and Law School Rankings: Measuring the Conservative Penalty and Liberal Bonus*, 2020 U. ILL. L. REV. ONLINE 178, 179 (2020) [hereinafter Conklin, *Political Ideology and Law School Rankings 2020*].

4. Conklin, *supra* note 1, at 282; Michael Conklin, *Howard Law School, Race, and Peer Rankings: The Increasing Correlation Between Racial Salience and Preferential Rankings*, 59 WILLAMETTE L. REV. 189 (2023) [hereinafter Conklin, *Howard Law School*]; Michael Conklin, *The Curious Case of Howard Law School's Peer Ranking*, 23 RUTGERS RACE & L. REV. 299 (2022) [hereinafter Conklin, *The Curious Case*].

5. See *infra* notes 95–98.

6. See *infra* notes 53–55.

accurately reflects law school quality and the numerous benefits of religious-based legal education.

The results of this study provide a valuable framework for examining the confluence of events at this critical juncture in legal academia and in society at large. Recent events have intensified debates over equity, merit, and institutional priorities in legal education. In higher education, the Supreme Court's decisions restricting affirmative action have prompted renewed scrutiny of diversity initiatives,⁷ while the ABA's decision to make the LSAT optional has reignited debate over the role of standardized testing in admissions.⁸ At the same time, changes to the *U.S. News & World Report* law school rankings methodology⁹—which reduced the weight of GPA, LSAT scores, and peer assessments—have coincided with several top law schools boycotting the ranking system altogether.¹⁰ In 2023, *The Black Guide to Law Schools*, written by the group Lawyers of Color, decided to stop ranking law schools because they concluded that rankings undermine equity in the legal profession.¹¹ These developments underscore the importance of reevaluating the role of law school rankings.

Section I of this Article provides an overview of how the rankings are calculated and its significance in legal education. Section II explores the various critiques of law school rankings. Section III gives an overview of religious discrimination in higher education. Section IV summarizes the prior research regarding bias in the rankings based on race and political ideology. Section V provides the methodology implemented in the present study. Section VI provides the results of this present study. Section VII discusses the results including the creation of a cumulative case, the potential for this bias to infect other aspects of legal academia, the numerous benefits religious legal education offers, the corresponding increase in ideological salience, and the various harms that stem from this rankings disparity, and a demonstration of how the potential non-discriminatory explanations are inadequate to explain such a significant rankings disparity. Section III offers a pragmatic solution to the problem.

7. Joseph Ax, *What Happens if the Supreme Court Bans Affirmative Action?*, REUTERS (May 24, 2023, 6:14 AM), <https://www.reuters.com/legal/what-happens-if-us-supreme-court-bans-affirmative-action-2023-05-24/> [https://perma.cc/T7YN-64UY].

8. Karen Sloan, *ABA Votes to End Law Schools' LSAT Requirement, but Not Until 2025*, REUTERS (Nov. 18, 2022, 3:28 PM), <https://www.reuters.com/legal/legalindustry/aba-votes-end-law-schools-lsat-requirement-not-until-2025-2022-11-18/> [https://perma.cc/JD2Q-KQBJ].

9. Mike Spivey, *How Does U.S. News *Actually* Rank Law Schools?*, SPIVEY CONSULTING GRP. (Nov. 13, 2023), <https://www.spiveyconsulting.com/blog-post/how-does-us-news-actually-rank-law-schools> [https://perma.cc/63WZ-T4J3].

10. Conklin, *supra* note 1, at 304–08.

11. Paul Caron, *2023 Black Guide to Law Schools Heralds 'The End of the Rankings Era,'* TAXPROF BLOG (June 12, 2023), <https://taxprofblog.aals.org/2023/06/12/2023-black-guide-to-law-schools-heralds-the-end-of-the-rankings-era/> [https://perma.cc/X2WX-6RD3].

Finally, the Conclusion emphasizes the far-reaching ramifications of the problem and considers how the framework provided in this Article will hopefully serve as a powerful catalyst to spark interest in future research.

I. LAW SCHOOL RANKINGS

Law schools and prospective students view *U.S. News & World Report* “Best Law Schools” Rankings as the most relevant.¹² These rankings consist of two, related rankings: the overall rankings and the peer rankings. The overall rankings are based largely on objective criteria, such as LSAT scores, employment rates, bar passage rates, undergraduate GPAs, acceptance rates, and student–faculty ratios.¹³ These overall rankings are the most commonly used metric for measuring American law school prestige.¹⁴ This pronounced status of the overall rankings is demonstrated in various behaviors from law schools attempting to improve their position in the rankings.¹⁵ Even the law schools that participated in a rankings boycott in 2022 nevertheless retained great interest in their rankings position.¹⁶ The importance of law school rankings is so significant that some institutions are willing to falsify report data¹⁷ and coerce underachieving graduates to delay sitting

12. Conklin, *supra* note 1, at 280–84.

13. Brooks et al., *supra* note 2.

14. See Robert L. Jones, *A Longitudinal Analysis of the U.S. News Law School Academic Reputation Scores between 1998 and 2013*, 40 FLA. ST. U.L. REV. 721, 722–23 (2013); Olufunmilayo B. Arewa et al., *Enduring Hierarchies in American Legal Education*, 89 IND. L.J. 941, 944 (2014); Ronald G. Ehrenberg, *Reaching for the Brass Ring: The U.S. News & World Report Rankings and Competition*, 26 REV. HIGHER EDUC. 145, 146 (2002).

15. Jeffrey Evans Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 229, 242 (2006). Because undergraduate GPA plays a significant role in the overall rankings, law schools naturally prefer applicants from mediocre colleges with high GPAs over applicants from elite colleges with mediocre GPAs. *Id.* at 232. Likely in an effort to affect their standings in the rankings, law schools spend “substantial sums” of money on promotional materials to send to other legal academics who vote in the peer rankings. *Id.* at 240. Law schools can increase their standing through accounting tricks, such as paying the greater university directly for their electricity expenditures from tuition dollars instead of having it deducted from the tuition. *Id.* at 241. While this produces no net difference, it increases the perception of financial outlays on resources, which is a factor in the overall rankings. *Id.*

16. Anemona Hartocollis, *Elite Law Schools Boycotted the U.S. News Rankings. Now, They May Be Paying a Price*, N.Y. TIMES (Apr. 21, 2023), <https://www.nytimes.com/2023/04/21/us/21nat-us-news-rankings-law-medical-school.html> [https://perma.cc/JK9X-NTGG] (quoting the *U.S. News & World Report* as saying, “[t]he level of interest in our rankings, including from those schools that decline to participate in our survey, has been beyond anything we have experienced in the past”).

17. Katherine Mangan, *Villanova U. Reveals Its Law School Gave False Reports of GPA’s and Test Scores*, CHRON. HIGHER ED. (Feb. 6, 2011), <https://www.chronicle.com/article/Villanova-U-Reveals-Its-Law/126286> [https://perma.cc/VRZ5-9XTE]; Mark Hansen, *U of Illinois Law School Admits to Six Years of False LSAT/GPA Data*, A.B.A. J. (Nov. 8, 2011, 12:21

for the bar exam.¹⁸ A law school's drop in the overall rankings, even a minor one, sometimes results in the firing of that law school's dean.¹⁹ The overall ranking of a law school affects the perception of other factors, such as the quality of that law school's law journal.²⁰

The peer rankings are the result of a purely subjective survey sent out to law school deans and select law school faculty asking about their perceptions of law schools.²¹ They are included as a factor in the overall rankings.²² The peer rankings previously contributed 25% of the overall rankings, but this was reduced to 12.5%.²³ The existence of two rankings—one which is entirely subjective and one which is mostly objective—provides researchers a unique opportunity to analyze which law schools experience a disproportionately high or low reputation from peers relative to what would be expected from the law school's objective performance.

II. CRITICISM OF THE RANKINGS

Both the overall and peer rankings have received widespread criticism.²⁴ The bar passage rate measurement is biased in favor of schools located in states with easier bar exams.²⁵ The employment rate metric does not include the quality of the job.²⁶ The strong emphasis on LSAT scores and bar passage rates incentivizes law schools to prefer

AM), https://www.abajournal.com/news/article/illinois_law_admits_to_six_years_of_false_lsats_gpa_data [<https://perma.cc/L7PJ-9ZYT>].

18. BENJAMIN H. BARTON, *FIXING LAW SCHOOLS: FROM COLLAPSE TO THE TRUMP BUMP AND BEYOND* 151 (2019) (explaining that InfiLaw—the owner of for-profit Arizona Summit Law School, Florida Coastal School of Law, and the now defunct Charlotte School of Law—paid underperforming students not to take the July bar exam after graduating).

19. Elie Mystal, *Some Students Want Their Deans Fired After Poor Showing in the U.S. News Rankings (and One Head That's Already Rolled)*, ABOVE THE L. (Mar. 14, 2013, at 11:20 AM), <https://abovethelaw.com/2013/03/some-students-want-their-deans-fired-after-poor-showing-in-the-u-s-news-rankings-and-one-head-thats-already-rolled/> [<https://perma.cc/44L5-QD9J>] (“Every year, deans and assistant deans find themselves ‘pushed out’ of a job thanks to the U.S. News rankings.”).

20. Robert C. Bird, *Advice for the New Legal Studies Professor*, 29 J. LEGAL STUD. EDUC. 239, 251 (2012) (“The quality of a law review is roughly determined by the prestige of the law school in which the journal is housed.”).

21. Brooks et al., *supra* note 2.

22. *Id.*

23. This reduction first appeared in the 2024 rankings, which were released in 2023. *See Id.*

24. *See* Noah C. Chauvin, *Finally, a Use for the U.S. News Law School Rankings*, 11 CAL. L. REV. ONLINE 1, 1 (2020).

25. Christopher J. Ryan, Jr. & Derek T. Muller, *The Secret Sauce: Examining Law Schools That Overperform on the Bar Exam*, 75 FLA. L. REV. 65, 67 (2023) (“Many law schools have placed blame on the difficulty of the bar exam, especially in states like California.”).

26. For example, a hypothetical law school where 97% of graduates obtain jobs at low-paying law firms is likely not preferred over a law school where 95% of graduates obtain jobs at high-paying law firms.

students who are more likely to be able to take off work to study and pay for expensive test-prep services.²⁷ The employment rate statistics are distorted due to students who receive fellowships and students who participate in joint J.D./Ph.D. programs.²⁸ Despite some advocating for their inclusion as a factor in the rankings, professor quality²⁹ and class diversity are not directly measured.³⁰ It is unclear if the high bar passage and employment rates of the elite law schools is due to a superior education or if this is simply a function of quality in, quality out.³¹

Undergraduate GPA is not weighted by major or school attended, therefore resulting in a potential entering student with a 3.9 undergraduate GPA in a less rigorous major at a less rigorous college being favored over someone with a 3.8 undergraduate GPA in a more rigorous major at a more rigorous college.³² There may be a strong circularity present whereby a higher ranking leads to higher quality students applying, which improves entering class metrics and employment rates, improving the law school's rank. Instead of using average class size, student-faculty ratio is used.³³ The strong incentive of law schools to focus on quantifiable metrics risks leaving other aspects of legal education underappreciated. This may include ethics, work-life balance, cultural competence, and civic responsibility. As Harvard and Yale explained in their decision to leave the *U.S. News & World Report* rankings, focusing on GPA and LSAT scores of entering students could be detrimental to student diversity.³⁴

27. Mike Stetz, *Top Law Schools Rebel Against U.S. News' Annual Rankings, but the Magazine Vows to Publish Anyway*, NAT'L JURIST (Nov. 29, 2022), <https://nationaljurist.com/national-jurist/news/top-law-schools-rebel-against-u-s-news-annual-rankings-but-the-magazine-vows-to-publish-anyway/> [https://perma.cc/7LAC-WYV3].

28. Anemona Hartocollis, *Elite Law Schools Boycotted the U.S. News Rankings. Now, They May Be Paying a Price*, N.Y. TIMES (Apr. 21, 2023), <https://www.nytimes.com/2023/04/21/us/21nat-us-news-rankings-law-medical-school.html> [https://perma.cc/KD4R-HRQT].

29. *U.S. News & World Report* planned on implementing a Scholarly Impact Project in 2020. This would have ranked law schools based on the citation scores of their faculties (how many times their published research was cited in other published research). However, due to COVID-19, this project was delayed and ultimately abandoned. *US News & World Reports Scholarly Impact Project*, HEINONLINE, <https://help.heinonline.org/kb/us-news-world-reports-scholarly-impact-project/> [https://perma.cc/LFT8-EWFU] (last visited Feb. 22, 2025).

30. Tony Varona, *Diversity and Disgrace — How the U.S. News Law School Rankings Hurt Everyone*, 38 N.Y.U. REV. L. & SOC. CHANGE (2014).

31. Ryan, Jr. & Muller, *supra* note 25, at 69.

32. Brooks, et. al., *supra* note 2.

33. A law school that only requires faculty to teach one class per semester could have the same student-faculty ratio as a law school that requires faculty to teach three classes if the average class size in the former is far greater than that in the latter.

34. Annie Massa, *Harvard, Berkeley and Yale Have All Had Enough of the U.S. News & World Report's College Rankings*, FORTUNE (Nov. 18, 2022, 5:24 AM), <https://fortune.com/2022/11/18/harvard-berkeley-and-yale-have-all-had-enough-of-the-u-s-news-world-reports-college-rankings/> [https://perma.cc/Z5ED-AL5C].

In addition to recent studies that demonstrate bias in the peer rankings,³⁵ there are numerous other criticisms. The peer rankings suffer from low response rates, creating the potential for non-response bias.³⁶ The scale utilized for the peer rankings is ill-defined, describing the numerical options only as ranking from “marginal” to “outstanding.”³⁷ There is no metric provided for what constitutes “marginal” or “outstanding,” nor is any guidance given as to exactly which aspects of the law school are being evaluated.³⁸ Survey respondents likely do not have the time or the inclination to conduct the in-depth investigation needed to accurately rank 196 law schools.³⁹ This reality is supported by evidence that respondents largely rely on the previous year’s overall rankings in producing their peer rankings.⁴⁰ Finally, the criticism of the peer ranking doubles as additional criticism of the overall rank because the peer rank is a contributing factor in calculating the overall rank, and a law school’s peer rank is the best predictor of its overall rank.⁴¹

III. RELIGIOUS DISCRIMINATION IN HIGHER EDUCATION

The American education system has served as a battleground for religious freedom since the beginning of the republic.⁴² Almost one-third of the Supreme Court’s religious freedom cases have addressed issues of religion and education.⁴³ At one point, thirty-seven states employed Blaine Amendments designed to prevent the funding of Catholic

35. *See supra* notes 3–4.

36. Andrew P. Morriss, *Legal Education Through the Blurry Lens of US News Law School Rankings*, 20 GREEN BAG 2d 253, 254–55 (2017) (“Somewhat surprisingly, just 67% of eligible *US News* academic voters sent in the surveys this past year.”).

37. *Id.* (Survey respondents are only allowed to rank schools between 1, which is “marginal,” and 5, which is “outstanding.” But this subjective scale is not defined. “Outstanding” regarding what aspect of the law school? Trial advocacy programs? Job placement services? Citation counts of professors? Ideological diversity?)

38. *See* Conklin, *Political Ideology and Law School Rankings 2020*, *supra* note 3, at 181; Conklin, *Law School Rankings and Political Ideology 2023*, *supra* note 3, at 520–21. The strong ideological bias accounted for a twenty-four-spot difference in the peer rankings, which are included in the overall rankings calculus.

39. Paul Caron, *2024-25 U.S. News Law School Peer Reputation Rankings (And Overall Rankings)*, TAXPROF BLOG (Apr. 9, 2024), <https://taxprofblog.aals.org/2024/04/09/2025-us-news-law-school-peer-reputation-rankings-and-overall-rankings/> [<https://perma.cc/3JVA-WCX4>].

40. *See* Robert L. Jones, *A Longitudinal Analysis of the U.S. News Law School Academic Reputation Scores Between 1998 and 2013*, 40 FLA. ST. U. L. REV. 721, 759, 765–66 (2013).

41. *See* Ronen Perry, *Correlation Versus Causality: Further Thoughts on the Law Review/Law School Liaison*, 39 CONN. L. REV. 77, 89 (2006) (finding that the correlation coefficient between the two variables among top 100 law schools is very high at 0.974).

42. John Witte, Jr., *Religious Freedom in Higher Education*, CCCU (2022), <https://www.cccu.org/magazine/religious-freedom-higher-education/> [<https://perma.cc/Y6WX-KPSD>].

43. *Id.* (76 out of 244 cases through the year 2022).

schools.⁴⁴ These Blaine Amendments were dealt two major blows by the Supreme Court in 2020 and 2022 in *Espinoza v. Montana Department of Revenue*⁴⁵ and *Carson v. Makin*,⁴⁶ respectively.⁴⁷

Significant religious liberty issues in higher education remain in the twenty-first century. In 2023, Harvard, University of Pennsylvania, and Massachusetts Institute of Technology presidents testified before Congress under oath, and they all stated that the calling for the genocide of Jews would not necessarily violate their speech codes.⁴⁸ In 2024, a judicial injunction was required in order for Jewish students to access their classes at the University of California, Los Angeles.⁴⁹ Not surprisingly, a survey of Jewish college students around this time period found that a majority does not feel safe on their college campus.⁵⁰ In the 2010 Supreme Court case of *Christian Legal Society v. Martinez*,⁵¹ the Court held that universities can force religious clubs to admit people with views antithetical to the religious adherents' beliefs.⁵²

The perception of many legal educators is that religious law schools have a harmful effect on legal education.⁵³ Accordingly, some encourage religious schools to alter their faith-based policies.⁵⁴ "Religion is sometimes seen as a threat requiring surveillance, rather than a resource

44. *Blaine Amendments*, INST. FOR JUST., <https://ij.org/issues/school-choice/blaine-amendments/> (last visited Feb. 22, 2025).

45. 591 U.S. 464 (2020).

46. 596 U.S. 767 (2022).

47. INST. FOR JUST., *supra* note 44.

48. Matt Egan & Donald Judd, *Harvard, Penn and MIT Presidents Under Fire Over 'Despicable' Testimony on Antisemitism and Genocide*, CNN BUS. (Dec. 6, 2023, 8:06 PM), <https://www.cnn.com/2023/12/06/investing/bill-ackman-harvard-penn-antisemitism> [https://perma.cc/E996-2XXD].

49. Marlene Lenthang, *Judge Rules for Jewish Students, says UCLA Can't Allow them to be Barred from Accessing Campus after Protests*, NBC NEWS (Aug. 14, 2024, 9:46 AM), <https://www.nbcnews.com/news/us-news/judge-rules-jewish-students-says-ucla-cant-allow-barred-accessing-campus-rcna166529> [https://perma.cc/5LGE-YMS4] (The judge explained, "Jewish students were excluded from portions of the UCLA campus because they refused to denounce their faith. This fact is so unimaginable and so abhorrent to our constitutional guarantee of religious freedom.").

50. Bethany Blankley, *Survey: Majority of Jewish Students Don't Feel Safe on US College Campuses*, CTR. SQUARE (Sep. 12, 2024), https://www.thecentersquare.com/national/article_3f000878-714c-11ef-bd2e-c723afddea99.html [https://perma.cc/Y6ZV-83RF].

51. 561 U.S. 661 (2010).

52. *Id.* at 694–96.

53. Rex E. Lee, *Today's Religious Law School: Challenges and Opportunities*, 78 MARQ. L. REV. 255, 255 (1995) ("A significant number of both educators and non-educators hold the view that a religious influence only deflects from the quality of a law school program.").

54. Ben Zeisloft, *5 Times Anti-Christian Sentiment Manifested on Campus in 2020*, CAMPUS REFORM (Jan. 1, 2021, 10:00 AM), <https://www.campusreform.org/article/5-times-anti-christian-sentiment-manifested-campus-2020/16526> [https://perma.cc/EQ5R-PCHD].

to be used in the service of diversity, dialogue, and rich human relationships.”⁵⁵

IV. PRIOR BIAS STUDIES

Consecutive studies have found significant ideological bias in the law school peer rankings.⁵⁶ The most recent, using the 2024–2025 rankings, discovered an astounding 53.14 ranking disparity between the most liberal and most conservative law schools.⁵⁷ This was the result of the conservative schools being ranked lower—and the liberal schools higher—than the objective factors in their overall rankings would suggest.⁵⁸ This finding is consistent with statistics regarding ideological diversity in legal academia. The lack of ideological diversity in academia is well documented.⁵⁹ A 2015 study found that 82% of law school professors were Democrats, while only 11% were Republicans.⁶⁰ A statistical analysis comparing conservative and liberal law professors strongly suggests that this is the result of discrimination rather than some natural, benign occurrence.⁶¹ A series of internal emails from the *Harvard Human Rights Journal* that were inadvertently publicized document how political affiliation bias infects the law journal decision process.⁶²

A similar study found that law schools at historically Black colleges and universities (HBCUs) receive disproportionately high peer rankings.⁶³ For example, the flagship HBCU law school is Howard University School of Law, which has an overall ranking of 125 and a peer

55. Kristin Aune, *How Can Universities Tackle Religious Discrimination?*, THE GUARDIAN (Apr. 13, 2017, 5:54 AM), <https://www.theguardian.com/higher-education-network/2017/apr/13/how-can-universities-tackle-religious-discrimination> [<https://perma.cc/2H2C-YC69>].

56. See Conklin, *The Politics of Prestige*, *supra* note 3.

57. *Id.* at 11–12.

58. *Id.*

59. James C. Phillips, *Why Are There So Few Conservatives and Libertarians in Legal Academia? An Empirical Exploration of Three Hypotheses*, 39 HARV. J.L. & PUB. POL’Y 153, 159–61 (2015).

60. James Lindgren, *Measuring Diversity: Law Faculties in 1997 and 2013*, 39 HARV. J.L. & PUB. POL’Y 89, 144 n.119, 145–46, 149 (2016).

61. Phillips, *supra* note 59, at 166, 183, 195 (finding that conservative law professors were more likely to have graduated from elite law schools, more likely to be former Supreme Court clerks, more likely to have served on law review, and to have superior publication records than their liberal counterparts, eliminating the potential benign explanation that the lack of conservative law professors is due to their inferiority).

62. Conklin, *Political Ideology and Law School Rankings 2020*, *supra* note 3, at 180 (noting 2012 emails that document an incident in which the journal editors voiced “major concerns” regarding a submission based not on the merits of the article, but exclusively on how the author was a conservative who clerked for a conservative judge and worked in the Bush Administration, which was deemed by the journal staff as “enough to reject the article”).

63. Conklin, *supra* note 1, at 298–99.

ranking of forty-nine.⁶⁴ The growth of this disparity coincides with increased racial salience in academia and society in general.⁶⁵

Another source of bias is home-institution favoritism among survey participants. Voting on the peer rankings is anonymous, and evidence suggests that voters may be strategically rating similarly ranked law schools lower to boost their home law school ranking.⁶⁶ The peer survey uses a 1-to-5 Likert scale, ranging from “marginal” to “outstanding.”⁶⁷ In the 2024–2025 peer rankings, law schools at Chicago, Columbia, New York University, and Yale all received a peer ranking of 4.5.⁶⁸ Given this scale, a mean score of 4.5 implies that a substantial number of respondents rated these schools below “outstanding.” The notion that many survey participants believe that, out of nearly 200 law schools, Chicago, Columbia, New York University, and Yale fall outside the top quintile is peculiar.

V. METHODOLOGY

The present study applies the same formula that I used in two prior studies examining ideology and race to measure divergence between a law school’s overall rank and peer rank:

peer deviation score

$$\frac{(\text{overall rank} - \text{peer rank}) + \left(\frac{\text{overall rank}}{\text{peer rank}}\right)}{2} \times 100$$

This peer deviation score combines two components: (1) the absolute difference between a school’s overall rank and peer rank, and (2) the percentage difference between those rankings. This methodology reduces distortions that would result from relying solely on one metric or the

64. *Id.* at 281.

65. *Id.* at 299–304.

66. *Id.* at 294, 309.

67. Morriss, *supra* note 36, at 255.

68. Caron, *supra* note 39.

other.⁶⁹ The study uses the 2024–2025 *U.S. News & World Report* law school rankings.⁷⁰

The identification of religious law schools involved greater subjectivity. Some institutions were originally founded with explicit religious affiliation but are today largely indistinguishable from secular law schools.⁷¹ Fortunately, *preLaw* magazine produces a ranking of the twenty most devout law schools based on factors such as the extent to which the law school “integrates religious beliefs into its legal education and actively supports its students’ faith.”⁷² With the exclusion of Trinity Law School, which is not ABA accredited,⁷³ these nineteen law schools are used in this study:

1. Liberty University
2. Brigham Young University
3. Regent University
4. Ave Maria School of Law
5. University of St. Thomas-Minneapolis
6. Catholic University
7. Mississippi College
8. Pepperdine University
9. Gonzaga University
10. University of Notre Dame
11. Faulkner University
12. St. John’s University

69. For example, if only the percentage change were taken into account, a top law school that went from number four to number two would be viewed the same as a law school that went from number 100 to number 50. Conversely, if only the numerical change were taken into account, a law school that went from number ten to number one would be viewed the same as a law school that went from number 163 to 153. See Michael Conklin, *Rising Ideological Discrimination in Law School Rankings: Measuring the Conservative Penalty and Liberal Bonus with Updated 2024 Rankings Data*, 16 TENN. J. LEADERSHIP L. & POL’Y 77, 85 (2024).

70. 2025 U.S. News and World Report’s *Weighted Formula*, LSD, <https://lsd.law/law-school-rankings/usnwr/2025#methodology> [<https://perma.cc/LDZ7-6YRL>] (last visited May 3, 2026).

71. Ron Highfield, *Academic Freedom and the Christian College*, PEPP. BEACON (Dec. 1, 2023), <https://pepperdinebeacon.com/academic-freedom-and-the-christian-college/> [<https://perma.cc/D6PL-J9JK>] (“Some church-related colleges have so assimilated to the national culture that only vestiges of Christianity remain.”).

72. Michelle Weyenberg, *Most Devout Law Schools*, PRELAW, Winter 2025, at 1, 19–20, <https://bluetoad.com/publication/frame.php?i=837475&p=18&pn=&ver=html5&view=issueViewer> [<https://perma.cc/RK36-74E9>] (More specifically, the criteria for this list is described as being based on “the percentage of students and faculty who belong to the faith; the number of religion-focused courses and other ways the school incorporates faith into its curriculum; religion-related journals, centers and clinics; religious services and clergy at the law school; and the mission of the law school.”).

73. *Accreditation*, TRINITY L. SCH., <https://www.tiu.edu/law/history/accreditation/> [<https://perma.cc/6ZHU-WRU7>] (last visited Feb. 23, 2026).

13. Baylor University School of Law
14. Loyola University New Orleans
15. Creighton University
16. Santa Clara University
17. Loyola University-Chicago
18. Campbell University
19. Marquette University

This study will compute the peer deviation score for these nineteen religious law schools. A positive peer deviation average would indicate potential bias in favor of religious schools. Conversely, a negative peer deviation average would indicate potential bias against religious schools. The further away from zero that this average exists—whether positive or negative—the stronger the evidence of bias.

VI. RESULTS

The results of this study demonstrate that the peer deviation score for the nineteen religious law schools' averages were 15.45 spots.

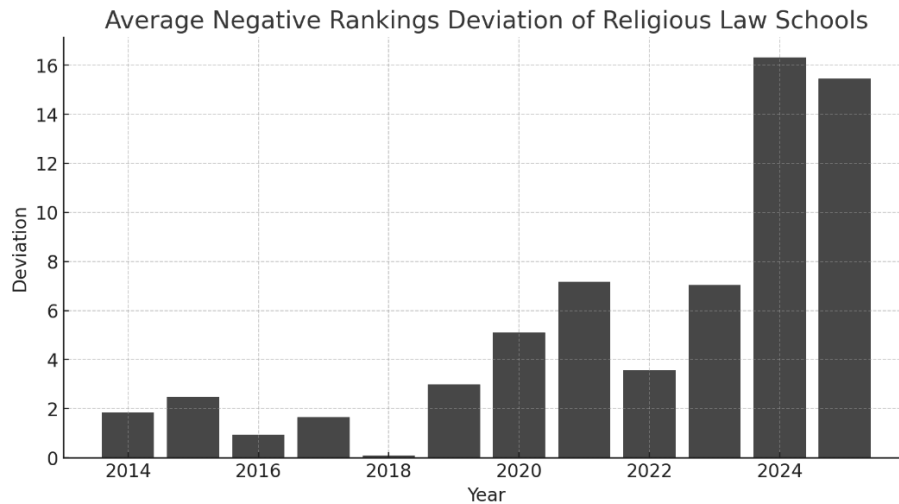
1. Liberty University -42.0
2. Brigham Young University -52.57
3. Regent University -72.22
4. Ave Maria School of Law -22.7
5. University of St. Thomas-Minneapolis -28.29
6. Catholic University -8.26
7. Mississippi College -6.38
8. Pepperdine University -8.77
9. Gonzaga University +2.75
10. University of Notre Dame +3.0
11. Faulkner University -10.19
12. St. John's University -27.18
13. Baylor University School of Law -60.30
14. Loyola University New Orleans +19.46
15. Creighton University +22.32
16. Santa Clara University +60.42
17. Loyola University-Chicago +15.97
18. Campbell University -36.67
19. Marquette University -42.0

There even appears to be a trend when considering how devoutly religious each of these nineteen religious schools are. The average peer deviation score for the top five most religious law schools⁷⁴ is -43.56

74. See LSD, *supra* note 70.

spots, while the average for the remaining fourteen religious law schools⁷⁵ combined is only -5.42 spots.

To measure how this finding may have evolved over time, this analysis was conducted with these same nineteen religious law schools over the course of twelve years using *U.S. News & World Report* data. This longitudinal analysis produced two interesting findings. First, a negative peer deviation score existed in all twelve years, illustrating the consistent nature of how religious law schools are treated in peer rankings. Secondly, the peer deviation scores were relatively mild for the first ten years and then shot up to -16.32 and -15.45 in 2024 and 2025, respectively.



The methodology used by the *U.S. News & World Report* means that the -15.45 spot disparity among religious law schools in 2025 *underreports* the difference between the objective and subjective standings. This is because the peer ranking score is included as a factor in the overall ranking.⁷⁶ Therefore, to counteract this, an adjustment is required to remove the effect of the peer ranking on the overall ranking and reveal the true disparity between the objective factors and the subjective perceptions. To accomplish this, the raw rankings disparity is multiplied by 1.1425.⁷⁷ This produces the adjusted disparity which shows the full disparity between the subjective peer ranking and the objective elements of the overall ranking. For the nineteen religious schools in this study, the adjusted disparity is -17.65.

75. *Id.*

76. *Id.*

77. Conklin, *The Politics of Prestige*, *supra* note 3, at 11.

VII. DISCUSSION

This discussion section covers numerous topics that the findings of this research elicit. First, general discussions regarding how these findings fit in with existing research and potential explanations for this voting pattern are considered. Second, the value of religious legal education is presented. Third, the corresponding increase in ideological salience is examined. Fourth, the potential harm from artificially downgrading religious law schools is shown. Finally, eight potential non-discriminatory explanations are considered.

A. General Discussion

Alongside previous studies on political ideology⁷⁸ and race,⁷⁹ these findings contribute to a cumulative case regarding bias in the peer rankings. These findings also support the notion that religious law schools are viewed by those in legal academia in an unjustifiably negative light. This sparks debate regarding how religiously devout law students and law professors are perceived and treated in legal academia.

While ultimately beyond the scope of this Article, it is interesting to consider potential explanations for why those who vote in the peer rankings would artificially vote down religious law schools. Perhaps this is a result of a backlash for the controversial practice of religious colleges discriminating in favor of religious adherents when hiring for certain positions.⁸⁰ This practice has resulted in more legal challenges from civil rights groups.⁸¹ Perhaps this rankings disparity is the result of a general notion that religion is at odds with academic advancement.⁸² Some have

78. See Conklin, *The Politics of Prestige*, *supra* note 3; Conklin, *Increasing Ideological Discrimination*, *supra* note 3; Conklin, *Law School Rankings and Political Ideology 2023*, *supra* note 3; Conklin, *Political Ideology and Law School Rankings 2020*, *supra* note 3.

79. See Conklin, *supra* note 1; Conklin, *Howard Law School*, *supra* note 4; Conklin, *The Curious Case*, *supra* note 4.

80. See, e.g., Rob Jenkins, *Prof Jenkins: Of Course Religious Colleges Should Discriminate*, CAMPUS REFORM (Oct. 11, 2023, 12:07 PM), <https://www.campusreform.org/article/prof-jenkins-course-religious-colleges-discriminate/24137> [<https://perma.cc/2YWC-ZGFK>] (commenting on the “rash of lawsuits and Title IX complaints against faith-based institutions”).

81. Jennifer Gray, *The Right to Discriminate: Why Religious Universities Need Greater Protection for Their Right to Make Employment Decisions*, 22 AVE MARIA L. REV. 112, 112 (2024).

82. See, e.g., Ilana M. Horwitz, *Are Universities Contributing to Religious Polarization?*, INSIDE HIGHER ED (May 17, 2021), <https://www.insidehighered.com/views/2021/05/18/problems-come-colleges-sweeping-religion-under-rug-opinion> [<https://perma.cc/6N5L-YGV8>] (“Other Stanford students tell me that religion is not sufficiently ‘intellectual,’ and therefore does not belong within the dialogues that take place in universities. In the words of one student, ‘Talking about religion feels antithetical to Stanford’s educational mission.’”).

noted that there appears to be general hostility toward the study of law and religion.⁸³

Perhaps this is in part the result of how Christianity is more closely associated with the political conservative movement and those in legal academia who comprise the peer rankings are disproportionately liberal.⁸⁴ Perhaps for some, religion is associated with negative feelings that stem from a dislike of religious obligations and a sense of being judged. It should be noted that the findings of this study do not posit that those who vote in the peer rankings are knowingly voting down religious law schools. Biases, even those that play a significant role in how we perceive the world, are often subconscious.⁸⁵

It will be interesting to see if this trend continues in the next few years. For example, evidence suggests that “peak wokeness” has been in decline.⁸⁶ A 2023 analysis of tweets found a sharp decline for terms related to the social justice movement such as “racism/racist,” “xenophobia/xenophobic,” and “homophobia/homophobic.”⁸⁷ A 2023 analysis of *New York Times* articles found a decrease in similar terms such as “sexism,” “patriarchy,” “mansplaining,” “male privilege,” “racism/racist/racists,” “systemic racism,” “white privilege,” “gay rights,” “injustice,” “cultural appropriation,” “social justice,” and “equality.”⁸⁸ The same trajectory appears to be present in academia as well, where social justice-oriented research is on the decline.⁸⁹ This appears to be the case in legal academia, too, where law journal articles containing social justice phrases were on the increase before peaking in 2021 and 2022 and then declining in 2023.⁹⁰ However, it is unclear just how this might affect the perception of religious law schools. Perhaps this will result in less political partisanship—and political salience—and

83. See, e.g., Mark L. Movsesian, *Losing Faith in the Legal Academy*, LAW & LIBERTY (June 26, 2020), <https://lawliberty.org/losing-faith-in-the-legal-academy/> [<https://perma.cc/5QD5-8385>].

84. Adam Bonica, et al., *The Legal Academy’s Ideological Uniformity*, 47 J. LEGAL STUD. 1, 1 (2018).

85. See, e.g., Mihal Emberton, Commentary, *Unconscious Bias is a Human Condition* (pt. 2), 25 THE PERMANENTE J. 1 (2021).

86. Shelby Kearns, *ANALYSIS: Wokeness Has Peaked, but It’s Not Going Anywhere, Experts Argue*, CAMPUS REFORM (Mar. 6, 2023, 11:30 AM), <https://www.campusreform.org/article/analysis-woke-ness-has-peaked-but-its-not-going-anywhere-experts-argue/21465> [<https://perma.cc/GJ7B-WLSX>] (“Recent reports show greater tolerance of heterodox ideas as cancel culture and social justice-oriented research and journalism are on the decline.”).

87. David Rozado, *Is the Great Awakening Really Winding Down? Part I: Some Multifaceted Evidence from Twitter Content*, ROZADO’S VISUAL ANALYTICS (Feb. 24, 2023), <https://davidrozado.substack.com/p/taw> [<https://perma.cc/3W9J-U9M7>].

88. *Id.*

89. Kearns, *supra* note 86.

90. Michael Conklin, *Peak Wokeness in Legal Scholarship: An Empirical Analysis of Recent Trends in Progressive Topics*, 61 CAL. W.L. REV. 381, 399 (2025).

therefore decrease the disparities religious law schools experience in the rankings.

Bias in legal academia might also affect the willingness of scholars to publish and cite to flagship law journals at these religious schools. Out of the nineteen religious law schools used in this study, sixteen of them have a flagship journal meta ranking that is lower than its overall ranking.⁹¹ Meaning, these sixteen religious law schools have a flagship law journal that is considered less prestigious than the law school's rank would indicate. This disparity is even more significant than it initially appears because this is the unadjusted overall ranking, which includes the peer score as a factor.⁹²

Despite the potential negative perception they may receive, it is important to note that religious law schools are not synonymous with homogeneity and a lack of diversity. A 2018 study looking at the top fifty law schools found that Brigham Young University was the most ideologically balanced;⁹³ however, Brigham Young University is the second most religiously devout law school in this study.⁹⁴

B. *Value of Religious Education*

The results of this study are made more troubling when one considers the widespread benefits that religiously affiliated educational institutions offer. They promote a strong sense of community,⁹⁵ place an emphasis on service,⁹⁶ and stress the value of commitment.⁹⁷

Religious practice is linked to numerous positive outcomes in America. Religious belief and religious service attendance is linked with lower rates of suicide, drug abuse, and crime.⁹⁸ Religious service attendance is a strong predictor of happiness and marital stability.⁹⁹ Regular religious service attendance is strongly correlated with helping

91. The three that did not have a flagship journal meta ranking lower than its overall ranking Santa Clara, Creighton, and Loyola New Orleans. See Bryce Clayton Newell, *Law Journal Meta-Ranking, 2024 Edition*, BRYCE CLAYTON NEWELL, PHD, JD, <https://blogs.uoregon.edu/bcnewell/meta-ranking-2024/> [<https://perma.cc/6692-QPZG>] (last visited Mar. 5, 2026).

92. See *supra* note 70 and accompanying text for an explanation of adjusting the overall score to reflect how the peer score is included as a factor.

93. Bonica, et al., *supra* note 84, at 14.

94. Weyenberg, *supra* note 72, at 19–20.

95. Jessica Mann, *Mission Animation: Christian Higher Education, the Common Good, and Community Engagement*, 19 CHRISTIAN HIGHER EDUC. 7, 8 (2020).

96. *Id.*

97. David Brooks, *The Cultural Value of Christian Higher Education*, CCCU (Spring 2016), <https://www.cccu.org/magazine/cultural-value-christian-higher-education/> [<https://perma.cc/W52U-ESYB>].

98. Patrick F. Fagan, *Why Religion Matters: The Impact of Religious Practice on Social Stability*, HERITAGE FOUND. (Jan. 25, 1996), <https://www.heritage.org/civil-society/report/why-religion-matters-the-impact-religious-practice-social-stability> [<https://perma.cc/WY8P-4LVA>].

99. *Id.*

young people escape poverty, therefore decreasing welfare dependency.¹⁰⁰ Regular religious service attendance is good for physical health.¹⁰¹ Studies also link church participation to heightened educational outcomes.¹⁰²

Religious legal education emphasizes the importance of public service and going beyond meeting the minimum legal ethical requirements.¹⁰³ This is perhaps the result of how religious belief provides an ultimate grounding for objective morality.¹⁰⁴ Harvard's atheist President of Chaplains inadvertently demonstrates this by stating, "We don't look to a god for answers. We are each other's answers."¹⁰⁵ With answers regarding morality, it is important to have an objective standard rather than manufacturing your own standards for yourself. As Ivan exclaims in Fyodor Dostoevsky's *The Brothers Karamazov*, "If there's no God, all is permitted."¹⁰⁶

The benefits of attending a religious law school are not just limited to religious adherents. Secular students who attend a religiously affiliated law school benefit from being exposed to more diverse voices.¹⁰⁷ Additionally, law students often learn more from the implicit curriculum than what is explicitly taught.¹⁰⁸ Therefore, a lack of religious diversity in legal education can function more as indoctrination that downplays the importance of critical thinking—a skill which is crucial to the legal profession.¹⁰⁹ Additionally, religious diversity may be especially important for law school graduates in a religiously diverse country like the United States because lawyers regularly interact with judges, clients,

100. *Id.*

101. *Id.* (explaining that it "increases longevity, improves one's chances of recovery from illness, and lessens the incidence of many killer diseases.").

102. Mark D. Regnerus, *Shaping Schooling Success: Religious Socialization and Educational Outcomes in Metropolitan Public Schools*, 39 J. SCI. STUDY RELIGION 363, 367 (2000).

103. Lee, *supra* note 53, at 258–59.

104. See, e.g., Tim Barnett, *Can You Ground Objective Morality in a God That Does Not Exist?*, STAND TO REASON (Feb. 19, 2019), <https://www.str.org/w/can-you-ground-objective-morality-in-a-god-that-does-not-exist-> [https://perma.cc/7QWS-7TL6].

105. Michael L. Brown, *When Harvard Hired an Atheist to Be the Chief University Chaplain*, TRI-STATE VOICE, <https://tristatevoice.com/2021/09/02/when-harvard-hired-an-atheist-to-be-the-chief-university-chaplain/> [https://perma.cc/97ZM-66F8] (last visited Mar. 5, 2026).

106. *Quotable Quote*, GOODREADS, <https://www.goodreads.com/quotes/366931-if-there-s-no-god-all-is-permitted> [https://perma.cc/38QR-6PFF] (last visited Mar. 5, 2026).

107. For example, Pepperdine University, one of the top ten most religious law schools in this study, is only fifty-three percent Christian. See Zeisloft, *supra* note 54.

108. David Davenport, *Apparently 90% of Harvard Faculty Can Agree on Something: Giving to Democrats*, FORBES (May 7, 2015, 4:48 PM), <https://www.forbes.com/sites/daviddavenport/2015/05/07/apparently-90-of-harvardfaculty-can-agree-on-something-giving-to-democrats/#46c79d771b9d> [https://perma.cc/54W4-XF77].

109. *Id.*

jurors, and colleagues whose religious beliefs and backgrounds may differ.¹¹⁰

The gradual movement of many law schools away from spiritual development and toward a research focus likely further demonstrates the need for religious, holistic education. As Yale Law School's former dean, Anthony T. Kronman, explained, this orientation "draws our attention away from the whole of our lives and requires that we focus on some small special aspect of it instead."¹¹¹ Also, it makes our lives seem less compelling, emphasizes instrumental reasoning over other faculties of the heart and soul, and ignores ultimate questions regarding our purpose and best life.¹¹² Finally, the importance of religious education is heightened when one considers how secular colleges are not always neutral regarding matters of religious importance.¹¹³

C. Corresponding Increase in Ideological Salience

The disparities found in the present research are particularly striking because they appear to be a recent phenomenon, with a pronounced peak occurring in 2023 and 2024.¹¹⁴ While it is beyond the scope of this research to emphatically prove the cause for this disparity, considering potential explanations helps illuminate potential solutions and sheds light on numerous aspects of legal academia. One potential explanation is the corresponding increase in political polarization in America.¹¹⁵ Since religion is often linked to the current political polarization,¹¹⁶ it is easy to see how this could lead to increased religious salience, which could then lead to existing ideological preferences becoming more heightened in those that vote on the peer rankings. To further support this, there is also evidence of an increasing religious polarization in recent years.¹¹⁷

Although no single definitive measure can objectively quantify increased political polarization, an honest assessment of the political climate over the last few years suggests that polarization has intensified.

110. See, e.g., Dalia Fahmy, *Americans Are Far More Religious than Adults in Other Wealthy Nations*, PEW RSCH. CTR. (July 31, 2018), <https://www.pewresearch.org/short-reads/2018/07/31/americans-are-far-more-religious-than-adults-in-other-wealthy-nations/> [https://perma.cc/CN3V-AX9G].

111. Brooks, *supra* note 97.

112. *Id.*

113. Highfield, *supra* note 71.

114. *Id.*

115. Levi Boxell et al., *Cross-Country Trends in Affective Polarization 2* (Nat'l Bureau of Econ. Rsch., Working Paper No. 26669, 2021).

116. See, e.g., Bill Schneider, *The Dangerous Paradox of the Religious Polarization of American Politics*, THE HILL (Oct. 16, 2022, 10:30 AM), <https://thehill.com/opinion/campaign/3690618-the-dangerous-paradox-of-the-religious-polarization-of-american-politics/> [https://perma.cc/QP8W-CU2M].

117. Horwitz, *supra* note 82.

In 2022—the year the 2023 rankings were conducted—a survey found that political polarization was the third-most important issue to voters, more important than racism, immigration, healthcare, abortion, education, taxes, and climate change.¹¹⁸ Another 2022 survey found that both Republicans and Democrats significantly increased their negative views of the opposing party with increased perceptions of close-mindedness, dishonesty, immorality, laziness, and a lack of intelligence.¹¹⁹ An additional 2022 analysis found that Democrats and Republicans in Congress are more polarized than at any time in the past fifty years.¹²⁰

D. *Harm from the Practice*

The practice of artificially downgrading religious law schools in the peer rankings is problematic for numerous reasons. It distorts the reality of legal education quality, which harms potential law school students who rely on the rankings to make the decision on where to matriculate. These prospective students deserve unbiased information in making this important decision. This ranking distortion also likely harms law firms and their clients through hiring market inefficiencies.¹²¹

Biased treatment of religious law schools, whether conscious or otherwise, likely promotes a climate of intolerance and perpetuates harmful stereotypes toward those with devout religious beliefs. And the harms likely extend to religiously devout students at secular law schools, where there is fear of sharing religious beliefs.¹²² Consequently, this harms secular students as well, who are denied the diverse experiences of their religiously devout classmates. These potential harms are made more dangerous given that religious protections in higher education are not as robust as many believe. For example, it is a common misunderstanding that Title VI prohibits discrimination based on religion in colleges that

118. Geoffrey Skelley & Holly Fuong, *3 in 10 Americans Named Political Polarization as a Top Issue Facing the Country*, FIVE THIRTY EIGHT (June 14, 2022, 12:09 PM), <https://fivethirtyeight.com/features/3-in-10-americans-named-political-polarization-as-a-top-issue-facing-the-country/> [https://perma.cc/F39P-BYYY].

119. *As Partisan Hostility Grows, Signs of Frustration with the Two-Party System*, PEW RSCH. CTR. (Aug. 9, 2022), <https://www.pewresearch.org/politics/2022/08/09/as-partisan-hostility-grows-signs-of-frustration-with-the-two-party-system/> [https://perma.cc/WQ5E-2NZZ].

120. Drew DeSilver, *The Polarization in Today's Congress Has Roots That Go Back Decades*, PEW RSCH. CTR. (Mar. 10, 2022), <https://www.pewresearch.org/short-reads/2022/03/10/the-polarization-in-todays-congress-has-roots-that-go-back-decades/> [https://perma.cc/LC6B-3TU8].

121. See, e.g., Richard E. Redding, “Where Did You Go to Law School?” *Gatekeeping for the Professoriate and Its Implications for Legal Education*, 53 J. LEGAL EDUC. 594, 596 (2003) (explaining how law school rankings are used as a proxy for quality of law school graduates).

122. Horwitz, *supra* note 82.

receive federal funding.¹²³ But Title VI never included religion as a protected class.¹²⁴

It is important that legal academia represents the diverse voices that make up America. This includes religious adherents. America is the most religiously devout country among the wealthy Western democracies.¹²⁵ Artificially diminishing the value of religious law schools, in turn, diminishes the importance of hearing these voices. Perpetuating inferiority based on religious belief likely spills over into legal publishing. For example, law journal reviewers often use the ranking of an author's home institution as a proxy for article quality.¹²⁶ When deciding whether to accept teaching positions at law schools, the ranking of the law school plays a significant role for applicants.¹²⁷ Therefore, artificially downgrading religious law schools in the rankings hurts the people that graduate from those schools, and it results in fewer law school professors and scholars with a religious law school education.

Ignoring religious belief ignores a fundamental principle regarding how students learn.¹²⁸ Students do not come to college as clean slates; rather, they possess prior frameworks about how the world works.¹²⁹ And these frameworks are often significantly affected by religious belief.¹³⁰ The problem is self-perpetuating, so all of these systemic harms discussed in this section are made even worse because "teachers tend to recreate the system they know best—the one that produced them."¹³¹

E. *Potential Non-Discriminatory Explanations*

The prior study regarding ideological discrimination evaluated potential, non-discriminatory explanations for the disparate results.¹³² This section evaluates eight such explanations. While all could potentially provide a nondiscriminatory account for the disparate results in the present study on religious law schools, they generally lack the explanatory power to negate a -17.65 rankings disparity.

123. See, e.g., Kenneth L. Marcus, *The Most Important Right We Think We Have but Don't: Freedom from Religious Discrimination in Education*, 7 NEV. L.J. 171, 171–72 (2006).

124. *Id.* at 172.

125. Fahmy, *supra* note 110.

126. See, e.g., Michael Conklin, *Letterhead Bias and Blind Review: An Analysis of Prevalence and Mitigation Efforts*, 2022 U. ILL. L. REV. ONLINE 1, 6 (2022).

127. Paul J. Heald & Ted Sichelman, *Ranking the Academic Impact of 100 American Law Schools*, 60 JURIMETRICS 1, 2 (2019).

128. Ilana M. Horwitz, *The Future of Higher Education Needs to Embrace Religion*, TULANE U. SCH. OF LIBERAL ARTS MAG., Winter 2022, at 26.

129. *Id.*

130. *Id.*

131. Jan M. Levine, *Voices in the Wilderness: Tenured and Tenure-Track Directors and Teachers in Legal Research and Writing Programs*, 45 J. LEGAL EDUC. 530, 541 (1995).

132. Conklin, *The Politics of Prestige*, *supra* note 3, at 23–30.

1. Willingness to Game the System

A potential, nondiscriminatory explanation for the disparities in religious law schools is that it may not be the peer rankings that are unjustifiably low for the religious schools. Perhaps the overall rankings are just unjustifiably high, and the peer rankings accurately reflect the religious law school's status. If true, this would potentially explain the findings of this research without introducing bias to the peer rankings. However, this explanation would be highly unlikely given that a law school's overall score is largely the result of objective measures. For example, there is evidence to suggest that law schools sometimes engage in conduct to game the system by improving these objective measures in ways that do not improve law school quality. The following are examples of this practice:

- Pay underperforming graduates not to take the July bar exam in an effort to increase their first-time bar passage rate;¹³³
- Temporarily hire unemployable graduates to increase the employment rate of graduating students;¹³⁴
- Prefer applicants with high undergraduate GPAs from mediocre colleges than applicants with mediocre GPAs from exceptional undergraduate colleges to improve the law school's selectivity score;¹³⁵
- Pay the larger university directly for the law school's utility expenditures from tuition dollars instead of deducting the money directly from tuition, thus increasing the per-student financial outlays the law school reports;¹³⁶
- Blatantly falsify GPA and LSAT scores from entering students to increase the selectivity score.¹³⁷

If practices like these were common among the religious law schools but not at other law schools, this would provide a non-discriminatory explanation for why religious law schools have overall rankings significantly higher than their peer rankings.

While this alternative explanation for the disparity is logically sound, it is impossible to prove empirically. This is because the data set of law schools engaging in such activity is far too small. What little data we do have does not appear to disproportionately implicate religious law

133. BARTON, *supra* note 18, at 151.

134. David Lat, *In Defense of Law Schools Hiring Their Own Graduates*, ABOVE THE L. (Mar. 28, 2013, 6:06 PM), <https://abovethelaw.com/2013/03/in-defense-of-law-schools-hiring-their-own-graduates/> [<https://perma.cc/N2TM-LEET>].

135. Stake, *supra* note 15, at 232.

136. *Id.* at 241.

137. Mangan, *supra* note 17.

schools of these practices.¹³⁸ This highly speculative explanation is also unlikely considering how the disparity was largely nonexistent until the most recent two years.¹³⁹

2. Faculty Quality

U.S. News & World Report planned to implement a measure called the Scholarly Impact Ranking into the overall rankings based on faculty scholarship.¹⁴⁰ This plan was never implemented, likely due to the COVID-19 pandemic.¹⁴¹ Therefore, the current law school rankings do not directly measure faculty quality. Because faculty quality is generally measured by scholarly output¹⁴²—which may have a negligible or even negative correlation to quality instruction—it is possible that a law school with a disproportionately impressive faculty publication record could receive high peer scores when compared to the law school’s overall rank. Conversely, if the professors at the nineteen religious law schools used in this study had disproportionately unimpressive scholarly reputations, this could provide a potential explanation for the ranking’s disparity uncovered in this study.

3. Law Journal Quality

Evidence suggests that the flagship law journal at a law school may affect its peer ranking while not directly contributing to the overall ranking.¹⁴³ For those who vote in the law school peer rankings, the prestige of a law school’s flagship law journal would be a convenient proxy for quality for those who have neither the time nor the inclination to analyze the nuanced aspects of the nearly 200 law schools they are asked to rank.¹⁴⁴ Indeed, there does exist a high correlation between a law school’s peer rank and the Washington & Lee Law Journal Rankings of

138. For example, none of the three law schools that were caught paying underperforming students to not sit for the bar were among the nineteen most religious schools used in this study. See BARTON, *supra* note 18, at 151. And the two schools caught falsifying data were not among the nineteen most religious law schools used in this study. See Mangan, *supra* note 17.

139. See *infra* Part VI.

140. HEINONLINE, *supra* note 29.

141. *Id.*

142. Alfred L. Brophy, *The Relationship Between Law Review Citations and Law School Rankings*, 39 CONN. L. REV. 43, 47 (2006) (citing Professor Leiter who has used citation studies to measure law faculty quality); Brian Leiter, *Measuring the Academic Distinction of Law Faculties*, 29 J. LEGAL STUD. 451, 451, 455–56 (2000) (using publication and citation rates as a proxy for subjective reputation of law school faculty).

143. Brophy, *supra* note 142, at 55 (“The findings suggest that law reviews are schools’ ambassadors to the rest of the legal academy. Much of what people at other schools know about a school’s academic orientation may come from the articles and notes published in the school’s law journals.”).

144. *Id.*

a law school's flagship journal.¹⁴⁵ A law school's flagship law journal rank is also an effective predictor of the law school's future overall ranking.¹⁴⁶ But this does not appear to be a factor regarding the religious law school rankings disparity. Comparing the overall ranking of the nineteen religious law schools to the meta rating of their flagship law journal reveals a very consistent correlation, with only a 1.47 ranking difference on average between the two.¹⁴⁷

4. Use of Promotional Materials

Because peer rankings are counted as a factor for a law school's overall ranking and because of the significance of the overall rankings, some law schools distribute promotional materials to survey voters in an effort to improve their peer rankings.¹⁴⁸ Therefore, if the non-religious law schools engaged in this practice while the religious law schools did not, or if the non-religious law schools were simply more effective at this practice, part of the disparity found in this study could potentially be accounted for. It is beyond the scope of this present study to investigate the extent to which law schools send out promotional materials. Regardless, it is highly unlikely that there would be a significant difference in the use of promotional materials since all law schools have the same incentive to engage in the practice. Additionally, the effect of these promotional materials is likely minimal, and, as some have concluded, the effect may even be non-existent.¹⁴⁹

5. Religious Law School Group Contains Fewer Elite Law Schools

A cursory glance at the nineteen religious law schools used in this study confirms that they are, on average, of a lower standing in both the peer ranking and overall ranking than average. With 196 ABA-accredited law schools included in the *U.S. News & World Report* Rankings, the average would be ninety-eight. The average overall ranking from the nineteen religious law schools' average was 105.3 in the overall rankings and 117.5 in the peer rankings.¹⁵⁰ But this difference is irrelevant for the purposes of examining the rankings disparity because the starting point of a law school's overall rank is irrelevant when measuring how its peer rank deviates from this starting point. The relevant metric used in this

145. *Id.* at 48.

146. Alfred L. Brophy, *The Emerging Importance of Law Review Rankings for Law School Rankings, 2003–2007*, 78 U. COLO. L. REV. 35, 35 (2007) (“Thus, . . . if one wants to know where a law school is heading, . . . one should spend some time studying the scholarship its primary law review publishes.”).

147. Newell, *supra* note 91.

148. See Stake, *supra* note 15, at 240.

149. Morriss, *supra* note 36, at 257.

150. See LSD, *supra* note 70.

study is the upward or downward deviation in the peer rankings from the overall rankings.

6. Potential Connection Between Religious Law Schools and Teaching Effectiveness

It could be argued that there is just something inherent in religious law schools that naturally results in an inferior legal education. If this cause was not measured in the overall rankings but was readily apparent to those who vote on the peer rankings, then it could provide a non-biased explanation for the ranking's disparity among religious law schools. However, it is difficult to imagine what such a factor could be. The objective measures in the overall rankings indicate that the religious schools are doing *better*, not worse, when it comes to educational achievements as compared to their peer rankings.¹⁵¹ If there were something inherently inferior to religious legal education, then surely it would have a corresponding effect on the objective factors, such as bar passage rates. The notion that there is something about religious law schools that evades detection in the objective factors but is readily apparent to those who vote on the peer rankings is highly implausible.

7. Voting Habits of Religious Law Schools

Another potential explanation for these results is to be found not in the voting habits of those in secular law schools, but in the voting habits of those in religious law schools. Perhaps the faculty of the religious law schools are less likely to respond to the peer rankings survey in a self-serving, biased manner. Therefore, they would be less likely to rank their own law school artificially high and other law schools artificially low. There is evidence to suggest that this type of voting takes place among the top-rated law schools.¹⁵² Perhaps law schools that integrate religious values function to serve as a constant reminder to their faculty regarding the importance of integrity and honesty.

8. Random, Statistical Noise

As with all findings of statistical disparities, there always exists the potential explanation that the result is simply the product of random, statistical noise and nothing more.¹⁵³ However, the consistent nature of this finding over the last twelve years and the significance of a -17.65 spot disparity combine to make this explanation improbable. Furthermore, a cumulative case is made for peer rankings bias when this

151. *Id.*

152. *See supra* note 39 and accompanying text.

153. Conklin, *supra* note 1, at 297.

disparity is combined with similar findings regarding political ideology and race.¹⁵⁴

VIII. PROPOSED SOLUTION

The rankings disparity uncovered in this research—and the even greater rankings disparities found in related studies—calls for a solution.¹⁵⁵ Fortunately, there exists a simple and effective solution to address much of the problem: peer ranking scores should be excluded as a factor in the overall rankings. Doing so would not only eliminate the discriminatory results of peer scores, but also remove these effects from the overall rankings, thus producing a more accurate reflection of law school quality. This would benefit law students, law professors, law firms, and society at large.¹⁵⁶

Even setting aside the discriminatory effects found in this study and others, using peer rankings as a factor in the overall rankings is highly problematic. Prospective law students probably care very little about how law school faculty rank law schools.¹⁵⁷ These prospective students likely place far more emphasis on small class sizes, passing the bar exam, minimizing student debt, campus amenities, and acquiring a job after graduation. Therefore, the overall rankings should focus on factors like these. Furthermore, a lawyers' and judges' assessment score already contributes to the overall score.¹⁵⁸ Prospective law students likely find this metric far more significant than the peer assessment score, as lawyers and judges hire far more law school graduates than law school faculty do. Judges and practicing attorneys are also more likely to be ideologically diverse than law school faculty.¹⁵⁹

Continuing to include peer rankings as a factor in the overall rankings is not even methodologically sound. This is because the peer assessment rankings are affected by objective factors already measured in the overall

154. See *supra* notes 3–4.

155. *Id.*

156. This is because it would provide more accurate information and more efficient hiring markets.

157. Marcia Weldon, *Peer Reputation Score v. Overall Rank*, BUS. L. PROFESSOR BLOG (Mar. 31, 2021), <https://www.businesslawprofessors.com/2021/03/peer-reputation-score-v-overall-rank> [<https://perma.cc/5KRV-HFRQ>] (describing how one pre-law professor explains that when his students are informed of how heavily the overall rankings weigh the peer rankings score, they question “why would I care what deans and faculty at other schools think?” Though the peer ranking has since been reduced from 25% to 12%, the fact remains that students simply care very little about this metric).

158. See Brooks et al., *supra* note 2, at 5 (discussing the effect judges' and lawyers' perception on a law school has on the law school's ranking).

159. See Michael Conklin, *Walking on a Wire: The Delicate Balance of Free Speech on College Campuses*, 9 HOUS. L. REV. ONLINE 35, 42–43 (2018) (discussing the limited ideological diversity among law school faculty).

rankings. For example, if a law school significantly improves its entering student credentials and bar passage rates, this will likely result in a corresponding improvement in the peer rankings—albeit on a delayed timeframe.¹⁶⁰ This means that the peer assessment score and other factors, such as the bar passage rate and entering student credentials, are collinear terms.¹⁶¹ In statistics, when collinear terms exist, it is a best practice to remove at least one.¹⁶² With law school rankings, the collinear term to remove is the one that is subjective, may perpetuate harmful discrimination, and that students care the least about.¹⁶³ Another benefit to using objective factors instead of peer rankings in the overall rankings is that peer rankings are a lagging indicator.¹⁶⁴ Changes in objective factors, such as entering students' LSAT scores, immediately impact the rankings, while peer rankings are less responsive.¹⁶⁵ This means that the objective factors provide more up-to-date and accurate information.

CONCLUSION

With fewer than 200 ranked law schools, it is difficult to overstate the immense significance of the -17.65 rankings disparity experienced by the religious law schools. Even slight changes in the rankings are taken very seriously by law schools that are willing to go to great lengths to affect their rankings.¹⁶⁶ This result provides a strong, cumulative case for bias in legal academia against religiously affiliated law schools in general and, more specifically, in the law school rankings. This finding raises concerns about the fairness and reliability of law school rankings and the substantial influence they exert. By artificially downgrading religious law schools in the rankings, their ability to attract students and professors is diminished. Consequently, their ability to promote the numerous benefits of religious legal education is diminished.

To address these issues, this study recommends removing peer assessment scores. Because these scores are subjective and have been demonstrated to be biased based on race, political ideology, and religion, their inclusion distorts the true quality and performance of law schools. An overall ranking that considers only objective factors would provide a more accurate and equitable assessment of law school quality. This

160. See Christopher J. Ryan, Jr. & Brian L. Frye, *A Revealed-Preferences Ranking of Law Schools*, 69 ALA. L. REV. 495, 500–01 (2017) (explaining that the value from law school rankings is delayed because they are not published until after the present year data is recorded).

161. See Christopher J. Ryan, Jr., *Of Law School Rankings, Disparity, and Football*, 110 GEO. L.J. ONLINE 19, 25–26 (2021) (discussing the flaws stemming from the collinearity of peer assessments and law school ranking).

162. *Id.* at 25.

163. *Id.*

164. See Ryan & Frye, *supra* note 160, at 506.

165. *Id.* at 503–04.

166. See *supra* notes 17–20.

proposed solution is made even more attractive in that it results in less effort on the part of *U.S. News & World Report* and law professors, who would no longer need to complete the survey.

This Article will hopefully serve as a catalyst to spark future research in related areas. This could include efforts to analyze the apparent causal link between evolving societal partisanship and perceptions of religious law schools, the effects of religious legal education on graduates, and public perceptions of religiously devout lawyers.¹⁶⁷ Future research could also examine the potential discriminatory effects experienced by legal scholars at religious law schools attempting to publish their research in secular law reviews, students applying to secular law schools from a religious undergraduate school, and graduates of religious law schools applying for professor positions at secular law schools.

The present study provides a valuable framework for measuring the perceptions of law schools relative to their objective performance. This methodology could be applied in other areas to uncover potential biases related to a law school's location in a red or blue state, recent negative press about a school or city, the benefit of having more voting faculty at a given law school,¹⁶⁸ or even how some law schools may be confused with others.¹⁶⁹

Ultimately, ensuring fairness in law school rankings is not just an issue of academic integrity but also one of broader societal importance. Rankings influence the decisions of prospective law students, the decisions of hiring firms, and the public's perception of legal education. Addressing bias against religious law schools is a necessary step toward creating a more just and diverse system that accurately reflects the merits of all institutions.

167. A preference for aggressive attorneys may put religiously devout attorneys at a disadvantage in acquiring clients, as they may be perceived as meeker than their secular counterparts. See, e.g., Michael Conklin, *The Effects of Race and Gender on Attorney Selection*, 20 RUTGERS RACE & L. REV. 1 (2018) (explaining that clients likely prefer attorneys they perceive as more aggressive).

168. There is evidence to suggest that faculty vote in a manner that best improves their school's ranking and diminishes competing schools' rankings. For example, in the latest 2024–2025 peer rankings, Yale, Chicago, Columbia, and NYU all received a peer ranking of 4.5 out of 5. This means that, at best, half of the survey respondents ranked these schools a 4 out of 5. It would be highly unlikely that half of all respondents truly believed that these schools were not in the top quintile. Therefore, it is very possible that respondents are voting down other law schools to improve the standing of their own law school. See Caron, *supra* note 39.

169. For example, Indiana University Maurer School of Law may be confused with Indiana University McKinney School of Law, the University of Washington School of Law may be confused with Washington University School of Law, and Boston College may be confused with Boston University.