

Steve Diamond Can Get You a Job at Wachtell and a SCOTUS Clerkship

Written by Staff

Wednesday, 16 January 2013 08:07

We'd like to leave Steve Diamond alone, but he just won't keep his freaking mouth shut. Last night he Tweeted this:

Why am I not surprised that # [Catoinstitute](#) is sponsoring the law school is a "scam" crowd tomorrow? <http://www.cato.org/events/failing-law-schools>
...

Let's gloss over the fact that he doesn't understand the difference between an "at" sign and a hashtag. We'll also not dwell on the fact that the event is discussing Brian Tamanaha's *Failing Law Schools*, and that Tamanaha isn't part of the law school scam crowd, and in fact predates the crowd. Yes, he's a critic and he and the scam crowd do agree on many points, but they're hardly the same camp.

We're actually not going to focus on the Tweet at all, it's just our reason for using another post to draw attention to his idiocy. Instead we're going to look at a prior statement he made which was examined yesterday on the [Lawyers, Guns, and Money Blog](#) :

In any case, that kind of disappointment has been part of the law school process for many decades. It has nothing to do with the 100 year storm that has left us with the overhang in the market today as it has in every other job market. It turns out, John, that for everyone just living in the United States for the last four years was a "horrible decision."

But this is really not the point I was (trying) to discuss. I have only maintained that a student accepted at BOTH schools [Santa Clara and Stanford] would most likely have very similar opportunities once they graduated. I feel reasonably confident, in other words, that Wilson Sonsini Goodrich & Rosati would be interested in that student, assuming they performed well, whether they took me for securities regulation or Joe Grundfest. But whether that student should go to SCU or Stanford or another school is an entirely different question depending on values, career goals, and other factors. For example, I readily admit, if you play golf, I would recommend going to Stanford.

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First let's recognize that students accepted to both Stanford and SCU may be an empty set. Stanford's 25th percentile LSAT and GPA were 167 and 3.72. Santa Clara's 75th percentile were 162 and 3.48. Not even close. Those 5 little LSAT points represent the difference between the 95th percentile and the 86th percentile. Anyone who can get into Stanford can also get a generous scholarship offer from another California school which is much better than Santa Clara, such as Berkeley, USC, UCLA, or UC-Davis, or a number of out of state schools which still have good California placement, such as Arizona and Notre Dame (seriously, Notre Dame puts more kids in California jobs than in the Alabama end zone).

But really the crux of Diamond's argument is that career prospects mostly come down to the student, and not the school. Let's be clear though what Diamond didn't argue. He didn't argue that the quality of education is the same. That's a legit argument though. Justice Scalia readily admitted that the top schools weren't necessarily full of great teachers, but that he recruits from them because "you can't turn a silk purse into a sow's ear." Silk purse in - silk purse out, shouldn't matter where you go.

Except of course that employers use schools as a filtering mechanism. They don't want to see your LSAT and undergrad GPA on your resume. Instead they want to see your law school, and based on that they'll make assumptions about whether you're more silk purse or sow's ear. Diamond could argue that they ought not to make such assumptions, but he doesn't. He claims that they in fact do not make those assumptions. And of course he's wrong. Law firms have a ton of applicants to sort through, and this necessitates using some quick and dirty filters, such as law school prestige.

The most disturbing part about this is that Steve Diamond is "reasonably confident" in his students having the same opportunities as Stanford grads. What is this confidence based on? It's certainly not based on fact. Yet, [we see this confidence all over the professoriate](#). It seems to be that professors and deans and other law school apologists just imagine the best possible world for their students, and then assume this world must exist. There's no attempt to ground the fantasy in fact. If things can be good they are good, end of inquiry.

We can look at the facts though. The fact that over the last 3 years Santa Clara sent an average of just 0.6% to federal clerkships. Stanford sends more than 23% of its class to federal clerkships every year. From 2000 to 2010 Stanford sent 32 grads into Supreme Court

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clerkships. Santa Clara sent zero. But that could just be due to different students going to different schools. We don't know. So what can we look at to gain a greater degree of certainty about the differences in opportunities? How about [the firms that attend OCI at Santa Clara](#) .

None of the Vault 5 firms recruited at Santa Clara last year, and a search of their sites showed only one (2003) grad among their ranks. Only 32 of the Vault 100 participated in SCU's 2011 OCI, and of those 32, some will be recruiting for satellite offices that pay substantially less than the major markets, and others will walk away without giving any offers.

So, we've got a theory that seems wrong on its face, and all the evidence points to it being wrong ...yet Steve Diamond is "reasonably confident" in it. How much do you really want to trust things that he says in class? If you're at SCU, don't sign up for his classes. If you're already in one, drop it and sign up for something else. Someone so confident in his own bullshit is not fit to be training the next generation of lawyers. We wonder if tenure comes with a "bat shit crazy" clause.

See our prior coverage of Steve Diamond:

[Santa Clara Prof Just Making Up Tuition Facts](#)

[Santa Clara Prof Steve Diamond Approaches Escape Velocity](#)

[WE WERE WRONG ABOUT PROFESSOR DIAMOND AND WE APOLOGIZE](#) [Spoiler: We weren't really wrong, and we didn't really apologize.]

[What could law schools have done in 2006?](#)

http://www.constitutionaldaily.com/index.php?option=com_content&view=article&id=1899:santa-clara-prof-just-making-up-tuition-facts&catid=42:news&Itemid=71