This post has been updated. See the end for more ground breaking idiocy by Stephen F. Diamond.

We promise we're going to find something to write about other than Santa Clara law prof Steve Diamond just making shit up.

...And that'll happen just as soon as Steve stops making shit up.

In the newest post on his blag , he complains about Brian Tamanaha's statement at the Cato Institute that as the market was falling apart law schools were reporting employment rates of 90%+.

In fact, however, when I went back and looked, as one example, at what my own law school disclosed as employment statistics in 2008 and 2009 I was unable to find the 90% statement.

Our first thought was "To the Wayback Machine!" but Steve-o beat us to it:

Here is what SCU posted in the Fall of 2008 about employment. If one compares it with what we now post , in response to the new ABA guidelines, it seems to me there is not a dramatic difference. The much vaunted “bi-modal” distribution is clearly visible as is the fact that only about half the class reported salaries (form which any rational individual could conclude that that only half had employment at that point). The alleged “90%” statement is nowhere to be found, although someone better at using the Wayback machine may be able to do a more thorough search and find it. If they do, please let me know.

Those readers with more calendar savvy will note that Steve links to a July 2010 capture, and July 2010 didn't occur in the Fall of 2008. The data are however for the class of 2008, data which was collected in February 2009. The dates aside, let's see if we can find the 90% employment statement:

Statistics for Graduating Class of 2008

Employer Type	% of Reported	Average Starting Sala
Law Firms	57%	
Businesses	26%	
Total Private Sector	83%	$124,84
Government	9%	
Public Interest	4%	
Academic	1%	
Judicial Clerkships	2%	
Total Public Sector	16%	$57,55
Unknown Type	2%	

Total Private Sector: 83%

Total Public Sector: 16%

Hm... Where is that 90%+ figure hiding...

Wait! I think we've got it! The total employment rate for the class would be those employed in the private sector plus those employed in the public sector, and 83% + 16% = 99%

Get out your calculators and double check that.

Santa Clara also reported a 98% rate for its 2007 grads .

Update:

This post was picked up by Inside the Law School Scam and Lawyers, Guns and Money (Campos writes for both), and in response to that, Stephen has written another defense of SCU's numbers :

The fact is that SCU, perhaps as did many schools, made a reasonable effort to determine who is employed upon graduation and where. Not every student replies but of course 100% of the students who do report back, sure enough, adds up to 100% of the students who report back. And that's why the school created a chart that has a column labeled "% of reported." The actual number who report back is on the same page and includes a heading that says "44% reported" and, two clicks away, is the number of actual students in the new entering class (233 day, 77 evening/part-time).

Of course 100% of the students who do report back adds up to 100% of those who report back. But the chart isn't of students who report back. It's of students who reported being employed. And yeah, 100% of students who reported being employed will add up to 100% students who reported being employed, but no where on the chart does it indicate that it's only outcomes for students with jobs. It's labeled "Statistics for Graduating Class of 2008," which plainly implies the *entire* class, or at least all those who responded. Except that it's not everyone who responded. 4.0% of students who responded said they were unemployed , and another 1.5% went on to pursue another degree.

Nowhere does SCU disclose these numbers, and nothing on the page indicates that the chart is just a cherry picked subset of the whole class. Depending on how you interpret it, the chart either purports to be for the entire class, or is intentionally ambiguous with the intent of giving the impression that the data represent the entire class.

California Civil Code Section 1572 provides:

Actual fraud, within the meaning of this Chapter, consists in any of the following acts, committed by a party to the contract, or with his connivance, with intent to deceive another party thereto, or to induce him to enter into the contract:

1. The suggestion, as a fact, of that which is not true, by one who does not believe it to be true;

2. The positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true;

3. The suppression of that which is true, by one having knowledge or belief of the fact;

4. A promise made without any intention of performing it; or,

5. Any other act fitted to deceive.

Looks like Steve Diamond might not be the biggest fraud at 500 El Camino Real.