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AT ISSUE

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ACCREDITATION OF LAW SCHOOL PROPOSAL: A HOT TOPIC AT THE ABA MIDYEAR MEETING

By Scott P. Sigman

The ABA Young Lawyers Division held its 2008 midyear meeting in Los Angeles in conjunction with the ABA midyear meeting. Pennsylvania and Philadelphia were both well-represented in the ABA YLD since the 2008 chair was Justin Goldstein, a Philadelphia attorney who works for The Halpern Group. Goldstein prominently located the Pennsylvania delegation in the front row of the ABA YLD's midyear assembly.

During the assembly, which was held Feb. 9, 2008, a very controversial proposal was presented to the ABA YLD by its immediate past chair, Jay Ray (Texas).

The proposal was to adopt an interpretation of the Standards for Approval of Law Schools concerning law schools' bar passage rates, which in effect would require students graduating from law school to have an "ultimate pass rate of 75 per-

cent" for a law school to remain accredited. Although the proposal was the result of more than a year of debate and a variety of revisions by the Council of the Section of Legal Education and Admissions to the Bar, most members of the ABA YLD were learning of this proposal for the first time. Many ABA YLD members were quick to point out that this "ultimate pass rate of 75 percent" would result in the loss of accreditation for many law schools, including some predominantly minority law schools.

Apparently the use of bar passage rates as a factor in accrediting law schools is not new. According to the ABA, the Standards for Approval of Law Schools have included a review of school bar examination passage rates for more than 20 years. Throughout the 20 years, the Accreditation Committee has been enforcing the bar examination passage standard. Since 1952, the Accreditation Committee has been recognized by the

U.S. Department of Education (DOE) as the accrediting agency for programs that lead to a law degree.

However, the impetus for this new proposal that includes the ultimate pass rate of 75 percent provision originated from the DOE and not from any single committee of the ABA. In fact, the DOE has specifically requested that the ABA draft and enforce a standard that would be "measurable, transparent and applied consistently."

Evidently, what occurred to cause the DOE to request such a provision was that recently two law schools were placed on

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probation for failing to meet the current standards for bar examination passage rates by their graduates. These two law schools then complained to the DOE that the bar examination passage standards were not clear. The DOE agreed and

thus required the standard to be "measurable, transparent and applied consistently," otherwise it would take over the accreditation process.

On Saturday morning, the ABA YLD held debate and a vote on the Law School Accreditation proposal. Ray spoke on behalf of the proposal, while a representative from the National Bar Association spoke against the proposal. A vote was then held that resulted in the proposal being voted down by less than a 20-vote margin out of several hundred votes. The ABA YLD next took the step of voting to bind the ABA YLD delegates to the ABA House of Delegates to vote against the proposal.

Although the ABA YLD delegates voted against the proposal, on Feb. 11, 2008, the ABA House of Delegates voted and a majority of the delegates concurred with the ABA's Legal Education Committee and adopted the interpretation of the Standards for Approval of Law

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Schools concerning law schools' bar passage rates.

Although the proposal passed, the ABA YLD debate and discussion were important to help flesh out the issues that will be faced in passing such a proposal. This great debate and discussion was only achieved as a result of the meeting being attended by many diverse people from across the country.

Pennsylvania recently had one of its own at the helm of the ABA YLD (Justin Goldstein). In this tradition, Pennsylvania young lawyers should consider two great upcoming opportunities to get involved: The ABA Annual Meeting will be held Aug. 7-12 in New York City, and the ABA YLD Fall Conference will be held Oct. 2-4 in San Diego, Calif.