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January 13, 2017

We write as a group of deans of ABA-accredited law schools to urge the Council of the ABA Section on Legal Education & Admissions to the Bar to withdraw for the time being the proposed change to ABA Standard 316, the standard proposing a stronger and simpler requirement for bar passage to maintain accreditation. Failing that, we urge the ABA House of Delegates at its February meeting in Miami to recommit this proposal to the Council for further scrutiny. More specifically, we urge postponement for one year for additional consideration and study. This issue is simply too important to be rushed unnecessarily.

We believe this Council action requires further consideration and scrutiny in light of significant issues raised by member deans and by legal education organizations, and, more recently, by the results of the July 2016 administration of the California bar examination.

The California bar results, if they become the “new normal” for graduates of ABA-accredited law schools in California, could potentially imperil the accreditation of a very large number of law schools—law schools whose history and profile have demonstrated over many decades an ability to educate and graduate successful law students by any reasonable measure.

We hasten to add that the signatory deans express no consensus view on the current Standard 316 proposal. A number of deans have expressed public support for this proposal. Other deans have expressed deep concern. For example, a June 29, 2016 letter signed by many deans of the law schools that are part of historically Black colleges and universities expressed concern about the impact of this new standard on opportunities for students of color. Moreover, serious issues have been raised about the different scores required by different states to pass each bar exam and the different pass rates across jurisdictions.

Despite the diversity of opinion on this difficult issue, all the deans who have signed this letter believe that there should be an opportunity for further reflection, and perhaps more careful study and analysis, before a new standard is adopted, especially because this standard could well have serious, albeit unintended, consequences on the welfare of many law schools and students. Without there being a special rush to decision, and with a number of issues (again, noting the California bar situation) recently emerging, it seems to us quite prudent to take the time to get this matter right.



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