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October 20, 2011

The Honorable Barbara Boxer
United States Senate
Washington, DC 20510

Dear Senator Boxer:

On behalf of the American Bar Association, I am responding to your letter of October 6, 2011. Thank you for your continued interest in legal education issues.

As you know, the Section of Legal Education and Admissions to the Bar, as the Department of Education's accreditor for legal education, is required to operate independently and separately from the ABA. Therefore, the Section has again prepared a separate memo accompanying this letter to respond to your questions.

The ABA remains committed to assisting law students and law school graduates find rewarding legal careers, and we appreciate your interest in this area.

Sincerely,



Wm. T. (Bill) Robinson III

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Memo To: Senator Barbara Boxer

From: Section of Legal Education and Admissions to the Bar
American Bar Association

Date: October 20, 2011

Subject: Response to Letter of October 6, 2011

Thank you for your letter to ABA President Bill Robinson. The Section of Legal Education and Admissions to the Bar ("Section") is pleased to provide this response to your questions and address your concerns. We have organized the response by the three categories of questions that you have asked.

Collection of Employment/Placement Data:

The ABA Section of Legal Education and Admissions to the Bar has recently made significant changes to the way it manages the collection and publication of graduate placement data provided by law schools to ensure data integrity. Some of the changes strengthen already existing requirements, and others provide new reporting safeguards and timetables.

Under Standard 509 of the Standards for Approval of Law Schools, law schools must publish basic consumer information, including placement data, stating that "The information shall be published in a fair and accurate manner reflective of actual practice." Law schools that violate the Standard risk the loss of accreditation or other serious sanctions, as was the case with the false reporting of admissions data by Villanova University School of Law earlier this year.

The Department of Education does not require the Section to disseminate employment or placement data as part of the accrediting process. Nevertheless, the Section has collected these data in the past, and is expanding its role going forward as a service to schools and prospective law students.

Further, over the past year, the Questionnaire Committee of the Section has comprehensively expanded the Section's approach to the collection and publication of placement data. We have changed the way this information will be reported going forward, with the intent that it be more accurate, more timely, more complete and more specific.

First, the Section has changed the way that employment data is reported. Beginning this year, law schools are required to report placement data (as of nine months after graduation), for each individual graduate, directly to the Section. In the past, law schools reported placement data for their graduates only to the National Association of Law Placement (NALP), a membership organization of law school career services offices and legal employers. NALP aggregates the data for individual graduates of each school, and sends a report to the schools. Schools then reported information given them by NALP to the Section as part of the mandatory Annual Questionnaire. The new procedure, requiring law schools to report data directly to the accrediting agency instead of to a membership organization, is expected to help ensure the accuracy of the data, and permit its expedited publication. It also allows the Section, instead of NALP, to determine how and what data are collected, and how various survey terms are defined.

Second, the Section, subject to Council approval, will significantly expedite the collection and reporting of placement data. Under the Section's new timetable for collecting and publishing data, the data will be reported approximately one year (not two) after graduation. Thus, the placement data for the class of 2011 will be published in the summer of 2012 rather than the summer of 2013.

Third, in two necessary phases, the Section is expanding and refining the quality of placement data that are reported by schools and published by the Section. In the first phase, which has already been implemented and covers the graduates of the class of 2010, law schools must report for each graduate: employment status (employed, unemployed/seeking, unemployed/not seeking, pursuing graduate degree full-time, unknown); employment type (law firm, business/industry, government, public interest, clerkship, academia); employment location; salary; whether a position is short-term or long-term; and whether a position is funded by the school itself. These data will be published in the ABA-LSAC Official Guide to Law Schools on the existing timeline of summer 2012. They will also be published online in late spring 2012.

In the second phase, which will be implemented for the class of 2011, subject to Council approval, additional data will be collected and reported in the summer of 2012: employment type- bar passage required, J.D. advantage, other professional, nonprofessional; and whether a position is full-time or part-time. These data (or rough equivalents) are and in the past have been collected by NALP but have not been published by the Section. The Section committed these items to the second phase because the Questionnaire Committee determined that the definitions used by NALP needed editing in order to be fully clear and accurate. Thus, the Section is reworking the definitions for the class of 2011 survey. The Committee will recommend revised definitions to the Council for consideration at its December 2-3 meeting.

In your letter, you indicated concern that the Section decided not to require law schools to report the percentage of their graduates working in the legal profession or in part-time legal jobs. Please note that while these items will not be in the 2010 graduate information, they will be included, with better definitions, in the survey of 2011 graduates; and this information will be published on an expedited timeline and available at approximately the same time as the class of 2010 data.

Accuracy of Data Collected:

Law schools that violate any Standard risk the loss of accreditation or other serious sanctions, as was the case with the false reporting of admissions data by Villanova University School of Law earlier this year. In light of the recent revelations of violations or possible violations of Standard 509 by two law schools, the Chair of the Section has directed the Standards Review Committee to draft a new Standard that provides for specific and severe penalties for the intentional misreporting of basic consumer information, including admissions and placement data. The Standards Review Committee is scheduled to take up this matter in November.

Merit Scholarships and Scholarship Retention:

The Council and Committees of the Section are quite aware of the issues being raised about scholarship retention, and they will be actively addressing appropriate responses to those issues this fall. The Council at its December meeting will be discussing with the Questionnaire Committee the most appropriate approach in terms of data collection through the Annual Questionnaires. Because law schools are not required to offer scholarships, and the terms and amounts of any scholarships vary widely among law schools, the Section does not specify requirements for the renewal of law school scholarships. However, the Section is moving ahead to consider the consumer information implications of this matter, both through its Questionnaires and its Standards. As noted, the Standards currently require all schools to publish basic consumer information, in a fair and accurate manner, including information on tuition and refunds, financial aid, placement rates and bar passage.

The Section appreciates your interest in, and concerns about, the accuracy of law school reporting on these matters. We hope that the above answers are responsive to your concerns. If you would find it useful, representatives of the Section would be more than happy to visit with you or your staff to further explore these matters.

Thank you.