MEMORANDUM

April 27, 2011

TO: Senator Barbara Boxer

FROM: Section of Legal Education and Admissions to the Bar

RE: Transparency of Law School Data

This memorandum responds to your letter of March 31, 2011, regarding the transparency of law school data. Because of the technical nature of this issue and because the regulations of the Department of Education require that the Accreditation Project of the Section of Legal Education and Admissions to the Bar ("the Section") be "separate and independent" from the ABA associational activities, ABA President Stephen Zack has requested that the Section respond separately to your inquiry.

The Section, as the Department of Education’s recognized accreditor for legal education, takes very seriously its responsibility to assure that law schools provide accurate, complete, and helpful information to current and prospective law students. It believes that transparency will assist prospective students in determining whether to attend law school and, if so, which school to attend.

Two Committees of the Section are currently working on recommendations to the Council for the production by ABA-approved law schools of additional employment, placement and salary information: the Questionnaire Committee, which examines the annual questionnaires that law schools submit to the Section to provide data relevant to accreditation; and the Standards Review Committee, which is engaged in a comprehensive review of all the ABA Standards and Rules of Procedure for Approval of Law Schools and is charged with examining the requirements found in Standard 509 (Consumer Information), which delineates the information and data that law schools must provide to the public. The Questionnaire Committee will be reporting on its recommendations to the full Section Council at its meeting June 10-12 of this year. Once the Council has taken action on those recommendations, we will follow up with you and your staff in mid-June on the next steps the Section is recommending to improve transparency through the questionnaire process. In the meantime, here is an overview of the work of the Section and its Committees to improve data integrity:

Questionnaire Committee
The Committee is composed of nine members, including Deans, Associate Deans, professors and financial officers of ABA-approved law schools. This Committee is responsible for reviewing all law school informational questionnaires and instructions and for recommending to the Council
changes to minimize the duplication of requested information and to meet accreditation and other needs for law school data.

Last year the Questionnaire Committee began a review of the questions asked on the ABA Annual Questionnaire regarding each law school’s employment, placement, and salary data, as well as the information that the Section publishes in the ABA-LSAC Official Guide to ABA-Approved Law Schools (attached is a list of the questions currently asked). The Committee’s objective was to determine what additional information should be obtained from law schools regarding the placement and salaries of graduates so that the Official Guide contains information that is most helpful to its readers. The Official Guide also contains several chapters providing advice and guidance to prospective law students on the law school admission process, selecting a law school, financing a legal education, finding a job/career placement, and bar admission. These chapters provide national and regional data that should be very helpful to students in the decision-making process.

During the course of this academic year the Questionnaire Committee has held three in-person meetings and two conference-call meetings, the most recent of which took place earlier this month. Each meeting included discussion of issues regarding the collection and reporting of placement data. The Committee also held an all-day hearing in December to receive input from various constituents on the collection and reporting of employment, placement and salary data. Invitations were sent to law school deans, career services officers, national and regional pre-law advisor associations, various law school professors, the President of the ABA, the ABA Young Lawyers Section, the ABA Law Student Division, and a number of students and recent graduates who are members of advocacy groups concerned with the transparency of law school placement data. A large number of people provided very useful testimony in person, by telephone, or by written submission, all of which will inform the Committee’s decision-making.

The Committee has developed tentative ideas on how employment and salary data should be obtained, how best to obtain it, and how best to report it in the Official Guide. The objective in selecting, obtaining, and reporting these data are several-fold: to provide correct and complete data to law school applicants; to assist them in making a decision on whether to go to law school and, if so, which school to attend; and, for current law students and recent graduates, to assist them in making job and career decisions. The Committee also wants to ensure that this information is obtained and provided in the most efficient and cost-effective manner as possible.

The Committee is currently in the process of finalizing the means for obtaining the data and plans to report to the Council of the Section in June for purposes of obtaining Council approval of these initiatives and new questions. The plan is that the revised collection and reporting processes will be in place for the next data collection cycle of the ABA Annual Questionnaire, which begins in August of 2011.

This will not be the end of the Section’s efforts to improve the collection and reporting of placement data, however. The Committee will be working with the Standards Review Committee, the Accreditation Committee and, of course, the Council to analyze further steps to
assure the accuracy and completeness of the data. We will also be considering other methods of reporting these data to prospective and current students.

Standards Review Committee

The Standards Review Committee is made up of fourteen members, seven of whom are legal academics, and among the other seven are judges, practitioners and public members. This Committee is charged with reviewing proposed changes in or additions to Standards, Interpretations, Rules, Policies, Procedures, and Criteria related to accreditation. Proposed changes are referred to the Committee by the Council for its review and recommendations, and all proposals of the Committee must be acted upon by the Council for final adoption.

The Committee is engaged in a comprehensive review of all the Standards, which began in late 2008 and will continue for at least another year. As a part of this process, a Subcommittee has been specifically charged with looking into “transparency” and the requirements in the Standards for disclosure by law schools to the public of important consumer information. Currently, Standard 509 requires schools to publish “basic consumer information.” Interpretation 509-1 includes “placement rates” as one of the categories of consumer information that schools must publish. The Subcommittee has made a recent report to the full Committee and will be proposing additional requirements in July on the disclosure of employment, placement and salary information.

Whereas the Questionnaire Committee is addressing the issues surrounding the reporting of data to the Section, the Standards Review Committee will address what data law schools should be required to publish on their own, on their websites and in publications sent to prospective students. These are two different but complementary approaches that are being coordinated carefully because the ultimate goal of both is a shared one: to make useful, reliable and current information readily accessible to everyone, especially to any student who wishes to consider attending law school.

The Section of Legal Education is dedicated to ensuring that potential law students have as much information as possible to make an informed decision about whether to enter law school and, if so, what school to attend. The Section appreciates and shares your commitment to provide those seeking information about law school to have the most accurate and complete data about job placement, salaries, and the like. This is an ongoing process, and we are committed to continuing our efforts in this area.