

January 5, 2018

Maureen A. O'Rourke
Council Chair, ABA Section of Legal Education and Admissions to the Bar
American Bar Association
321 North Clark Street
Chicago, IL 60654-7598

Dear Dean O'Rourke:

We write in anticipation of the February 2018 meeting of the Council of the Section of Legal Education and Admissions to the Bar to discuss the manner in which law schools report employment statistics for their graduating classes. We are troubled that the Council has abandoned its previous decision, reached in June 2017, to include full time, long term, bar passage required, school-funded public interest fellowships within the ABA's calculation of full time, long term, bar passage required employment.

As nonprofit legal services and public interest organizations, we seek talented and motivated law school graduates to help meet current needs and to create a pipeline for future leadership in public interest law. Excluding school-funded public interest fellowships from the calculation of full-time, long term, bar passage required employment directly undermines both these goals. It harms talented and motivated students; it frustrates pursuits of the nation's public good; it casts doubt upon the accuracy of reported student employment outcomes; and it diminishes the reputation of the Bar itself.

Across the country, funding for entry-level positions in public service law is scarce. Opportunities for newly graduated lawyers to gain experience in public service law are similarly limited. Legal services and nonprofit lawyer organizations understandably reserve their scarce full-salaried job openings for lawyers with work experience and Bar admission. Law students face real challenges in obtaining the relevant postgraduate experience necessary to secure permanent public interest positions, even as organizations like ours face a desperate need for their time and talents.

Our nation needs more lawyers who are dedicated to ensuring that the least wealthy and the least powerful among us have equal access to justice. Equal Justice Works and Skadden should be praised for seeking to address the needs of clients and communities and for helping graduating law students pursue their ideals. However, these fellowships alone cannot meet the needs of the communities and clients we serve. By creating year-long public interest fellowships, law schools are also stepping up to the challenge posed by the justice gap.

When new lawyers join our organizations on year-long fellowships, they take on substantive legal projects that directly further our respective missions. In return, we treat them as what they are: public interest lawyers working in full time, long term, bar passage required positions.

The ABA's exclusion of school-funded positions from the calculation of full time, long term, bar passage required employment has the direct and immediate effect of harming our clients and the communities we serve. This exclusion punishes law schools by treating their year-long fellowships as second-class employment, compared to other year-long opportunities. Under the current policy, law

schools are incentivized to decrease their support for such fellowships. More importantly, in the face of a staggering gulf between the amount of justice available for those who can afford representation and those who cannot, this differential treatment of school-funded fellowships signals a decreasing commitment to public service by the Bar. Why would the Bar seek to penalize schools who aim to encourage students to pursue public service law careers? Why close off avenues to public service when judges and Bar leaders urge that we redouble our efforts to provide legal representation to those who cannot afford it?

Furthermore, the policy of excluding school-funded fellowships also misrepresents student employment outcomes for law schools that fund such fellowships. Many of the paralegals, investigators, and legal assistants on staff at some of our organizations are recent college graduates who aspire to attend law school in the coming years. By obscuring actual employment outcomes for schools that fund public interest fellowships, the ABA's current policy disservices staff members of some of us and other prospective law students, all of whom deserve and demand accurate information when selecting between schools. As mentioned above, when recent law school graduates with school-funded fellowships join our organizations, they work as full-time public interest lawyers. Excluding these attorneys from the ABA's classification of students employed in full time, long term, bar passage required positions, solely because of the source of their fellowship funding, misrepresents their work and is simply inaccurate.

We look forward to your response and urge you to move forward with the June revisions to the Employment Outcomes Disclosure Form. Communities in need all over the country await your action.

Sincerely,

ACLU of Connecticut

ACLU of Maryland

ACLU of Massachusetts

ACLU of Michigan

ACLU of Pennsylvania

ACLU San Diego and Imperial Counties

ACLU of Southern California

ACLU of Utah

ACLU of West Virginia

ACLU Immigrants' Rights Project

ACLU Speech, Privacy, and Technology Project

ACLU Women's Rights Project

Advancing Justice-Asian Law Caucus

Advocates for Basic Legal Equality, Inc.

Americans for Immigrant Justice

Asian American Legal Defense and Education Fund

Asian Americans Advancing Justice-LA

Ayuda

Brennan Center for Justice at NYU School of Law

Center for Constitutional Rights

Center for Popular Democracy

Charlotte Center for Legal Advocacy

CLEAR Project, CUNY School of Law

Community Legal Services, Inc.

Connecticut Veterans Legal Center

Her Justice

Human Rights First

Human Rights Watch
ICTJ
Immigrant Defense Project
International Refugee Assistance Project
Lawyers' Committee for Civil Rights and Economic Justice (Boston)
Legal Aid Justice Center
Legal Aid Society of the District of Columbia
Louisiana Center for Children's Rights
Mid-Minnesota Legal Aid
Mobilization for Justice
Mountain State Justice, Inc.
Muslim Advocates
National Day Laborer Organizing Network (NDLON)
National Employment Law Project
National Guestworker Alliance
National Immigrant Justice Center
National Immigration Project of the National Lawyers Guild

National Veterans Legal Services Program
New Haven Legal Assistance Association
New Orleans Workers' Center for Racial Justice
New York Lawyers for the Public Interest
New York Legal Assistance Group (NYLAG)
Northwest Immigrant Rights Project
Orleans Public Defenders Office
Protect Our Defenders
Public Citizen Foundation
Public Defender Association
San Francisco Public Defender
Southern Poverty Law Center
Texas Fair Defense Project
Texas RioGrande Legal Aid
The Advocates for Human Rights
The Bronx Defenders
Urban Justice Center
Make the Road New York

CC: Pamela Lysaght
Chair, Standards Review Committee