

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 to express our dismay at the Council's decision to reverse course on its previous, sensible decision in June to end the ABA's discrimination against school-funded positions that meet the ABA definition of full time, long term, bar passage required employment. As law students, many of us will seek positions in public interest organizations to serve communities in need. Indeed, many of us chose to attend our current law school specifically because we knew the school supported public-interest work through these funded positions. We therefore know firsthand how discriminating against school-funded employment positions diminishes our capacity to enter this public interest work upon graduation. This discrimination harms talented and motivated students; it damages the nation's public good; and it diminishes the reputation of the bar itself. Moreover, it obscures and distorts crucial information available to prospective law students about actual employment outcomes at schools that fund these positions. The reality is that, regardless of the funding source, these are full-time, paid positions. We therefore urge the Council to stand its ground and move forward with revising the Employment Outcomes Disclosure Form, in order to put school-funded employment on equal footing with other funded positions.

Funding for entry-level positions in public service law is scarce all over the country. So are opportunities for newly graduated lawyers to gain invaluable experience in public service. Legal services and nonprofit lawyer organizations understandably reserve their scarce job openings for those with work experience and bar admission. Law students face real challenges in obtaining the postgraduate experience necessary to secure permanent public interest positions, even as non-profit organizations face a desperate need for their time and talents. By creating year-long public service fellowships, law schools step up to the challenge posed by this justice gap, seek to address the needs of clients and communities, and help graduating law students pursue their ideals.

The ABA's exclusion of school-funded positions from the calculation of full time, long term, bar passage required employment has the direct and ongoing effect of harming many students who seek to enter a career in public interest law, as well as the communities they wish to serve. The current policy punishes law schools by treating their year-long fellowships as lesser than other year-long opportunities. Many law schools will be forced to decrease their support for such fellowships. More importantly, this differential treatment signals a decreased commitment to public service by the bar at a time of a staggering gulf between justice for those who can afford it and those who cannot. Why would the bar seek to chill schools who encourage students to pursue public service? Why close off avenues of public service when the state courts judges and bar leaders urge that we redouble our efforts to provide legal representation to those who cannot afford it?

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

Sincerely,

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CC: Pamela Lysaght
Chair, Standards Review Committee