

January 18, 2018

RE: Revising Accreditation Standards for Greater Transparency for Incoming Law Students

Dear Esteemed Members of the Council of the Section of Legal Education and Admissions to the Bar,

We, the American Bar Association Law Student Division Council affirm that the American Bar Association can and should do more to protect potential law students and current law students as they seek to enter the legal profession. We also affirm that greater transparency, achieved through accreditation rules, will ensure that students can make informed decisions.

We, thus, call for the Council of the Section of Legal Education (“Council”) to increase the reporting requirements already authorized under Standard 509. Specifically, we call the Council to collect:

- A) data on J.D. program completion and bar passage success by LSAT;
- B) disaggregated borrowing data by graduating class, including subcategories by race and gender;
- C) disaggregated data on the amount of tuition paid by class year (1L or upper-level), race, and gender; and
- D) data on applicants and scholarships by gender and, to the extent the Section does not do so already, by race.

The Council may see the notice of censure, probation, and other actions as one proper way to alert the public about a law school’s inability to provide a suitable education. But this process requires significant discussion and time-consuming fact-finding by the Council. It is also not the only way to help students who are considering a particular institution. The information revealed by the above- and below-prescribed transparency will allow students to make more informed decisions.

Additionally, while Standard 509 requires all ABA-accredited law schools to publicly disclose data on their website, students must know to go and find the report. We call upon the Council to require information required by Standard 509 to be provided during the application process and with every admission letter. Despite the efforts of the Council to make ABA Required Disclosures prominent on school websites, we affirm that Standard 509 reports are not readily known by potential law students and should be presented in admissions letters in an effort to increase consumer protection.

We recognize LSAT scores do not determine a student's bar passage success. We also recognize that law schools may be able to help all students, low LSAT score or not, prepare for the bar. A law school can take applicants with lower scores and help them to graduate with great success. Our request would allow potential law students to assess the school's ability to do so. With declining bar passage, deans have recognized that law schools have either failed to deny entry to those who are not yet ready for the rigors of legal education or failed to properly train those to pass the bar.¹ As such, incoming law students should be able to see whether law schools are truly able to train students to not only graduate but also to pass the bar.

We affirm that all potential students should be aware of the amount they will borrow, the amount of tuition they pay, and amount of scholarship a similarly-situated person may receive. Better borrowing data would provide a more complete picture of the actual cost of law schools. Additionally, breaking down the borrowing data by class year would ensure students become aware of upward trends in cost. Comparing tuition and scholarships by class year to the borrowing amount of that class year would allow students to properly assess their financial situation and choose a law school that would fit within their budget or their desired finances.

We affirm that diversity is important for the legal profession. Because law schools are one of the gatekeepers of the legal profession, we believe that potential law students looking for a school focused on diversity should know the school's effort for greater diversity. While we applaud the Standard 509 report, including the number of minorities attending the law school, one barrier for minorities is financial.

As such, we request subcategories for race and gender for borrowing, tuition, and scholarships, because one data point for an entire school belies underlying trends for minorities. Public disclosure of such data would encourage law schools to change policies so that minorities will be provided better or equitable amounts of scholarship and be in a position to have equitable or lower amounts of borrowing. We believe that the legal profession is in greater need of minorities, and that such effort begins with law schools.

Finally, we endorse the Law School Transparency's *A Way Forward: Transparency in 2018* in full. We encourage the Council to read the Report which thoroughly details why the requested transparency requirements are of importance.

We thank the Council for the considerations of these requests.

¹ Sara Randazzo, Bar Exam Passage Rates Nationwide Keep Dropping, Wall Street Journal (Nov. 24, 2015), <https://blogs.wsj.com/law/2015/11/24/bar-passage-rates-keep-dropping-across-the-country/>.

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Respectfully submitted,

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A Way Forward: Transparency in 2018

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Executive Summary

We recommend that the ABA and law schools take the following steps to improve legal education for the benefit of students, the legal profession, and the public.

1. Young Lawyer Representation in Accreditation

- The ABA Section of Legal Education and Admissions to the Bar should add two young lawyers to its Council in 2018.
- The ABA Section of Legal Education and Admissions to the Bar should change its bylaws to designate two of 15 at-large Council positions to young lawyers.

2. Increased Data Transparency

- The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards and Rules of Procedure for Approval of Law Schools, should require schools to report as part of the Section's annual questionnaire, and for the Section and schools to provide on their websites, (1) disaggregated borrowing data, including subcategories by race and gender; (2) disaggregated data on the amount of tuition paid by class year (1L or upper-level), race/ethnicity, and gender; (3) data on applicants and scholarships by gender and, to the extent the Section does not do so already, by race/ethnicity; (4) data on J.D. program completion and bar passage success.

3. User-Friendly Data Presentation

- The ABA Section of Legal Education and Admissions to the Bar should simplify the Employment Summary Report, which includes graduate employment data.
- The ABA Section of Legal Education and Admissions to the Bar should simplify and reorganize the Standard 509 Information Report, which includes data related to admissions, attrition, bar passage, price, curricular offerings, diversity, faculty, refunds, and scholarships.

4. Disclosures at Time of Admission

- The ABA Section of Legal Education and Admissions to the Bar should require law schools to provide every admitted law student a copy of the Standard 509 Information Report and Employment Summary Report as part of each student's admissions offer.

5. Voluntary Disclosures by Law School

- Every ABA-approved law school should voluntarily publish its school-specific NALP Report each year.

Introduction

The future of legal education—and by extension the legal profession—depends on the ability of law schools and the profession to attract prospective lawyers. Our profession must become a more welcoming place for an increasingly diverse population, as well as evolve to stay relevant in a changing legal services landscape. Law schools must adapt their business models to become more affordable because the price of legal education has and will threaten new lawyer recruitment. If Congress and the current presidential administration successfully eliminate federal student loan hardship programs and invite private, predatory lenders to supplant the federal government as the all-but-exclusive law student lender, the affordability challenges for law schools will amplify.¹ Potential changes to the student loan and repayment program only increase the import of addressing the price of legal education.

Over the past several decades, law school tuition has increased dramatically, well above inflation. Compared to tuition in 1985, private and public law school tuition is 2.7 and 5.8 times as expensive after accounting for inflation.² The average private law school tuition was \$45,329 in 2017, with residents at public schools paying an average of \$26,425 per year.³ The range of tuition, however, demonstrates remarkable variability. At public schools, one year of resident tuition ranged from \$7,383 to \$58,300.⁴ At private schools, the range was \$16,418 to \$67,564 per year.⁵ While the average tuition at top performing law schools is much higher than the rest, prices do not scale with job outcomes elsewhere.⁶ The average tuition at the lowest performing schools is similar to the average for mid-range schools.⁷

To pay these high tuition prices, three out of four law students borrow⁸ at interest rates that are almost double the average home mortgage interest rate.⁹ A first-year student this academic year will borrow their first \$20,500 at 6% and all excess funds (up to \$70,000 more) at 7% annual

¹ *House GOP to Propose Sweeping Changes to Higher Education*, Wall Street Journal, Nov. 29, 2017, <https://www.wsj.com/articles/house-gop-to-propose-sweeping-changes-to-higher-education-1511956800>; *Reversal on Graduate Lending*, Inside Higher Ed, Dec. 11, 2017, <https://www.insidehighered.com/news/2017/12/11/house-gop-higher-education-overhaul-would-cap-graduate-lending-and-end-loan>.

² LST Data Dashboard, <https://www.data.lawschooltransparency.com/costs/tuition/?y1=1985&y2=2017>.

³ *Id.*

⁴ *Id.* at <https://www.data.lawschooltransparency.com/costs/tuition/?y1=2016&y2=2017&scope=jobs>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at <https://data.lawschooltransparency.com/costs/debt/?scope=national>.

⁹ *Mortgage Rate Volatility Expected in the Coming Month*, Washington Post, Dec. 7, 2017, https://www.washingtonpost.com/news/where-we-live/wp/2017/12/07/mortgage-rate-volatility-expected-in-the-coming-month/?utm_term=.1c00271fb04c.

interest.¹⁰ The government does not subsidize law student interest payments during school, thus the cost of the first-year loan increases by 21% and 24.5%, respectively, while the student is studying and before a single loan payment is due.

The average graduate will borrow, exclusively for law school, \$145,419 from a for-profit school, \$134,497 from a private school, and \$96,054 from a public school.¹¹ After accounting for accumulated interest during law school, even the average public law school graduate owes well into six-figures for law school alone when they make their first payment. Financial advisors typically recommend devoting no more than 10 or 15% of income to debt service.¹² A graduate who owes \$125,000 at first payment has a monthly payment of about \$1,400 on the standard ten-year plan. To remain in range of the recommendation, the graduate must make between \$112,000 (for 15%) and \$168,000 (for 10%). The median entry-level salary for the 2016 graduates in long-term, full-time law jobs was \$66,499.¹³

Servicing these debts is increasingly challenging because any-level lawyer salaries are declining in real terms. In April 2017, Deborah Merritt, a law professor at The Ohio State University, analyzed the most recent U.S. Bureau of Labor Statistics data for salaried lawyers.¹⁴ “At the high end, salaries are still increasing faster than inflation,” according to Professor Merritt’s analysis, “[b]ut for the majority of salaried lawyers (at least seventy-five percent), salaries are falling in constant dollars and earnings in other occupations are outpacing them.”¹⁵ Of course, these figures all presume a graduate gets and keeps a salaried lawyering job—law schools as a whole still enroll many more graduates than there are entry-level legal jobs.

The percentage of a graduating class employed in jobs that require a law license is sensitive to two distinct supply figures: total graduates and total available jobs. For example, if graduates increase and the number of jobs stays the same, the percentage will decline. The percentage of graduates obtaining full-time entry-level legal jobs was quite high in the 1980s, peaking at 84.5% in 1988.¹⁶ The average rate in the mid to late 1980s was 82.9%.¹⁷ The next two decades (90s and 00s) each had an average that was ten points lower, 73.7% in the 90s and 70.7% in the 00s.¹⁸ This decade,

¹⁰ Federal Student Aid, U.S. Dept. of Education, <https://studentaid.ed.gov/sa/about/announcements/interest-rate>.

¹¹ *Supra* LST Data Dashboard, note 2, <https://data.lawschooltransparency.com/costs/federal-investment/>.

¹² Loan Debt and Repayment, College Board, <https://bigfuture.collegeboard.org/pay-for-college/loans/loan-debt-and-repayment>.

¹³ Class of 2016 NALP Summary Report, NALP, https://www.nalp.org/uploads/Classof2016_NationalSummaryReport.pdf. These salary numbers are not perfect, but they overstate rather than understate salaries.

¹⁴ *Jobs and Salaries for New Lawyers*, Law School Cafe, Apr. 30, 2017

<https://www.lawschoolcafe.org/2017/04/30/jobs-and-salaries-for-new-lawYERS/>.

¹⁵ *Id.* Entry-level salaries are also declining in real terms in most categories. *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/jobs/salaries/>.

¹⁶ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/jobs/legal-jobs/>.

¹⁷ *Id.*

¹⁸ *Id.*

so far, the average is 60.1%—an additional ten points lower.¹⁹

Strikingly, these shifts appear to reflect enrollment management decisions by law schools instead of demand for new lawyers. Between 1976 and 2000, law schools steadily enrolled between ~40,000 and ~44,000 new students each year.²⁰ From 1976 to 1987, the average was 40,973.²¹ From 1988 to 2000, the average was 43,497—a little over 6% higher.²² But between 2000 and 2002, law schools increased first-year enrollment 11.2%.²³ In subsequent years, enrollment steadily crept up, with minor ebbs and flows, until peaking in 2010 at 52,404.²⁴ The number of jobs, on the other hand, has been far steadier. Between 1985, the first year for which we were able to analyze data, and 2010, the number of new full-time law jobs each year generally stayed between 27,000 and 30,000.²⁵ Increased enrollment and a steady number of jobs spell a lower employment rate for law school graduates.

As law schools were pressured to become more transparent about job outcomes beginning in 2010, the media and prospective law students took notice of inflated enrollment, inadequate job prospects, and high prices—and enrollment dropped.²⁶ After 1L enrollment peaked in 2010 at 52,404 new students, enrollment fell dramatically in each of the next three years, which was then followed by four years of even lower, but steady, enrollment between 37,000 and 38,000 new 1Ls.²⁷ Lower enrollment has created a difficult financial reality for law schools that depend on tuition revenue to keep the lights on.²⁸ While smaller class size certainly helps the percentage of the class who can get a lawyer job, the entry-level market remains structurally weak. Since 2013, fewer graduates obtained full-time lawyer jobs each year than the prior year.²⁹ Given the cost of obtaining a J.D. and current features of the entry-level job market, law schools are likely to continue to struggle to attract enough qualified students to maintain their business models—even with the “Trump Bump” in law school applicants.³⁰

This poses enormous difficulty for an aging profession that needs a pipeline of law school

¹⁹ *Id.*

²⁰ *Id.* at <https://data.lawschooltransparency.com/enrollment/all/>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at <https://data.lawschooltransparency.com/jobs/legal-jobs/>.

²⁶ *Increasing Transparency in Employment Reporting by Law Schools: What Is To Be Done?*, Above the Law, Apr. 21, 2010, <https://abovethelaw.com/2010/04/increasing-transparency-in-employment-reporting-by-law-schools-what-is-to-be-done/>. *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/enrollment/all/>.

²⁷ *Id.*

²⁸ 2015 State of Legal Education, Law School Transparency, <https://lawschooltransparency.com/reform/projects/investigations/2015/analysis/>.

²⁹ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/jobs/legal-jobs/>.

³⁰ *Increase in LSAT test takers is seen as evidence of 'Trump bump'*, ABA Journal, Nov. 21, 2017, www.abajournal.com/news/article/increase_in_lsats_test_takers_is_seen_as_evidence_of_trump_bump.

graduates who will not only protect and improve the rule of law, but who will also reflect society's diverse population. While signs point to fewer lawyers working differently in the future, lawyers should remain an essential part of our system of justice and private ordering, as well as an essential line of defense for abuses of power of all kinds. But our legal education system, and thus lawyers' role in the rule of law, is vulnerable when we price future contributors out of our profession. We need a pipeline of students who want and can afford to join.

This report makes several basic recommendations aimed at strengthening this pipeline. We begin by urging that the law school accreditation process be infused with those who have experienced what dissuades so many people each year from attending law school. It continues with high-quality data that allows legal educators and policy-makers to confront difficult realities and to direct resources in directions that strengthen and stabilize the pipeline. Better consumer information will help students make sense of their choice, while also shedding light on our profession's way forward. Data may not be the solution to law school affordability, but it is a necessary first step to finding and implementing solutions. Informed policy choices require a diversity of information and voices.

Recommendations

1. Young Lawyer Representation in Accreditation

The ABA Section of Legal Education and Admissions to the Bar should add two young lawyers to its Council in 2018.

The ABA Section of Legal Education and Admissions to the Bar should change its bylaws to designate two of 15 at-large Council positions to young lawyers.

The American Bar Association (“ABA”) Section of Legal Education and Admissions to the Bar is the nationally recognized accreditor of law schools, but its mission is broader.³¹ Its mission is also “[t]o be a creative national force in providing leadership and services to those responsible for and those who benefit from a sound program of legal education and bar admissions.”³² Over the recent decades, legal education has become significantly more practical, service-oriented, and diverse. But the Section also oversaw legal education as costs spiraled out of control and schools adopted predatory admissions practices solely to ensure survival in a time of great tumult.³³

Indeed, a Committee of the United States Department of Education recently recommended that the

³¹ *After Trump's election, more students consider law school, hoping to make a difference*, Chicago Tribune, Nov. 16, 2017, www.chicagotribune.com/business/ct-biz-lsat-registration-up-trump-bump-20171116-story.html.

³² *Id.*

³³ *Supra* 2015 State of Legal Education, note 28.

Section's accreditation authority be suspended.³⁴ At the end of the hearing, Paul LeBlanc, a college president and member of the Education Department's National Advisory Committee on Institutional Quality and Integrity, summarized his view of the Section's conduct as follows:

This feels like an agency that is out of step with a crisis in its profession, out of step with the changes in higher Ed, and out of step with the plight of the students that are going through the law schools.³⁵

Several choices by the Section over the past few decades have negatively impacted legal education in the long term. In 1995, the Section reached a settlement with the Department of Justice after the DOJ's antitrust division contended that the accreditation process was used to inflate law school faculty salaries and benefits.³⁶ The beneficiaries of this abuse of accreditation are largely still on staff at law schools, thus the Section's actions continue to directly affect the cost of providing legal education because salary increases compound, working conditions tend to endure, and law faculty have tenure.

More recently, the Section was slow to act decisively to stop law schools from exploiting students, despite internal and external calls for accountability. In part, this was due to poorly-drafted accreditation standards. In 2008, after determining that a minimum bar passage standard would serve an important consumer protect function, the Section passed a standard so rife with loopholes that law schools with sub-30% bar passage rates have still not been found non-compliant.³⁷ The bar passage standard, now Standard 316 instead of Interpretation 301-6, remains on the books despite two separate attempts to address the standard's substantial flaws.³⁸

Fortunately, Standard 316 is not the only tool at the Section's disposal to address predatory admissions and retention practices. The Section has had a standard for decades to prevent schools

³⁴ Transcript Reveals Debate Over ABA's Accrediting Power, Bloomberg Big Law Business, Aug. 3, 2016, <https://biglawbusiness.com/transcript-reveals-debate-over-abas-accrediting-power/>.

³⁵ June 22, 2016 Hearing on the American Bar Association Council of the Section of Legal Education and Admission to the Bar's Renewal of Recognition Petition for Accreditation Authority, 235:2-6.

³⁶ Department of Justice Press Release, June 27, 1995, https://www.justice.gov/archive/atr/public/press_releases/1995/0257.htm.

³⁷ ABA Standards Archives, https://www.americanbar.org/groups/legal_education/resources/standards/standards_archives.html (The ABA added Interpretation 301-6 for the 2008-2009 academic year; the ABA moved the interpretation to Standard 316 for the 2014-2015 academic year.) *What Will The ABA Do To Restore Trust In Law Schools?*, Above the Law, Dec. 2, 2015, <https://abovethelaw.com/2015/12/what-will-the-aba-do-to-restore-trust-in-law-schools/> (outlining six loopholes in Standard 316, the bar passage standard).

³⁸ *Supra* ABA Standards Archives, note 37; 2013 Congressional Black Caucus Review, pg 20, https://issuu.com/cbcaucus/docs/cbc_year_in_review_-_final_webversi_1743e0cbc454b2 (discussing the CBC's thwarting of the attempt to strengthen Standard 316 in 2013); *ABA House Rejects proposal to tighten bar-pass standards for law schools*, ABA Journal, Feb. 6, 2017, http://www.abajournal.com/news/article/aba_house_rejects_proposal_to_tighten_bar_pass_standards_for_law_schools (discussing the House of Delegates' rejection of the Council's approval of a stronger Standard 316 in 2016).

from enrolling students who do not appear capable of getting through school and the bar.³⁹ Yet the Section misapplied Standard 501—the prohibition of predatory admissions practices—by presuming compliance with Standard 501 if a school was compliant with the fatally flawed Standard 316.⁴⁰ This hampered the Section’s ability to react quickly. The Section leadership determined it was not properly interpreting (and thus enforcing) Standard 501 in late 2015.⁴¹ It subsequently refined its approach and added an additional enforcement layer to the text of the standard.⁴² The Section has since found ten law schools out of compliance with Standard 501, with other schools likely to follow.⁴³

The Section was also inattentive to problems related to transparency. In 2010, the Section and law schools first came under fire for misleading employment statistics.⁴⁴ The most flagrant statistics involved reporting an employment rate, often well above 90%, without indicating that the figure included part-time jobs, short-term jobs, jobs funded by the law school, and non-lawyer jobs. While law schools deserve responsibility for deceptive marketing practices that misled students and the public, the Section collected but did not disclose data from law schools that made these practices apparent. The Section’s annual questionnaire that law schools must accurately complete to remain accredited asked schools for a breakdown of graduates by job types, including whether jobs required bar passage or were part time. However, the Section only published the top-line figure too, just as was common practice by law schools. This information asymmetry favored law schools and allowed them to grow enrollments well beyond reason. Between 2011 and 2012, the Section changed the ABA Standards to address misleading statistics and to force law schools to detail these misleading top-line numbers and disclose real employment statistics.⁴⁵ These changes contributed to demand for law school declining dramatically.⁴⁶

The Section’s efforts to make law school admissions fairer may have been a reaction to negative publicity, but for several years the Section’s actions indicated to schools that it would embrace transparency and not tolerate deceptive marketing practices. Indeed, it was a model of transparency for the rest of higher education. The Section refined the public reports schools must publish, adjusted definitions, added an audit protocol, and provided guidance to schools about how not to

³⁹ *Supra* ABA Standards Archives, note 37.

⁴⁰ Memo on Standard 501 from Kyle McEntee to the Section of Legal Education leadership, http://lawschooltransparency.com/reform/projects/investigations/2015/documents/Memo_on_Standard_501.pdf.

⁴¹ *Id.*

⁴² *ABA House rejects proposal to tighten bar-pass standards for law schools*, ABA Journal, Feb. 6, 2017, http://www.abajournal.com/news/article/aba_house_rejects_proposal_to_tighten_bar_pass_standards_for_law_schools.

⁴³ *10 Law Schools Sanctioned by ABA for Lax Admissions*, National Law Journal, Nov. 21, 2017, <https://www.law.com/sites/almstaff/2017/11/21/10-law-schools-sanctioned-by-aba-for-lax-admissions-outcomes/>. *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/transparency/aba-compliance/>.

⁴⁴ *Supra* *Increasing Transparency in Employment Reporting*, note 26.

⁴⁵ *Law School Transparency Gets R-E-S-P-E-C-T*, The Careerist, June 14, 2011, <https://thecareerist.typepad.com/thecareerist/2011/06/law-school-.html>.

⁴⁶ *Supra* notes 26-30 and accompanying text.

mislead students and the public. However, in just the past year, the Section’s Council took actions that incensed transparency advocates and law schools alike.⁴⁷ Without public input, the Council changed the mandatory job statistics disclosures.⁴⁸ In October 2017, the Council reversed course, but not before losing credibility among various stakeholders.

Several of the Section’s specific actions, along with a general inattention to fundamental problems in legal education, have sparked significant interest by young lawyers in the direction of legal education. Young lawyers are interested in the consumer protection aspects of accreditation, as well as in shaping the Council’s perspective in an official capacity as it seeks to be a creative force for the betterment of legal education. All lawyers, but young lawyers in particular, have an interest in a strong profession that can attract qualified people to do the important work of lawyers throughout our democratic society. When legal education falters, the profession’s reputation is harmed. More importantly, those who need high-quality legal services suffer.

Historically, the Section has not had young lawyers on its Council. The nomination rules for the Council are clear, but the process is uninviting and the practical criteria for membership go unstated. Recently, the Section’s managing director shared a helpful hint with a journalist. He told the ABA Journal that he “encourage[s] the young lawyers, and all of us on staff, to try to figure out ways to get more folks who are closer to the beginning of their careers involved on site visit teams. That’s a primary credential for service on the council.”⁴⁹

One way to encourage young lawyers would be to designate two spots on the Council that indicate that there is, in fact, a place for young lawyers in a space dominated by older lawyers and those whose primary professional employer is a law school. This would provide fresh perspectives to the Council. Currently, the Council consists of a single law student, who serves for one year, 15 at-large positions, and five executive officers.⁵⁰ While the ABA Young Lawyers Division has a liaison to the Council, that member does not have voting power and is not permitted in closed sessions.

The Council is currently comprised of members who, on average, graduated from law school 38 years ago. The greenest members graduated in 1990. Age and experience are not the problem, however. The problem is that tuition averaged \$3,236 at public schools and \$11,728 at private

⁴⁷ *ABA Takes Giant Step Backwards On Transparency*, Above the Law, Aug. 3, 2017, <https://abovethelaw.com/2017/08/aba-takes-giant-step-backwards-on-transparency/>.

⁴⁸ *Id.*

⁴⁹ ABA Legal Ed council revisits admissions test requirement, tables bar exam standard, ABA Journal, Nov. 1, 2017, http://www.abajournal.com/news/article/aba_legal_ed_council_bar_pass_rate_standards_admissions_test/.

⁵⁰ ABA Section of Legal Education Bylaws, https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_section_bylaws.authcheckdam.pdf.

schools in 1990, and substantially less in prior years.⁵¹ The deans and faculty on the Council know the cost of today's tuition only in the sense that they can recite the price. They do not understand the life impact of tuition prices of \$40,000, \$50,000, or even more than \$60,000 *per year* have on decision-making. A student working for 15 weeks at an annualized salary of \$180,000—New York City market rate for entry-level associates at large law firms—would not cover annual tuition at the average private school today, let alone books and living expenses. Not only is that job unavailable to the vast majority of students, but its term is three to five weeks longer than a typical summer associate works.

The continued increase of law school tuition compared to the relatively stagnant value of that education is an important consequence of a broken legal education system that proliferated under the Section's leadership. We can begin to understand the current, unfair state when we examine how schools and the ABA govern; how schools recruit new students and set prices; and how policymakers and their influencers fundamentally misunderstand what it means to provide "access to education." These factors enable and cause our broken system to endure.

Achieving a higher education should not hurt students—economically, socially, or personally. But our legal education system has hurt many. Countless well-meaning people defend the status quo reflexively, choosing to focus on theories of long-term return on investment or the J.D.'s intrinsic value to justify the current state of legal education. Enchanting as these arguments may sound, they are presently and justly overshadowed by crippling debt. Simply put, if you are a young college graduate or mid-career applicant right now, then you aren't buying the idea of a long-term return when the most certain thing about your future is your monthly loan obligation.

While the Council considers restructuring,⁵² there is no guarantee or even indication that it would result in the addition of young attorneys to the Council. There are qualified young attorneys, with good ideas and great intentions, who feel that their voice has not been heard because of the assumption that the Council's interests are captured by law schools. While we appreciate the individual Council members' contribution to the advancement of the law and education as a whole, we also believe that young lawyers would offer keen and unique insight into recent changes in legal education and prospective changes in accreditation. Importantly, we are confident that these prospective members would join the Council with a goal of collaboration and with newly formed views that are not entwined with the entities the Council regulates. The renewed vigor and unique perspectives will propel legal education and the profession forward.

⁵¹ *Supra* LST Data Dashboard, note 2, at <https://www.data.lawschooltransparency.com/costs/tuition/?y1=1985&y2=2017>.

⁵² Memo on the Reorganization of the Structure of the Accreditation Project, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/November2017CouncilOpenSession/17_nov_restructuring_project_cover_memo_authcheckdam.pdf.

2. Increased Data Transparency

The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards and Rules of Procedure for Approval of Law Schools, should require schools to report as part of the Section’s annual questionnaire, and for the Section and schools to provide on their websites, (1) disaggregated borrowing data, including subcategories by race/ethnicity and gender; (2) disaggregated data on the amount of tuition paid by class year (1L or upper-level), race, and gender; (3) data on applicants and scholarships by gender and, to the extent the Section does not do so already, by race/ethnicity; (4) data on J.D. program completion and bar passage success.

For the better part of a decade, law schools have faced pressure to be more transparent, affordable, and fair. Concerned people inside and outside of the legal profession alike have objected to deceptive marketing, over-enrollment, and runaway tuition. In many ways, the Section of Legal Education has acknowledged and responded to the criticism. The ABA Standards and Rules of Procedure for Approval of Law Schools (“Standards”) now expressly prohibit schools from providing false, incomplete, or misleading consumer information.⁵³ The Standards also require law schools to publish detailed employment data on their websites.⁵⁴ More recently, the Section convened a roundtable of legal education stakeholders to discuss how to modify the Standards to encourage innovation and address challenges related to cost, declining job opportunities, and declining bar passage rates. One theme that emerged from the roundtable is the necessity of more transparency.

We propose several recommendations for the Section that, if enacted, will shed light on law student debt, inequitable pricing practices, exploitative admissions and retention choices, and lasting inequality. The Council already has the authority to collect and require schools to publish all of the data described below. Standard 104 permits the Council to collect these data “in the form, manner, and time frame” it specifies each year.⁵⁵ Rule 54(b) permits the Council to publish these data when “authorized under Standard 509 or [when] ... made public by the law school.”⁵⁶ Standard 509 allows the Council to require schools to publish these data “in the form and manner and for the time frame designated by the Council.”⁵⁷

Transparency forces the public and school leaders to confront difficult realities, whether it’s high prices, burdensome debt, low bar passage rates, or unfulfilled diversity promises. These recommendations will expand access to valuable data, helping consumers to make informed decisions, schools to change to meet evolving demands, and the Section to create and maintain an environment of accountability.

⁵³ Standard 509, 2017-18 ABA Standards and Rules of Procedure for Approval of Law Schools.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

Student Debt

In 2016, the average private law school graduate received \$134,497 in student loan disbursements during law school.⁵⁸ The average public law school graduate received \$96,054.⁵⁹ However, these figures do not reflect the amount of debt owed when repayment begins six months after graduation because they do not factor in interest, which the government does not subsidize for law students. This year, interest immediately began to accrue at 6% for Stafford Loans (up to \$20,500 per year) or 7% for Graduate PLUS loans (up to the full cost of attendance) for students.⁶⁰

These eye-popping numbers come from school-level borrowing averages. Each school's average includes any graduate who borrowed at least \$1 during law school, whether they borrowed for just one semester—perhaps \$5,000 to pay for a trip—or they borrowed the full cost of attendance. So while the average can tell us about the entire population, it tells us little about individual students. With cost of attendance in 2017-18 as high as \$95,883 at Stanford Law School, student borrowing can vary wildly based on scholarships and ability to pay.⁶¹ The latest available data show that 55% of Stanford Law students pay full price.⁶² After accounting for interest, a Stanford Law graduate may owe over \$300,000 when the first payment is due, even factoring in a 2L summer associate salary.

The public does not know how many (if any) graduates actually owe this much, just that 75% of Stanford Law graduates in 2016 borrowed at least \$1 and that the average amount borrowed was \$137,625.⁶³ Perhaps a debt load of \$300,000 from one of the nation's elite law schools is not a matter of public interest or concern. But the debt loads at lesser-performing schools can reach this astronomical amount too—and it is at those schools that underlying borrowing data will serve the most important purpose.

Take, for example, Southwestern Law School. Its annual cost of attendance is \$82,600.⁶⁴ Half of its students paid full price in 2016-17.⁶⁵ In 2016, only 38.9% of its 2016 graduates obtained a long-

⁵⁸ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/costs/debt/?scope=schools&y1=2016>.

⁵⁹ *Id.*

⁶⁰ *2017-2018 Interest Rates Announced*, Access Lex, <https://www.accesslex.org/xblog/2017-2018-interest-rates-announced> (last visited Sept. 26, 2017).

⁶¹ Stanford Law School, LST Reports, <https://www.lstreports.com/schools/stanford/costs/> (last visited Dec. 29, 2017).

⁶² *Id.* With 55% of students paying full price and 25% of the class not borrowing, at least 30% of those who paid full price borrowed at least \$1—but probably much more.

⁶³ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/costs/debt/?scope=schools&y1=2016>.

⁶⁴ Southwestern Law School Costs, LST Reports, <https://www.lstreports.com/schools/southwestern/costs/> (last visited Dec. 29, 2017).

⁶⁵ *Id.*

term, full-time job that requires bar passage within ten months of graduation.⁶⁶ Only 38% of 2016 graduates passed the California bar exam on the first try.⁶⁷ The public does not know how many (if any) graduates *actually* owe upwards of \$300,000 at this school. But unlike Stanford, the public does not know the average amount borrowed because Southwestern Law School has not disclosed graduate borrowing data since 2012, when the average amount borrowed for the 78.9% of graduates who borrowed was \$147,976.⁶⁸ Since that time, tuition is up 23%; net tuition is up 8%; cost of living is up 12%; the median and 75th percentile scholarship has not changed; and the 25th percentile scholarship has declined by a third.⁶⁹

The Section of Legal Education does not publish any school-level borrowing data, although the Section does collect the average amount borrowed and the percentage borrowing on its annual questionnaire.⁷⁰ Rather, borrowing data come from voluntary disclosures by law schools to *U.S. News & World Report*. Every year, more than a handful of schools make erroneous disclosures to *U.S. News*, which only occasionally get corrected. Every year, a dozen or so other schools decline to publish the average amount borrowed by graduates.

Consumers, schools, and researchers lose out because the only source for information that the Section possesses is a news magazine that muddies the decision-making process for consumers and schools alike. As the best source for borrowing data, the Section encourages people to visit the *U.S. News* website through its decision not to publish the borrowing data it possesses. That said, the average amount borrowed by graduates and the percentage borrowing are limited in utility, although there is value in confronting consumers with figures that account for several years of schooling instead of annual cost of attendance. The Section would do a great service to legal education if it enabled consumers and researchers to peer underneath the surface figures (average borrowed) to see the borrower makeup by amount borrowed. Shedding light on underlying borrowing data may stir policymakers, faculty, and administrators to think more clearly and realistically about the problem of student debt. One way to do this is through a frequency distribution, which “displays the frequency of various outcomes in a sample.”⁷¹

In legal education, the most famous application of a frequency distribution is NALP’s bi-modal salary distribution curve (shown below, Figure A). This curve continues to shape how

⁶⁶ *Id.* at ABA Report, <https://www.lstreports.com/schools/southwestern/aba/>.

⁶⁷ *California Bar Exam Results by School in 2016*, Above the Law, <http://abovethelaw.com/2016/12/california-bar-exam-results-by-law-school-2016/>.

⁶⁸ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/costs/debt/?scope=schools&y1=2012>.

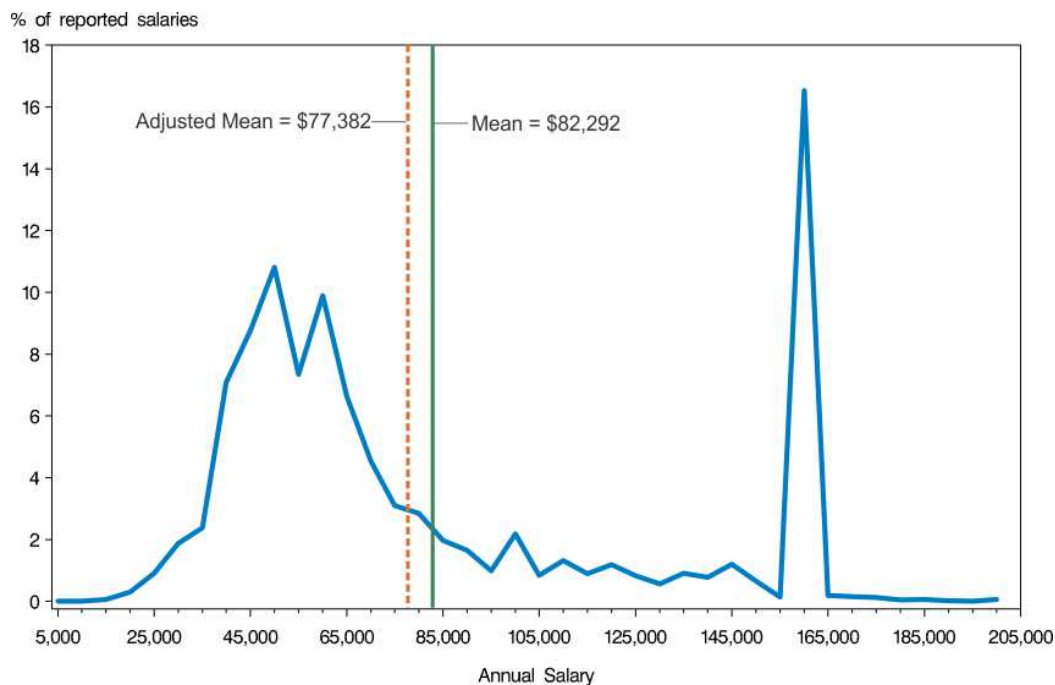
⁶⁹ *See*, generally, ABA Required Disclosures for Southwestern Law School, <http://abarequireddisclosures.org/>. The net tuition estimates can be found on the LST Data Dashboard, *supra* note 2, at <https://data.lawschooltransparency.com/costs/net-tuition/>.

⁷⁰ In the past, the Section collected graduate borrowing data, but currently only collects annual loan disbursements.

⁷¹ Frequency Distribution, Wikipedia https://en.wikipedia.org/wiki/Frequency_distribution.

policymakers, researchers, consumers, and the public understand entry-level salaries. The mean salary may have been \$82,292 for 2014 graduates, but very few graduates made at or near that amount. Instead graduates fell into one of two “humps”—\$160,000 on the one side and between \$40,000 and \$65,000 on the other.⁷²

Figure A



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www.nalp.org

As such, we ask the Section to collect data on student loan borrowing outcomes for graduates and to publish those outcomes using a frequency distribution table, including non-borrowers, using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 104 and Standard 509(b)(2).

Tuition Prices and Discounts

Since 1985, inflation has been a factor in rising law school prices, but legal education inflation far exceeds the inflation rate. In 1985, the average private school tuition was \$7,526 (1985 dollars), which would now cost a student \$17,118 (2017 dollars).⁷³ Instead the average tuition is \$46,329 (2017 dollars).⁷⁴ In other words, private law school is now 2.7 times as expensive as it was in

⁷² NALP Salary Distribution Curves, <http://www.nalp.org/salarydistrib> (last visited Sept. 22, 2017).

⁷³ *Supra* LST Data Dashboard, note 2, <https://www.data.lawschooltransparency.com/costs/tuition/?y1=1985&y2=2017>.

⁷⁴ *Id.*

1985 after adjusting for inflation. Public school (for residents) is now about 5.8 times as expensive.⁷⁵

Since then, law schools have engaged in more tuition discounting through grants and scholarships. So although the nominal tuition price has increased, it does not tell the whole story. About 30% of students pay full price.⁷⁶ For the 70% receiving a discount, the discounts have shifted away from need-based discounts based on ability to pay towards merit-based discounts based on LSAT and undergraduate GPA. Those with the highest LSATs and GPAs receive the discounts. As such, the students who are least likely to complete school, pass the bar, and get a job subsidize the students who are more likely to succeed. These also tend to be the students the most disadvantaged.⁷⁷

Currently, the Section requires schools to report and publish cost of attendance data and scholarship data about the 25th, 50th, and 75th percentiles for full-time and part-time students. It also requires schools to report and publish scholarship data by the percentage of tuition covered, e.g. what percentage of all students have a scholarship that covers up to 50% of tuition. Moreover, the Section requires schools to report and publish whether and how often they reduce or eliminate scholarships after poor academic performance.

The Section already recognizes the value of publicly available price information for consumers, researchers, and the public. But with increased discounting and the shift away from need-based aid, additional clarity would add additional value much in the way that more graduate borrowing data would. The Section should therefore further its efforts of helping people understand the cost of legal education. As such, we ask the Section to collect data on tuition paid for each enrolled individual and to publish up to four frequency distributions tables per law school—one for 1L tuition paid, one for upper-level tuition paid, and a distinction for part-time and full-time as necessary—using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 104 and Standard 509(b)(2).

Gender Diversity

In 1965, just 1 in 25 law students was a woman. That number steadily climbed to 1 in 4 in 1975; 1 in 3 in 1980; and since 2000, the proportions have been roughly equal—though slightly more men than women every year except last year. Parity in law school enrollment was an enormous milestone, but new research demonstrates that national parity masks lurking gender inequality.

⁷⁵ *Id.*

⁷⁶ *Id.* at <https://data.lawschooltransparency.com/costs/net-tuition/>.

⁷⁷ *Law School Scholarship Policies, Engines of Inequity*, 2016, <http://lsse.indiana.edu/wp-content/uploads/2015/12/LSSSE-2016-Annual-Report-1.pdf>.

The research shows three significant “leaks” in the law school pipeline for women.⁷⁸ The first of these leaks involve women applying to law school. Even though women are 57% of college graduates, they account for only about 51% of the law school applicants. If women applied at the same rate as men to law school, applications would increase 16%. The second leak is that women who apply to law school are less likely than men to be admitted. For the class entering in 2015, law schools admitted about 80% of the men who applied, but just 76% of the women who applied. The third leak is that, even when women are admitted, they are not spread evenly across law schools. They instead cluster disproportionately in schools with the weakest employment outcomes and worst reputations.

The first and second leaks go back several decades. The third leak, however, is new and worsening. In 2001, when schools had just gotten to roughly 50/50 nationwide, women were evenly distributed amongst schools. But by 2006 the story had started to change. Although the pattern was not yet statistically significant, it had started to emerge. By 2015 the pattern was statistically significant and quite stark. Today the top 50 schools are the mirror opposite of the bottom 50 schools.

The emerging explanations mostly relate to the *U.S. News* law school rankings, with the most compelling relating to schools jockeying for higher LSAT scores to increase the median score, which is a considerable driver of ranking. Over the past 15 years, in their quest to secure or improve their *U.S. News* ranking, law schools have decided to emphasize LSAT scores more. Women actually do two points worse on average than men on the LSAT, and there are fewer higher scorers as well.⁷⁹ This is typical of standardized tests with predominately multiple choice questions, unlike writing examinations that tend to favor women.⁸⁰ Additional explanations may include an uneven distribution of applicants (perhaps increased median LSATs drive applicants away), uneven distribution of scholarship money (perhaps because schools overvalue the extra two points they get from men), and scholarship negotiation tendencies (perhaps because women are less likely to ask for more or any money). At this point, further research is not possible because school-level applicant and scholarship data are not available by gender.

Data on applicants and scholarships would also help consumers make informed choices. As outlined in the previous sections on tuition and debt, law school is expensive. Reducing the information asymmetry—allowing students to more clearly understand their bargaining position—will help them to pay less, which would reduce debt and/or enhance the school options.

⁷⁸ *The Leaky Pipeline*, Deborah Merritt and Kyle McEntee, <https://www.lstradio.com/women/?theme=lp1>.

⁷⁹ *LSAT Technical Report October 2012*, Law School Admissions Council, [https://www.lsac.org/docs/default-source/research-\(lsac-resources\)/tr-12-03.pdf?sfvrsn=4](https://www.lsac.org/docs/default-source/research-(lsac-resources)/tr-12-03.pdf?sfvrsn=4) (Figure 10).

⁸⁰ Performance of Men and Women on Multiple-Choice and Constructed-Response Tests for Beginning Teachers, Samuel A. Livingston and Stacie L. Rupp, ETS Research Report, <https://files.eric.ed.gov/fulltext/EJ1110967.pdf>; Fighting the Gender Gap: Standardized Tests Are Poor Indicators of Ability in Physics, Barrett H. Ripin APS News Letter, <https://www.aps.org/publications/apsnews/199607/gender.cfm>; *Standardized Tests Are a New Glass Ceiling*, Andrew Hacker, The Nation, <https://www.thenation.com/article/standardized-tests-are-a-new-glass-ceiling/>.

Additionally, these data will help the Section analyze compliance with Standard 206(a). Standard 206(a) provides that “a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.” If a school, even inadvertently, is biasing enrollment towards men because it’s too concerned with chasing a higher ranking, then the school may be out of compliance with the ABA Standards.

As such, we ask the Section to collect and to publish data on applicants and scholarships by gender using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 509(b)(1) and Standard 509(b)(2).

Racial and Ethnic Diversity

Whereas tremendous progress has been made towards gender parity, even with the emerging trend of gender clustering at the most and least reputable schools, significant progress remains for enrollment by race and ethnicity.⁸¹

Table B

	Hispanic	NA	Asian	Black	Hawaiian	White	2+ Races
2016 1Ls	13.7%	0.5%	6.5%	9.6%	0.1%	65.2%	4.3%
US Population	17.8%	1.3%	5.7%	13.3%	0.2%	61.3%	2.6%

Aaron Taylor, the executive director of AccessLex’s Center for Legal Education Excellence, observed similar trends with race and ethnicity as the previous section outlined about gender. Taylor found that Black and Hispanic students were more likely to attend schools with lower median LSAT scores, which tend to be less prestigious.⁸² Whereas white and Asian students were more likely to attend more prestigious schools with higher LSAT median scores.⁸³ Taylor told the *National Jurist* that “[t]his affects long-term outcomes, career trajectories and payoffs from law school investments. There are many implications tied in large part to race and ethnicity.”⁸⁴

Even on the tuition and debt front, the implications are huge. According to the Law School Survey of Student Engagement (LSSSE), then-directed by Taylor, “[i]t seems apparent that increased costs

⁸¹ 1L percentages come from the ABA, downloadable from the Section’s statistics website. https://www.americanbar.org/groups/legal_education/resources/statistics.html (last visited Sept. 28, 2017). Excludes unknowns and non-resident 1Ls. U.S. Population percentages come from the U.S. Census. <https://www.census.gov/quickfacts/fact/table/US/PST045216> (last visited Sept. 28, 2017).

⁸² *Diversity as a Law School Survival Strategy*, Aaron Taylor, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2569847 (last visited Sept. 28, 2017).

⁸³ *Id.*

⁸⁴ *Law schools enrolling more minorities to combat enrollment drop*, NATIONAL JURIST, Laura Martin, Feb. 17, 2015, <http://www.nationaljurist.com/prelaw/law-schools-admitting-more-minorities-combat-enrollment-drop>.

of attending law school have placed undue pressures on students from less affluent backgrounds to rely on student loans to finance their education. This burden falls disproportionately on Black and Hispanic students, who are more likely to come from low-wealth backgrounds.”⁸⁵ The proportion of Black students expecting no debt was less than 5% in 2015 and less than 10% for Hispanic students.⁸⁶ For white students, it was about 20% and for Asian students about 25%.⁸⁷ On the high end, about 25% of white students expected debt in excess of \$120,000, compared to almost 45% of Black students and about 40% of Hispanic students.⁸⁸

Of course, these disparities relate to the “large racial and ethnic wealth disparities in the U.S.”⁸⁹ But they also appear to relate to law school scholarship policies, because wealth explains part of the divergence in LSAT scores, which play an outsized role in determining the price a student pays to attend law school. According to LSSSE’s 2016 report, 2 in 3 white students receive a merit scholarship, while just 1 in 2 Black and Hispanic students do.⁹⁰

For the same reasons outlined above for gender, including adherence to and enforcement of Standard 206(a), we ask the Section to collect and to publish data on applicants and scholarships by race/ethnicity using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 509(b)(1) and Standard 509(b)(2).

Additional Diversity Data

For the foregoing reasons outlined in the sections on race/ethnicity and gender data, the public would also benefit if the data requested in the sections on tuition prices and student debt were publicly accessible by race/ethnicity and gender. The Section may do so under its current authority under Standard 104, Standard 509, and Rule 54(b).

Completion and Bar Success

Many law schools have enrolled students that face a significant risk of not completing school or passing the bar exam.⁹¹ Despite a decrease in completion rates, bar passages rates have also

⁸⁵ *Law School Survey of Student Engagement 2015 Report*, pg. 12, <http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE-Annual-Report-2015-Update-FINAL-revised-web.pdf>.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Law School Survey of Student Engagement 2016 Report*, pg. 9, <http://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-2016-Annual-Report-1.pdf>.

⁹¹ *Study Cites Lower Standards in Law School Admissions*, New York Times, Elizabeth Olson, Oct. 26, 2015, <https://www.nytimes.com/2015/10/27/business/dealbook/study-cites-lower-standards-in-law-school-admissions.html> (reporting on Law School Transparency’s 2015 *State of Legal Education*, <https://www.lawschooltransparency.com/reform/projects/investigations/2015/>).

decreased. After years of steady bar passage rates, overall passage rates have fallen 10 points and first-time rates have fallen nine points between 2013 and 2016, although the declines have not been uniform across the country.⁹² For example, first-time rates have fallen 36 points in South Dakota, 19 points in Iowa, 18 points in New Mexico, 16 points in Oregon, and 15 points in Arizona.⁹³ On the other hand, first-time rates increased in Nebraska, Louisiana, and Michigan.⁹⁴ Similarly, the declines have not been uniform across all law schools. Some schools have increased their bar passage rates, such as Florida International University College of Law.⁹⁵ Many others have seen dramatic declines.⁹⁶

The declines were predictable based on lower Law School Admissions Test (“LSAT”) scores and insufficient mitigation through, for example, higher grade point averages (“GPA”) and more forced attrition.⁹⁷ Highlighting which schools, through their educational programs, help or do not help students outperform their predictors would help consumers make more informed choices about where to attend law school, while helping law schools compete on metrics other than the *U.S. News* law school rankings. Further, it would help the legal education community develop best practices for maximizing the success of students at higher risk of failure—an essential goal that will not only help legal educators get the most out of students, but also increase diversity in the profession by fortifying our leaky pipeline.

The Section has determined that completion rates based on available predictors are valuable in assessing compliance with the Standards, as well as the progress non-compliant schools are making towards coming back into compliance. Since August 2016, the Council for the Section has publicly sanctioned five law schools in relation to its admissions and retention choices.⁹⁸ Each sanction included remedial actions, including a requirement that each school provide current students bar passage rates for previous, similarly-situated students. While similarity was determined based on law school GPA, information fashioned for prospective law students would be valuable too. Prior to enrollment, there is not yet a better predictor of school completion and bar exam success than the LSAT. In fact, the Section’s accreditation committee requested that at least one of the schools—Charlotte School of Law—report completion and bar passage rate

⁹² National Conference of Bar Examiners, 2016 Statistics, pg. 33, www.ncbex.org/pdfviewer/?file=%2Fdocsdocument%2F205.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Florida Bar Exam Statistics, <https://www.floridabarexam.org/web/website.nsf/52286AE9AD5D845185257C07005C3FE1/660E3F5B6C35DE2585257C0B006AA3F4>.

⁹⁶ *Id.*

⁹⁷ For example, law schools have not increased incoming undergraduate GPAs enough to outweigh lower LSAT scores. In fact, GPAs were down almost uniformly across the schools studied. *2015 State of Legal Education*, Law School Transparency, <https://www.lawschooltransparency.com/reform/projects/investigations/2015/data/other-stats/?show=mbe>.

⁹⁸ ABA Section of Legal Education Announcements, https://www.americanbar.org/groups/legal_education.html (Arizona Summit Law School, Charlotte School of Law, Ave Maria School of Law, Texas Southern University Thurgood Marshal School of Law, Valparaiso University School of Law)

information for students with LSATs at or below the median in order to assess compliance with the ABA Standards.⁹⁹ As such, we ask the Section to collect and publish data on program completion and bar passage success by LSAT score using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 509(b)(4), and Standard 509(b)(8). We decline, at this time, to recommend a specific format for publishing these data. Instead, we recommend that the Section implement a tracking system, including admissions indicators and demographic status, for all new students that can track progress through bar passage and entry-level employment.

3. User-Friendly Data Presentation

The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards, should simplify the Employment Summary Report, which includes graduate employment data.

The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards, should simplify and reorganize the Standard 509 Information Report, which includes data related to admissions, attrition, bar passage, price, curricular offerings, diversity, faculty, refunds, and scholarships.

The recommendations in the previous section work without changes to the ABA Standards. Not only can the Council collect and publish a variety of data in the manner and form that the Council sees fit, it may require schools to make any of this information available to students and the public on their websites or via other means of communication. At the school level, the Section—at the direction of the Council—presents two sets of data available to the public directly: the Employment Summary Report and the Standard 509 Information Report. The Council also requires law schools to publish these reports prominently on their websites.

Employment Summary Report

The Employment Summary Report details post-graduation employment outcomes for a single graduating class. Employment status is measured as of March 15th the following year for the class of 2014 and later—about ten months after graduation. The report allows people to calculate important data points, such as unemployment rate, percentage in law firms (and by size), percentage in public sector jobs, and percentage in jobs that require bar passage. It also includes information about where the jobs are located, whether jobs are funded by the law school, and whether jobs are short or long term and part or full time. These disclosures have already reshaped

⁹⁹ *Denial of Recertification Application to Participate in the Federal Student Financial Assistance Programs – Charlotte School of Law*, U.S. Department of Education, <https://studentaid.ed.gov/sa/sites/default/files/csl-recert-denial.pdf> (pg. 4 - 5).

legal education, but students and the public would nevertheless be served by simplifying the Employment Summary Report.

We ask the Council to adopt the Proposed Employment Summary Report (Appendix A). The Proposed Employment Summary Report includes a complete changelog between report forms and addresses the concerns expressed by many members of the Council at the June 2017 Council meeting, as well as the concerns many stakeholders. Specifically, the Proposed Employment Summary Report reduces the number of cells by 56% without altering data collection. It maintains the status quo on treatment of school-funded jobs above the line, which provides an equal playing field for law schools. It does not unnecessarily collapse categories that demonstrate significant differentiation. It provides clearer and more consistent naming conventions. It maximizes visual cues that enhance consumer comprehension, including spacing, punctuation, and color. Altogether, the Proposed Employment Summary Report will help consumers make informed choices about whether and where to attend law school.

Standard 509 Information Report

The Standard 509 Information Report details a variety of statistics that help students figure out when to apply, whether they can get in, how much it costs, how diverse the student body is, and at what rate students complete school and pass the bar exam. This report is already a dense, though enormously helpful document. However, if the Council advances some or all of our data recommendations involving additional disclosure requirements and if the Council finds some or all of the new data important enough to earn a spot on the report, it will require simplification to ensure students and the public continue to make ample use of its contents. But even if the Council adopts none of the aforementioned data recommendations, there remains the opportunity to simplify the report and design it for maximum consumer comprehension. After all, the current report was originally designed two decades ago for print in the LSAC Official Guide. Today's Standard 509 Information Report is viewed online as a PDF.

Data presentation involves choices about how to organize and summarize datasets, translating data from its raw form into meaningful information. With any dataset, the data can be presented in various forms, including charts, graphs, and tables. The best method depends on the audience(s). Presentation choices must balance what the audience wants to know and what they should want to know, along with consideration to information overload, complexity, and utility. Importantly, these choices set the benchmark for what matters to the audience.

We do not ask the Council to adopt a specific, new format for the Standard 509 Information Report. The ideal format will depend on what data recommendations the Council adopts. In principle, the most serious flaw is that parts of the report amount to a data dump. While the Section should continue to make *all* data available on spreadsheets—an important practice of the Section that

benefits students, schools, researchers, policymakers, and journalists—the Standard 509 Information Report targets people who seek a valuable summary of individual law school offerings. The report should reflect this objective.

Consider the J.D. enrollment and ethnicity table (**Table C**, below) from the 2016 Standard 509 Information Report.

Table C

J.D. Enrollment and Ethnicity (academic year*)															
	Men		Women		Other		Full-Time		Part-Time		First - Year		Total		J.D. Deg Awd
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Hispanics of any race	23	5.7	23	6.6	0	0	46	6.1	0	0	19	7.9	46	6.1	12
American Indian or Alaska Native	2	0.5	0	0	0	0	2	0.3	0	0	0	0	2	0.3	1
Asian	42	10.4	53	15.3	0	0	95	12.7	0	0	27	11.2	95	12.7	33
Black or African American	25	6.2	26	7.5	0	0	51	6.8	0	0	17	7	51	6.8	17
Native Hawaiian or Other Pacific Islander	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Two or more races	12	3	10	2.9	0	0	22	2.9	0	0	10	4.1	22	2.9	6
Total Minority	104	25.8	112	32.4	0	0	216	28.8	0	0	73	30.2	216	28.8	69
White	230	57.1	187	54	0	0	417	55.7	0	0	143	59.1	417	55.7	159
Nonresident Alien	19	4.7	23	6.6	0	0	42	5.6	0	0	9	3.7	42	5.6	8
Race and Ethnicity Unknown	50	12.4	24	6.9	0	0	74	9.9	0	0	17	7	74	9.9	22
Total	403	53.8	346	46.2	0	0	749	100	0	0	242	32.3	749	100	258

Some rows (Total Minority and Total) reflect the sum of other rows, but there is no visual cue to distinguish rows with sums and other rows. The columns and data time period are also not clearly indicated. Most importantly, however, the raw data do not add value to the table commensurate with the costs to consumer experience. The columns labeled # add to information overload, which reduces comprehension and therefore decision quality.

Consider an alternative table (**Table D**, below) that conveys the same information.

Table D

Total Enrollment: 749 Total First-Years: 242 Total Graduates: 258	J.D. Enrollment and Ethnicity, 2016-17 Academic Year							
	Total Enrollment						Graduates	First-Year
	Men	Women	Other	Full-Time	Part-time	Total		
Total Minority	13.9%	15.0%	0%	28.8%	0%	28.8%	26.7%	30.2%
Hispanics of any race	3.1%	3.0%	0%	6.1%	0%	6.1%	8.9%	7.9%
American Indian or Alaska Native	0.3%	0.0%	0%	0.3%	0%	0.3%	0.4%	0%
Asian	5.6%	7.1%	0%	12.7%	0%	12.7%	12.8%	11.2%
Black or African American	3.3%	3.5%	0%	6.8%	0%	6.8%	6.6%	7.0%
Native Hawaiian or Other Pacific Islander	0%	0%	0%	0%	0%	0%	0%	0%
Two or more races	1.6%	1.3%	0%	2.9%	0%	2.9%	2.3%	4.1%
White	30.7%	24.9%	0%	55.7%	0%	55.7%	61.6%	59.1%
Nonresident Alien	2.5%	3.0%	0%	5.6%	0%	5.6%	3.1%	3.7%
Race and Ethnicity Unknown	6.7%	3.2%	0%	9.9%	0%	9.9%	8.5%	7.0%
Total	53.8%	46.2%	0%	100%	0%			

It shades rows that total other rows, indents the sub-totaled rows, bolds the overall total, and labels the academic year. It eliminates the raw data except for total enrollment, total first-year enrollment, and total graduates, which the layout emphasizes at the top. The layout also emphasizes two critically important figures: overall minority and gender percentages. The table also uses the percentage of the entire class for each row that shows the intersection of race and gender, rather than percentage of gender.

Again, the raw data must remain publicly available. But on a summary report such as the Standard 509 Information Report, the main takeaways of the table should not be dwarfed by a volume of data, as is the case with **Table C**.

For the 2017 Standard 509 Information Report, released on December 15, 2017, the Section made several changes to **Table C**. The table (**Table E**) now includes gender and race subcategories for each class cohort. While the table does remove redundant cells, the Section chose raw data over percentages, so the tables remains a data dump that undercuts its purpose of informing consumers.

Table E

J.D Enrollment as of October 5th 2017													
	1L				2L				3L				Total
	T	M	W	O	T	M	W	O	T	M	W	O	T
Hispanics of any race	11	7	4	0	4	3	1	0	4	3	1	0	19
American Indian or Alaska Native	0	0	0	0	0	0	0	0	0	0	0	0	0
Asian	2	0	2	0	1	1	0	0	4	2	2	0	7
Black or African American	12	8	4	0	5	2	3	0	12	7	5	0	29
Native Hawaiian or Other Pacific Islander	0	0	0	0	0	0	0	0	0	0	0	0	0
Two or More Races	6	3	3	0	4	1	3	0	1	1	0	0	11
Total Minority	31	18	13	0	14	7	7	0	21	13	8	0	66
White	145	77	68	0	134	62	72	0	86	49	37	0	365
Nonresident Alien	3	3	0	0	4	3	1	0	0	0	0	0	7
Race and Ethnicity Unknown	5	4	1	0	5	2	3	0	5	4	1	0	15
Total	184	102	82	0	157	74	83	0	112	66	46	0	453

The cost of attendance and scholarship information on the Standard 509 Information Report (collectively **Table F**, below) could also use improvement.

Table F

Tuition and Fees (academic year*)

	Resident	Non-Resident
Full-Time	\$ 47,125	\$ 47,125
Part-Time	\$ 32,715	\$ 32,715
Tuition Guarantee Program		No

Living Expenses (academic year*)

Estimated Living Expenses for singles	
Living on Campus	\$ 0
Living Off Campus	\$ 26,080
Living at Home	\$ 26,080

Conditional Scholarships

Students Matriculating in	# Entering with	# Reduced or Eliminated
2015-2016 Academic Year	182	70
2014-2015 Academic Year	214	81
2013-2014 Academic Year	176	90

Grants and Scholarships (prior academic year*)

	Total		Full-Time		Part-Time	
	#	%	#	%	#	%
Total # of students	1,021	100	744	72.9	277	27.1
Total # receiving grants	569	55.7	463	62.2	106	38.3
Less than 1/2 tuition	372	36.4	305	41	67	24.2
Half to full tuition	131	12.8	104	14	27	9.7
Full tuition	25	2.4	22	3	3	1.1
More than full tuition	41	4	32	4.3	9	3.2
75th Percentile grant amount			\$ 25,500		\$ 15,619	
50th Percentile grant amount			\$ 16,000		\$ 8,500	
25th Percentile grant amount			\$ 9,500		\$ 3,937	

The report devotes an entire section for living expenses. Only 12 schools differentiated between living on or off campus for the 2016-17 academic year.¹⁰⁰ At more than half of those schools, the difference was less than \$1200.¹⁰¹ The report also includes a column on the “Grants and Scholarships” table for full- and part-time students combined. In that section, as well as the Conditional Scholarships section, consumers would benefit from percentages without raw data.

The table to the left (**Table G**) addresses these problems.

Table G

Cost of Attendance		
2016-17 Tuition	Resident	Non-Resident
Full Time	\$47,125	\$47,125
Part Time	\$32,715	\$32,715
Tuition Guarantee Program		No
Living Expenses	\$26,080	

A new Standard 509 Information Report should also consider data about transfers *out* instead of *in*. Comparing law school GPAs of transfers in is like comparing apples to oranges. Information about the law school GPAs of transfers out, on the other hand, actually provides actionable information for students.

Tuition Discounts, 2015-16 Academic Year		
	Full Time	Part Time
Pay Full Price	37.8%	61.7%
Discount Percentage	62.2%	38.3%
< Half Tuition	41.0%	24.2%
Half to Full Tuition	14.0%	9.7%
Full Tuition	3.0%	1.1%
> Full Tuition	4.3%	3.2%
Discount Amount		
25th Percentile	\$9,500	\$3,937
50th Percentile	\$16,000	\$8,500
75th Percentile	\$25,500	\$15,619

The current Standard 509 Information Report needs additional changes that follow similar themes described in this section, regardless of whether the Council includes additional data on the summary. The choices made will balance various competing interests, but should ultimately advance the intended audience’s comprehension of valuable information.

Additional Disclosures

Conditional Scholarships		
Award may be lost based on academic performance		
First-Year Students	% Entering With	% Reduced/Eliminated
2015		
334 New 1Ls	54.5%	38.5%
2014		
357 New 1Ls	59.9%	37.9%
2013		
404 New 1Ls	43.6%	51.1%

Standard 509 also requires law schools to publish data on their websites beyond the Employment Summary Report and Standard 509 Information Report: tuition refund policies, articulation agreements, curricular offerings, faculty and staff information, and more. To the extent that the Council wants students to still have certain raw data, the

mandated ABA Required Disclosures page, which is a clearinghouse for all Standard 509 disclosures, can be expanded. The same principles of useful organization apply to these pages, but there is more flexibility because everything disclosed does not need to appear on a relatively short PDF.

¹⁰⁰ *Supra* ABA Required Disclosures, note 69.

¹⁰¹ *Id.*

4. Disclosures at Time of Admission

The ABA Section of Legal Education and Admissions to the Bar should require law schools to provide every admitted law student a copy of the Standard 509 Information Report and Employment Summary Report as part of each student’s admissions offer.

Standard 509 requires that law schools publish a variety of information on their websites, but permits schools to publish information elsewhere as long as it is not false, incomplete, or misleading. Standard 509(d), however, requires law schools to distribute conditional scholarship data to all recipients of conditional scholarship offers as part of their offer letter—whether by email or post. A conditional scholarship is one where retention of the full amount depends on academic performance in law school. Data on conditional scholarships helps consumers assess their chances of keeping the scholarship so that they can make an informed decision about accepting it and attending the institution. Without it, the consumer may be misled about the true likely cost of the legal education.

Similar logic underlies the requirement that information be made available to the public on the school website via Standard 509, including the Standard 509 Information Report and Employment Summary Report. The information contained in those two reports in particular is essential to consumers making informed decisions. However, the Council determined that the conditional scholarship information is important enough to also be sent to every conditional scholarship offeree. We recommend extending this logic to the two reports. The Council should require schools to include the reports as part of every offer of admission.

Standard 509(a) already permits the Council to do this. The standard provides that any information a school distributes must be “complete, accurate and not misleading.” The Section’s managing director has this to say in the Section’s Standard 509 Guidance Memo:

The following guidance is offered regarding how the Council and the Accreditation Committee view this overriding requirement of publishing information that is complete, accurate, and not misleading. Wherever a school offers any analysis or elaboration of the information covered by Standard 509, the required disclosures must be repeated or there must be a link to those required disclosures that is sufficiently proximate and prominent to draw the reader’s attention to the link. The disclosures or link to them must precede the analysis or explanation. Finally, the display of the analysis and elaboration of the data may not be more conspicuous or prominent than the display of the mandated disclosures or the link to them.¹⁰²

¹⁰² Managing Director’s Guidance Memo on Standard 509 (revised July 2016), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2016_standard_509_guidance_memo_final.authcheckdam.pdf.

The memo’s prescriptions apply to any analysis or elaboration of data specified in Standard 509(b) or Standard 509(c), such as information related to costs, scholarship, bar passage, and employment data, e.g. employment rate computations from employment data. The prescription means that anytime that information is relayed to a person or to the public, through the website or otherwise, the relevant required disclosures in Standard 509(b) or Standard 509(c) “must be repeated or there must be a link ... that is sufficiently proximate and prominent.” In other words, when a law school advertises its employment rate, the Council may prescribe how and what the school must provide in order to not provide incomplete, false, or misleading information.

Given the analyses schools include in their offer letters and accompanying materials such as viewbooks or marketing flyers, the Council can choose to require schools to attach the Standard 509 Information Report and the Employment Summary Report as the means for a school to satisfy Standard 509(a). At minimum this prescription would guarantee receipt of the relevant information to anyone who would actually have the opportunity to attend, even if no marketing materials are sent at the time. A school that never sends marketing materials to an admitted student with information covered by Standard 509 would be the first.

If the Section does not agree with the preceding analysis, Standard 509(d) allows the Council to mandate disclosure of at least the Standard 509 Information Report. Here’s the relevant portion of the Standard 509 Guidance Memo:

Law Schools that offer conditional scholarships must include the conditional scholarship information from the Standard 509 Information Report at the time that a conditional scholarship offer is extended. It is not sufficient to provide a link to the page on the ABA’s website where the law school’s 509 Information Report can be generated. The data itself must be posted.¹⁰³

Instead the Council can choose to require the school to provide the Standard 509 Information Report instead of the above prescription. Indeed, this would help the recipient of the conditional scholarship offer put the scholarship offer in context because the report includes data about tuition, cost of living, and scholarship amounts. This method, unfortunately, only helps reach a subgroup of accepted students (those receiving conditional scholarships) at a subgroup of schools (those offering conditional scholarships).¹⁰⁴ But that subgroup includes about half of all schools and about half of those schools’ students. That’s worth doing.

To reach the remaining students (about 75% of accepted 1Ls), the Council would need to amend Standard 509 or find other justification under the ABA Standards. A change would also be necessary in the event that the Council believes it does not have *any* present authority to mandate

¹⁰³ *Id.*

¹⁰⁴ *Supra* LST Data Dashboard, note 2, <https://data.lawschooltransparency.com/costs/conditional-scholarships/>.

the inclusion of the Standard 509 Information Report and the Employment Summary Report with the offer of admission. Here, the ABA Law Students Division’s recent letter to the Council is relevant:

We call upon the Council to require all Standard 509 reports be provided with every admission letter. We affirm that Standard 509 reports are not readily known by potential law students and should be presented in an effort to increase consumer protection.¹⁰⁵

Indeed, the information contained in the two reports is important enough that schools should send it as part of the admissions package.

5. Voluntary Disclosures by Law School

Every ABA-approved law school should voluntarily publish its school-specific NALP Report each year.

Since 1974, the National Association of Law Placement (“NALP”) has processed annual graduate employment and salary data collected by individual law schools. All ABA-accredited law schools are surveyed by NALP, and the schools use NALP graduate survey forms or something similar to collect data from their graduates and then pass the data on to NALP. NALP checks the data for discrepancies or obvious questions, and returns analyses back to law schools in the form of a 25+ page report. NALP does not make individual school reports public, but individual law schools may voluntarily make their respective NALP reports public.




The NALP report is valuable to prospective law students because of information it contains. An individual school report has employment information that goes well beyond ABA-mandated disclosures and includes salary data (aggregated in categories, not individual salaries) and employment outcomes data about job source (e.g., OCI, networking, or direct mailings), job offer timing (before graduation, before bar results, after bar results), employed graduate search status (employed graduates who are either still seeking or not seeking), job region and job states, and job type breakdowns by employer type (e.g., Government–J.D. Advantage). When a school chooses to publish its NALP report and make it easily accessible, the school makes it easy to compare its graduates’ outcomes with those from other schools that also choose to make the report public.

Starting with the class of 2010, LST requested that schools make these reports available to the public. At the time, no school made its report public even though the only costs associated with making it available were scanning the document and uploading it to their website. Today, about

¹⁰⁵ Unpublished Letter.

60% of schools make the report public. **Table G** (below) shows the status of NALP report disclosure as of January 10, 2018—and we expect reports to continue to trickle in.¹⁰⁶

Table H

Year	Total Reports (%)	 Full Reports	 Partial Reports	 Withheld Reports	No Reports Available
2016	117 (58.5%)	106	11	83	3
2015	118 (59%)	102	16	82	5
2014	125 (62.8%)	112	13	74	4
2013	115 (58.7%)	103	12	81	4
2012	112 (57.1%)	97	15	84	4
2011	97 (49.7%)	84	13	98	2
2010	63 (32.8%)	63	0	129	8

As of January 24, 2018

While some schools have instituted a culture of transparency and go beyond the ABA standards without publishing the NALP report, it can still be difficult for prospective students to compare schools due to differences in terminology and presentation on school websites. NALP reports give students data in a uniform manner, helping them to compare schools based on the job metrics most important to them.

¹⁰⁶ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/transparency/nalp-report-database/>.

Next Steps

This report is the product of discussions with young lawyers, law students, legal academics, and leadership in various sections and divisions in the ABA. The process started immediately after the Standards Review Committee convened its roundtable in July 2017 to discuss how to encourage innovation and address challenges related to cost, declining job opportunities, and declining bar passage rates. Transparency emerged as an essential, immediate step.

The transparency measures outlined in this report have been designed to address the most pressing issues in legal education. Every suggestion from this report can be accomplished by the Section of Legal Education without additional authority from the ABA Standards. In many cases, the suggestions can be accomplished without additional reporting burdens for law schools. In other cases, schools already possess the data but are not required to report it as part of the annual questionnaire. On balance, the value of public data will outweigh the costs of reporting in these cases.

We do recognize that there are important, formal processes in place to add items to the Standards Review Committee's annual agenda. We nevertheless hope that when the Council for the Section of Legal Education next meets—in San Antonio on February 8-10, 2018—the Council will choose to encourage its Standards Review Committee and the Section staff to review this report's proposals related to data collection and data presentation and, as appropriate, add items to the agenda for the coming year.

In further pursuit of a better, more responsive legal education, we also hope the Council will consider adding two young lawyers to the Council in 2018 and guarantee two spots in the future. At minimum, we hope the Council will more broadly circulate notice of Council nominations to generate a more diverse slate of nominees.

Finally, every faculty member and administrator at a law school that does not annually publish its NALP Report should assess why this choice has been made. We hope the state bar associations, especially the young lawyer divisions and committees focused on professionalism, will impress upon schools within their jurisdictions the importance of taking a very basic step to improve transparency. Appendix B has a list of the latest non-participating schools by state. Schools of all types fall in either group.

Strengthening the pipeline from prelaw students to law students to young lawyers begins with addressing the price of legal education. Enacting the proposals from this report will help consumers make more informed decisions, exert downward pressure on law school tuition prices, advance legal education research of cost and diversity, and increase accountability. All together, these proposals help secure the legal profession's continued, important place in society.

Appendix A: Proposed Employment Summary Report

EMPLOYMENT SUMMARY FOR 2017 GRADUATES

Employment Type	Full Time Long Term	Other	Total
Bar Passage Required	373	14	387
J.D. Advantage	61	11	72
Professional	4	2	6
Non-Professional	1	0	1
School Funded	9	24	33
Type Unknown	0	0	0
Employed Total	448	51	499
Non-Employed			
Pursuing Graduate Degree Full Time			10
Unemployed: Deferred Start Date			0
Unemployed: Not Seeking			6
Unemployed: Seeking			37
Status Unknown			3
Non-Employed Total			56
Total Graduates			555

Employer Type	Full Time Long Term	Other	Total
Law Firm			
Solo	0	0	0
2-10 Attorneys	32	10	42
11-25 Attorneys	16	1	17
26-50 Attorneys	7	0	7
51-100 Attorneys	14	2	16
101-250 Attorneys	15	0	15
251-500 Attorneys	31	0	31
501+ Attorneys	130	3	133
Size Unknown	0	0	0
Business & Industry	47	11	58
Government	84	0	84
Public Interest	20	0	20
Federal Clerkship	21	0	21
State, Local, & Other Clerkship	21	0	21
Education	1	0	1
School Funded	9	24	33
Employer Type Unknown	0	0	0
Employed Total	448	51	499
Non-Employed Total			56
Total Graduates			555

Employment Location	State	Total
Most Common Employment Destination	Washington D.C.	242
Second Most Common Employment Destination	New York	57
Third Most Common Employment Destination	Virginia	51

CHANGE LOG

- * Simplified form header to remove extraneous information that is easy to find in many places
- * Collapsed 3 columns involving short-term or part-time jobs into 1 "other" column
- * Changed last column from "Number" to "Total"
- * Altered headings: "Employment Status" became "Employment Type" (bar passage required is not a status but a type of employment) and "Employment Type" became "Employer Type" (law firm is an employer, regardless of what someone does for the firm; also makes for consistency with the "employer type unknown" subcategory of "employer type")
- * Introduced new heading "Non-Employed" to reflect any category that does not reflect employed graduates. Purpose is to show context for employer type and employment status tranches, without repeating rows of data unnecessarily
- * Separated Employed and Non-Employed tables
- * Introduced sum rows for "Non-Employed" so "Employer Type" has clearer context
- * Changed coloring (white to light yellow) on any row that is the sum of other rows
- * Added "attorneys" to each row title under the "law firm" employer type category; switched "Unknown Size" to "Size Unknown" for consistency with other unknown subcategories; made "Law Firms" singular to be consistent with sibling categories, e.g. government.
- * Changed "Pub. Int." to "Public Interest"
- * Combined state & local clerkship row with other clerkships row into 1 row
- * Added new row under employer type for school-funded jobs, which resulted in school-funded jobs (as defined above the line) in other categories, e.g. education or public interest, being removed from those categories
- * Removed school-funded jobs table (BPR, JDA, etc), but this would still be available via spreadsheet
- * Changed row titles for employment location for clearer statement of what's reflected
- * Removed foreign employment row

KEY POINTS

- * Accomplished without changing data collection process at all
- * Maintains status quo on school-funded jobs, e.g. these jobs remain above the line, excluded from BPR, JDA, Pro, and NP categories
- * Reduced cells from 155 to 87, 56% reduction
- * Does not unnecessarily collapse categories that demonstrate significant differentiation
- * Clearer and more consistent naming conventions
- * Maximizes visual cues that enhance consumer comprehension, including spacing, punctuation, and color

Appendix B: Schools That Did Not Publish Their 2016 NALP Report, by State

Alabama	Faulkner University Samford University University of Alabama
Arizona	Arizona State University Arizona Summit Law School
Arkansas	University of Arkansas - Fayetteville
California	Chapman University Southwestern Law School Stanford University University of California - Davis University of La Verne Western State University
Connecticut	Quinnipiac University University of Connecticut Yale University
Delaware	Widener University - Delaware
Florida	Ave Maria School of Law Barry University Florida A&M University Florida Coastal School of Law Florida International University
Georgia	Emory University Mercer University John Marshall Law School - Atlanta
Hawaii	University of Hawaii
Idaho	Concordia University School of Law University of Idaho
Illinois	University of Chicago
Indiana	Indiana University - Indianapolis University of Notre Dame Valparaiso University
Iowa	Drake University
Kentucky	University of Kentucky University of Louisville
Louisiana	Southern University Law Center Tulane University
Massachusetts	Boston University Harvard University New England School of Law Northeastern University Suffolk University
Michigan	Thomas M Cooley Law School
Minnesota	Mitchell Hamline School of Law
Missouri	St. Louis University Washington University in St Louis
Nebraska	Creighton University

New York	Brooklyn Law School Hofstra University Touro College SUNY Buffalo
North Carolina	Campbell University Charlotte School of Law Duke University Elon Law School North Carolina Central University Wake Forest University
Ohio	Ohio Northern University
Oregon	Willamette University
Pennsylvania	Duquesne University Pennsylvania State University - Dickinson Law University of Pennsylvania University of Pittsburgh Villanova University Widener University - Pennsylvania
Rhode Island	Roger Williams University
South Carolina	Charleston School of Law
South Dakota	University of South Dakota
Tennessee	Belmont University Lincoln Memorial University
Texas	South Texas College of Law Houston Texas Southern University
Vermont	Vermont Law School
Virginia	Appalachian School of Law Liberty University Regent University University of Richmond University of Virginia
Washington	Gonzaga University University of Washington
Washington, D.C.	Catholic University of America George Washington University Howard University
Wyoming	University of Wyoming