

SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR AMERICAN BAR ASSOCIATION

Memorandum

To: Council

From: Barry Currier

Re: Data collection and reporting, going forward

Date: May 8, 2018

Council Chair Maureen O'Rourke has included an item for the open session of the meeting to discuss the general matter of data collection and reporting.

This memo offers a few observations about the topic and, because I agree that there is considerable room for us to do more in this area, a suggestion that an ad hoc committee be formed to study the matter and report back.

Observations

1. The purposes for collecting data have been to gather data necessary to the review of a law school's compliance with the standards, including compliance with the consumer information required to be reported under Standard 509. In the past, other data that the Council and/or law schools found interesting or useful was collected, even it had little, if anything, to do with compliance. This data was either given or sold to law school deans and, except for the data that was published pursuant to Standard 509, was confidential (this material was called "take offs," a reference to the fact that the data was taken from schools' annual questionnaires [AQ]). Over time, the Council has been removing AQ questions if it could not identify a standard to which that data related.
2. Recently, the demand by researchers, media, and observers of legal education have wanted additional data, or more detailed reports of certain data.
3. We do not protect or sell the data. What we publish is available to be used by others. That seems right to me. It is really the schools' data. I suppose that revenue from selling the data might allow us to collect less money from schools for the operation of the Accreditation Project, but I am not sure how big the market would be. Finally, it seems to me that there is a public benefit from us publishing the data.

4. Many others take our data and put it in a more user-friendly format. They then become the go-to source for that data. While they usually reference that they are using ABA data, we are getting very little goodwill from this work. Perhaps we should more regularly be the source cited for data, be proactive in providing some analysis of the data, and make this a significant part of our brand.
5. In some cases, data is collected by others and schools provide it. US News is one of those cases. That sort of data is less reliable, but it gets out there.
6. Schools spend considerable time and money complying with our data requests, and with the many other surveys and data requests that they receive each year.
7. The collection, review, and publishing of data consumes a considerably amount of staff time and Accreditation Project resources. That said, we do not have the resources that we need to do this job as well as we would like to do it.
8. Following the restructuring, one area where it might make sense to invest time and money would be in this area.

Focusing just on student data, what might a robust data collection effort collect?

1. Admissions: report by student and applicant, admissions test scores, UGPA, graduate or other professional degree or licensure.
2. Attrition: report by student, report status when attritted, reason – transfer, academic, other.
3. Academic progress: report by student – in good standing, on warning, on probation.
4. Graduation: report by student, time to degree (terms or months).
5. Bar passage: 1st-time and ultimate (sat or not/when sat, outcome, repeat takes/outcomes, jurisdiction).
6. Employment: at graduation, at 1 year, at 5 years, type of job, salary.
7. Student borrowing: by student, annual borrowing, cumulative law school borrowing, prior student debt, total debt (including interest) at graduation.
8. Net tuition paid/discounting: report net tuition paid by student.
9. Demographic information: report by student for 1L and total, gender, race/ethnicity, sexual orientation, disability (broken down in various ways), age.

The data collected, as outlined in 1-9 above, should be able to be cross-referenced.

A potential project for next year

Working with schools, other legal ed groups, and businesses that can help, develop a reporting system that will allow the schools to collect data at application and then track it through by student. In an era of big data, the burdens on the schools can be minimized and the data set collected by the Council can be much richer.

Further, the Council should discuss whether it should invest in the development of a separate Council law school accreditation website that could serve its needs with respect to law school accreditation much better than the current ABA general website. Many other groups, including the Law Student Division and the Center of Innovation, to name just two, have their own websites.

There always have been limitations in the infrastructure of the ABA website, which had to be built to serve many different purposes, on an optimal presentation of accreditation-related data and information.

With restructuring will come additional time and resources to engage in projects that can improve the work of the accreditation project. As the public reporting of data has become a more significant part of the Council's work – and that is only likely to increase – the Council may want to invest resources in building up its capacity to report, in user-friendly ways – the data that it is collecting. Many groups now simply take the data that we produce and adapt it to their own uses and purposes. They, rather than the Council, are often the go-to source for data and observations about it. Perhaps that is a role that the Council should seek to play itself.

If this is a topic and project worth further study, the chair might appoint a small ad hoc committee to consider the matter and report back to the Council.