SOUTHERN UNIVERSITY BOARD OF SUPERVISORS
Resolution Supporting the Opposition to Proposed Changes to The American Bar Association's Law School Standard 316

WHEREAS the SOUTHERN UNIVERSITY BOARD OF SUPERVISORS is the management board for the Southern University Law Center, a Historically Black College & University Law School;

WHEREAS the American Bar Association ("ABA") is responsible for accrediting law schools. Since 1952, the Council of the Section of Legal Education and Admissions to the Bar ("the Council") of the ABA has been approved by the United States Department of Education to accredit all schools that offer a J.D. degree;

WHEREAS the Council has a set of standards for law schools to achieve and maintain accreditation. Law School Standard 316 is the accreditation standard that all accredited law schools must meet related to bar passage rates;

WHEREAS the ABA Council of Legal Education Standards Review Committee's Proposed Standard 316 seeks to change the bar passage standard. The proposed standard requires that every law school achieve a 75% bar passage rate within two calendar years of the student's date of graduation. Currently, Law School Standard 316 allows 5 years for law schools to meet the 75% standard. The proposed standard also seeks to eliminate the "gap standard" (Standard 316(b)) that allows for law schools to demonstrate that their bar passage rate is no more than 15 points below the average first-time bar passage rate for a jurisdiction;

WHEREAS the Southern University Board of Supervisors believes that the proposed changes to Law School Standard 316 will place an undue burden on law schools associated with Historically Black Colleges and Universities (HBCU's), and other law schools who have made a commitment to admitting a significant number of students of color.

WHEREAS, the Southern University Law Center was established in 1947 as the Southern University Law School to provide access to legal education to students of color in Louisiana who were denied access to legal education in Louisiana law schools because of their color. The Southern University Board of Supervisors believes that if the proposed changes to Law School Standard 316 are adopted, they will discourage law schools from recruiting students of color, thus having the unintended consequence of undermining efforts to increase racial diversity in the legal profession.

WHEREAS the Southern University Board of Supervisors recognizes that the HBCU law schools offer opportunity to many, particularly students of color, who would not ordinarily have an opportunity to attend law school. The statistical data is still very clear that law schools associated with HBCUs are responsible for an increasingly significant and disproportionate percent of the African American and other new lawyers of color added to the profession annually. Even more significantly, in those jurisdictions where an ABA approved
HBCU law school is present, that HBCU law school produces more African American graduates who successfully are admitted to the bar, than any other law school in that jurisdiction. In several instances, the HBCU law school produces more new lawyers of color than all the other law schools in the jurisdiction combined;

WHEREAS the Southern University Board of Supervisors notes that national data suggests that there often is a scoring gap between law graduates of color and white law graduates regarding bar examination passage. This gap exists for graduates of predominately white law schools and graduates of HBCUs. Without resolving why this gap occurs, it is nonetheless true for those law schools with a high concentration of students of color, such as HBCU law schools, that the impact on bar passage rates will often be disproportionately felt.

WHEREAS the Southern University Board of Supervisors concludes that adoption of a "two-year window" for 75% bar passage as non-compliance per se without regard to the diversity mission of HBCU law schools, and without complete analysis of the impact of the proposed standard on HBCUs, is arbitrary and concerning. The proposed standard also reflects a disregard for the implications of timing. Bar passage rates as well as law school applications across the country are at historic lows. Since 2013 national and jurisdictions' bar passage rates have plummeted. It is very likely that if this new standard is put into place a significant number of law schools accredited for decades by the ABA could be compelled to continuously supply justification to retain their accreditation.

NOW THEREFORE BE IT RESOLVED that the Southern University Board of Supervisors opposes the proposed changes to ABA Law School Standard 316;

BE IT FURTHER RESOLVED that the Southern University Board of Supervisors encourages the ABA to reject proposed Law School Standard 316, and to consider no changes to the standard until a complete analysis is done regarding the impact the rule would have on HBCU law schools and other law schools that have shown a significant commitment to diversity;

BE IT FINALLY RESOLVED that the Southern University Board of Supervisors supports the HBCU law schools and other law schools that oppose this standard change.

Done this 29th day of July

In the year 2016 in the city of Baton Rouge, Louisiana.

By:

Attested and Subscribed To:

Ray L. Belton, Ph.D.
President-Chancellor, Southern University-Baton Rouge

Leon R. Tarver II, Ph.D.
Chair
Southern University Board of Supervisors