Linda A. Klein  
President  
American Bar Association  
Chicago Headquarters  
321 North Clark Street  
Chicago, IL 60654  

Dear President Klein:

I am writing to express my concerns with a proposed amendment to Law School Standard 316. This amendment would require all accredited law schools to meet new, more stringent bar passage requirements in order to retain school accreditation. I am strongly concerned that this proposal would have a potentially negative impact on minorities and financially disadvantaged law students.

In its current form, Law School Standard 316 requires law schools to meet a 75% bar passage rate within five years after a class of its law students graduate. This amendment would require that every law school achieve a 75% bar passage rate within two calendar years of each class’s graduation. The two-year time frame places immense pressure on law schools to encourage their graduates to take consecutive bar exams in a short time period. This would create significant financial strain for many law school graduates, especially those who have limited financial resources.

This proposal could incentivize law schools to require higher LSAT and GPA scores for admission in order to protect their accreditation, thus hurting minority and financially disadvantaged applicants. Specifically, it will hurt Minority Serving Institutions, which are responsible for producing an increasingly significant amount of minority lawyers each year. The adoption of this two-year window and passage rate does not take into account the impact on certain law schools and is not appropriate given the diversity and mission of many law programs, which often include students of limited financial means.

Additionally, law school applications and Bar passage rates are at historic lows across the country. However, the American Bar Association’s (ABA) accreditation authorities should recognize this and reconsider this proposal.

The inherent uncertainty of the outcome could prove devastating not only for student retention and admission, but also for faculty, staff, and alumni. Therefore request that the Council and the Committee reconsider the adoption and implementation of this amendment pending an inclusive and comprehensive study on its potential negative impacts. Thank you for your consideration.

Sincerely,

Henry Cuellar Ph.D.  
Member of Congress  
Texas District 28