

Loyola Law School
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Gregory G. Murphy, Council Chairperson
Barry A. Currier, Managing Director of Accreditation and Legal Education
Section of Legal Education and Admissions to the Bar
American Bar Association
321 North Clark Street
Chicago, IL 60654

Re: Comments on proposed revisions to Standard 403(a)

To whom it may concern:

I am writing with regard to the Section's proposal to eliminate the current requirement that full-time faculty teach either (1) more than half of all of the credit hours actually offered by the law school, or (2) two-thirds of the student contact hours generated by student enrollment at the law school. The evident purpose of the proposal is to allow schools to staff all or most of their upper division courses with adjunct faculty and thereby reduce the cost of legal education.

The proposed rule, if adopted, would likely result in a more highly demarcated two-tiered system of legal education. Top-tier schools would probably continue to staff their upper division courses with full-time faculty. Other schools would come under intense market pressure to replace full-time faculty with adjuncts. In my experience, adjuncts rarely evidence the kind of commitment to teaching and dedication to student needs that good full-time faculty do. The quality of education in second-tier schools (the bulk of all accredited schools) would therefore likely decline. As a former law clerk and large-firm hiring partner, I believe there is a very real possibility that, in consequence, judges and large firms would stop hiring out of the second tier.

The students most likely to be affected would be those unable to gain admission to top-tier schools – the less well academically credentialed. Because diversity applicants and other applicants from underserved communities are on average less well academically credentialed, the proposal would have a vastly disproportionate impact on applicants of color and the communities they serve. The resulting two-tiered structure would therefore reintroduce “separate but equal” education. Yes, cheaper schools for “coloreds” did reduce expenses, but at enormous social cost.

I therefore oppose the proposed rule change.

Very truly yours,

Theodore P. Seto
Hon. Frederick J. Lower, Jr. Chair and
Professor of Law