May 17, 2019

Section of Legal Education and Admissions to the Bar Council  
c/o Barry Currier  
American Bar Association  
321 N. Clark Street  
Chicago, IL, 60654

Re: ABA Accreditation Standard 316 – Proposed Bar Passage Rule

Dear Mr. Currier and Council members:

Earlier this week we learned that the Council on Legal Education will reconsider the amendments proposed for Standard 316. As Deans of the Pontifical Catholic University of Puerto Rico School of Law and Interamerican University Law School, we want to communicate our opposition to the proposed Standard 316. For decades, our schools had complied with the standards of accreditation of the ABA. However, if the amendment before the Council is approved, it will jeopardize not only the accreditation of our schools but the island’s entire legal system.

Puerto Rico has one of the lowest bar passage rates in the United States. Reports form the National Conference of Bar Examiners show that in the past year, the bar passage in our island was 36%, same as California. While much has been discussed about the implication of the proposed Standard 316 for schools in California, HBCU and other minorities, nothing has been said about its impact in Puerto Rico. As of today, none of our schools will comply with the proposed standard. The University of Puerto Rico had a bar passage for the class of 2016 of 69.8%, the Interamerican University of Puerto Rico has a 57.2% and the Pontifical Catholic University of Puerto Rico has 54.4%. It is important to note that neither the MBE of the UBE are offered in Puerto Rico. Currently, the local bar exam is designed and administered by a board appointed by the Supreme Court of Puerto Rico. In recent years, efforts have been made to reform our bar exam but the Supreme Court has not answered our demands.

Moreover, most of Puerto Rico’s lawyers are trained in the island. Language and the particularity of our legal system are some of the reasons that compel students to get their Juris Doctor in local schools. Also, even private law schools in the island are more affordable than public school abroad. To adopt the proposed amendments to Standard 316 would put our schools in a difficult situation as we are still recovering from the recent hurricanes at the same time our country is facing an uncertain economic future that is forcing its people to move to the mainland. With the approval of Standard 316, probably none of Puerto Rico law schools would have an accreditation from the ABA. The Supreme Court of Puerto Rico requires a lawyer’s degree from a law school accredited by the ABA for the admission to practice law before local courts. Thus, Standard 316 would likely result in a massive exodus of students to the mainland; decrease of the analysis and study of our local laws, case-law, legal system and social problems; an eventual effect in our society, and the end of our local law schools as we know them.
I reiterate our opposition to the proposed Standard 316 and hope that you consider the effects that its approval would have in Puerto Rico.

Finally, as we are working with this letter the results from the March 2019 bar exam just came in. Of 417 takers just 132 passed the exam, national pass rate dropped to 32%. None of the six persons that studied law in the United States and sat for the exam passed.

Sincerely,

s/ Fernando Moreno Orama
Interim Dean
Law School
Pontifical Catholic University of Puerto Rico
fernando_moreno@pucpr.edu

s/ Julio Fontanet Maldonado
Dean
School of Law
Interamerican University of Puerto Rico
jfontane@juris.inter.edu