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The Honorable Rebecca White Berch
Justice, Arizona Supreme Court

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Notes from the Incoming Chair

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As I write this inaugural letter as chair of the Council, issues relating to law schools are emblazoned on the news and editorial pages of influential print and e-media, from the New York Times and the Wall Street Journal to the National Law Journal – in addition, of course, to academic journals and blogs. Subjects range from the effects of the economy on law school admissions and new-lawyer job prospects to the need to rein in the cost of legal education – or at least make the allocation of costs among students more fair.

These economically driven issues, continuing work on proposals from the Standards Review Committee and the Data Policy and Collection Committee, and other issues will shape the work of the Council this coming year. The ABA Task Force on the Financing of Legal Education, chaired by Dennis Archer, and the ABA Task Force on the Future of Legal Education, chaired by Randy Shepard, have provided additional ideas for consideration. And as always, we will consider the work of the Accreditation Committee as it assesses the work of its fact-finders who review law school programs, both established and new.

Also on the agenda for this year is preparation for Council re-recognition by the U.S. Department of Education as the official accrediting entity for American law schools. We are to appear before department representatives early in 2016. Our job is to assure the department that the Council fully understands and implements its recognition criteria and is committed to the goal of ensuring that accredited law schools provide sound programs of legal education. We will also confirm that we have in place consistently applied and fair procedures designed to protect the interests of the public, law students and potential students, and law schools.

As we begin the work for the year, I marvel at the amazing talent of the many volunteers who support the work of the Section and Council. If we were charged going rates for the thousands of hours donated by the academicians, practicing lawyers, judges, and talented lay volunteers who so generously give of their time, we couldn’t afford ourselves. We are immensely grateful for their help.

The accreditation process also asks much of the schools that we approve. But that process helps determine access to the profession, assures that students get a good legal education, and protects the public. We are grateful for the time and energy spent by deans, professional staff, and faculties of the law schools in ensuring that their programs operate within the Standards and that they gather and submit the required reports.
We will continue to do our work openly and transparently. To that end, we often seek input from other ABA groups, constituent and affiliate groups, and members of the public. We do appreciate and seriously consider all comments. I look forward to hearing from any interested persons throughout the year, and thank you for taking the time to bring your thoughts to our attention and your interest in our work.
Deans Dan Rodriguez and David Yellen recently have written on the Law Deans on Legal Education Blog about tuition discounting, the practice of providing a reduction in the stated tuition (the so-called sticker price) to a student as an inducement to accept an offer of admission to enroll at the school making the offer. This is an important matter for legal education. The better the data on discounting (and its mirror image – net tuition paid), the more informed and intelligent a discussion about it will be.

Yellen began the conversation with a post flowing from an Inside Higher Education report that freshmen at private colleges and universities in the Fall 2014 received, on average, a 48% discount rate off the stated tuition. This is a 10 percentage point and 26 percent increase in the discount rate over the last decade. Yellen speculated that this rate was likely close to or above the average rate for legal education and that discounting in law schools was also on the rise. The IHE piece further reported that 89 percent of first-time, full-time college enrollees received at least some discount. Only a very small fraction of new students at these schools, apparently, paid the advertised tuition.

Rodriguez agreed that the matter deserves attention. But, he reminded us, we do not know the average discount rate for any school, at least through the data currently collected by the ABA. Further, we know much less about how discount dollars are distributed, at both the local and aggregate levels, including the role that financial need plays in how they are awarded.

There certainly are limits to what we can know from the way the ABA collects data on “grants and scholarships” as it is called. The Standard 509 consumer information that schools are required to post reports a median grant amount for those receiving aid, not the average; it provides rough cuts on how many students received grants by level of award (e.g., “full tuition,” less than ½ tuition”). But the data collected and the way it is published have remained static for many years as law school practices have changed.

Nonetheless, the data we do have provide a basis for some analysis, which the recently released ABA Task Force on Financing Legal Education Report (at pages 24-31) undertook. From the report, it is fair to assume that discounting is growing in law schools at or beyond the rate of growth reported for private undergraduate schools reported above.
Importantly and not surprisingly, the level of discounting varies with the strength of a law school’s entering class (measured by median LSAT scores). The higher the LSAT median, as a general matter, the lower the discount rate. Further, the Task Force Report noted that the percentage of students paying full price has decreased, similar to what is taking place in the undergraduate space. The percentage of law students receiving a discount is not on a par with the 89% figure reported for undergraduate schools, but that percentage for law students has increased from ~42% in the 1999-2000 academic year to ~62% in the 2013-2014 academic year.

Should more specific and comprehensive information about tuition discounting be collected and reported? Would reporting the average discount rate or average net tuition paid by a student at a school be helpful or should there be finer-grained reporting of discounting to provide greater insight on how and to whom schools distribute these awards? Could we arrive at a definition of “discounting” or “net tuition” that would work across the board for all law schools, public and private? Wouldn’t it be more useful, for example, for applicants to have a verified and consistently reported average discount or net tuition paid figure to compare to what a school is offering them?

Schools may consider this information proprietary, but the fact that the ABA does not report more about discounting and net tuition paid does not mean that information is not out there. The question is whether the information that circulates is reliable, verified, comparable, and consistent information. Students and law school admissions staffs know that there are a plethora of blogs, bulletin boards, and other ways in which students trade information about the deals they are being offered:

**Dear Bulletin Board:** I am a 3.6 Poli Sci major from an Ivy League school with a 163 LSAT. I have been accepted at two law schools. Outstanding Law School #1 offered me a scholarship of $X, guaranteed for 3 years. Outstanding Good Old Major State U. offered me a guaranteed free ride for the entire J.D. program. What should I do? What are others’ offers looking like?“ Signed, Just Wondering.

**Dear Just Wondering:** I have a 3.5 from another Ivy League school and a 166 LSAT. Outstanding Law School #1 offered me $X+Y for three years. Signed, Don’t Know Why They Love Me So Much, But I’m Glad They Do.

**Phone message left on Dean of Admissions at Outstanding Law School #1:** This is Just Wondering on the line. Please give me a call at your earliest convenience. I am very interested in your school, but I have another very good offer from another school that I am seriously considering. Can we talk?

Given the importance of this information to students, law schools, the profession, and the public, would it make sense for the ABA to move toward collecting and more explicitly reporting more data about discounting? Is doing so, in fact, necessary and appropriate to be true to the spirit of Standard 509 that consumers should have complete, accurate, and not misleading information about law schools. As both Deans Yellen and Rodriguez suggest, this may be a conversation worth having.
In an effort to expand the important value we deliver to our members and the legal education community by way of practical, resourceful and cutting-edge publications, we are excited to announce that the Section has appointed a Publications Committee for the 2015-2016 year. Chaired by Anthony Niedwiecki of The John Marshall Law School in Chicago, the committee’s primary charge will be to provide oversight to the Section’s Publications Program and to work with Section and ABA publishing staff to create an on-going 3-5 year plan for updating existing Section publications and identifying new titles and authors. The committee will also review legal education-related book proposals and will provide peer review on manuscripts of accepted book proposals.

I encourage you to visit the Section's publications website to learn more about the array of resources and publications we currently offer, which cover important topics ranging from legal reasoning for law students and business professionals to international bar admissions and legal writing programs, to name a few. And don’t forget, ABA and Section members receive discounts on many of our books.

In addition to our books, the Section publishes essential annual publications including the ABA Standards and Rules of Procedure for Approval of Law Schools, the Comprehensive Guide to Bar Admission Requirements, and the Annual Report.

Our publications program also offers valuable writing opportunities. If you are interested in writing for our quarterly electronic newsletter, Syllabus, visit the Syllabus homepage for the submission guidelines. If your interests lie in book publishing, visit the ABA Publishing website for author guidelines and the author book proposal form.

A Word from Committee Chair, Anthony Niedwiecki
“I look forward to working with the Committee to identify issues and topics that will be helpful to members of the Section and those involved with legal education. I am sure that a priority of the Committee will be to help produce publications that address the significant changes we have seen in legal education and the practice of law over the past several years.”

We Want to Hear from You
We always welcome your comments and suggestions. If you would like to submit a suggestion regarding
a current or potential publication, or any matter related to our publishing program, please contact me at Erin.Ruehrwein@americanbar.org.
Section Members Gather in Chicago at the ABA Annual Meeting

Chair's Dinner: Thursday, July 30, University of Chicago's Gleacher Center

ABA President and former Council member Paulette Brown (second from left) joined Council Chair Joan Howland (second from right) and House of Delegates representatives Ruth McGregor (left) and Christine Durham (right) during the Chair's Dinner reception hour.

Among the event's festivities was recognition of the service by out-going Council members Solomon Oliver Jr., Tracy Giles, and Morgan Sammons.
The Chair's Dinner is a good time to socialize with colleagues and meet new ones.
Tom Sullivan, the 2015 Kutak Award recipient, celebrated with his family and staff.
Several former Kutak Award recipients were on hand to welcome Tom Sullivan to their ranks: (left to right) Peter Winograd, James White, Tom Sullivan, Erica Moeser, Jeffrey Lewis, and Gerald VandeWalle.
Navigating the Waters of Student Debt: Sunday, August 2, Chicago Marriott Downtown Magnificent Mile

The Section co-sponsored a successful joint program, *Navigating the Waters of Student Debt*, with the Law Student Division on Sunday, August 2nd during the ABA’s Annual Meeting in Chicago. The complimentary program featured a panel that included 2014-2015 Section Chair Joan Howland and Section Secretary Edward Tucker, as well as Amy Tien-Gordon of Access Group, and law students Josephine Bahn, Christopher Jennison and Linamaria Perez. The interactive discussion advised students on how they can prudently manage their finances while pursuing their legal education and establishing themselves in the legal profession.

Read the [ABA Journal article](#) about the program.

The Section also participated in the Young Lawyers Division’s Section Connect Fair during the Annual Meeting, which allowed the opportunity to connect with young lawyers and make them aware of the Section’s various publications and resources for young lawyers.
Rebecca White Berch, Justice of the Supreme Court of Arizona, is the 2015-2016 Section Council Chair

The slate of Council officers and members was unanimously approved at the Section’s business meeting, Saturday, August 1, in Chicago. The Honorable Rebecca White Berch, justice of the Supreme Court of Arizona became the chair of the Council. Gregory G. Murphy, a private practitioner from Billings, Montana, is the chair-elect, and Maureen O’Rourke, dean of Boston University School of Law is the vice chair.

Members-at-large Antonio García-Padilla, dean emeritus and professor at the University of Puerto Rico School of Law; James M. Klein, distinguished visiting professor at Charleston Law School; Cynthia Nance, dean emeritus and professor at the University of Arkansas School of Law (Fayetteville); and The Honorable Jequita H. Napoli, special judge, Cleveland County District Court (Norman, Oklahoma) were all re-elected to three-year terms.

New members-at-large elected to three-year terms are Leo P. Martinez, professor at the University California Hastings College of the Law; Charles Ray Nash, vice chancellor for academic and student affairs in the University of Alabama System; and The Honorable Mary Russell, chief justice of the Supreme Court of Missouri.

The Honorable Solomon Oliver Jr., chief judge in the U.S. District Court, Northern District, was elected to a three-year term as a House of Delegates representative. Josephine Bahn, a student at New York Law School, will serve as the Law Student Division member during 2015-2016.

The complete 2015-2016 Council roster can be viewed on Section's Leadership page.
Join Us for One of These Upcoming Conferences

Law School Development Conference
May 31-June 3, 2016
Marriott Marquis San Diego
San Diego, California

We are pleased to announce the return of the Law School Development Conference. Registration will open in early 2016 for this premier conference that offers valuable opportunities to learn about the current law school development landscape while networking with your colleagues and other law school development professionals.

Associate Deans Conference
June 16-19, 2016
Loews Minneapolis Hotel
Minneapolis, Minnesota

Join other law school associate/assistant deans for discussions on how the ever-changing landscape of legal education affects the roles of the associate and assistant deans.
ABA President Paulette Brown’s **ABA Everyday** initiative provides a free member benefit every day for the length of her term as President. Members-only content includes CLE and non-CLE programming, sample book chapters, articles, checklists, podcasts and more. [View the calendar today](#)!

**Law Student Division Annual Competitions**

Registration for the ABA Law Student Division competitions is now open. These practical skills competitions offer students opportunities to apply what they are learning in class through intraschool, regional, and national competitions. The competitors also have opportunities to meet and network with other law students and legal practitioners.

For more information, visit the [LSD competitions page](#).

**Call for Nominations for the 2016 Margaret Brent Women Lawyers of Achievement Awards**

Do you know an outstanding woman lawyer who has achieved professional excellence in her field and has paved the way to success for other women lawyers? The ABA Commission on Women in the Profession is seeking nominations for the 26th Annual Margaret Brent Women Lawyers of Achievement Awards. The awards will be presented at a luncheon on Sunday, August 7, 2016, during the ABA Annual Meeting in San Francisco.

The deadline to submit the nomination form and supporting materials is the close of business on Friday, December 4, 2015. For more information and to submit a nomination, please visit the [ABA Commission on Women in the Profession](#).
New Dean Appointments

The Section has been advised of the following new dean appointments:

Appalachian School of Law
Daniel H. Caldwell
July 2015

Florida A&M University College of Law
Interim Dean Darryll Jones
July 1, 2015

Florida Coastal School of Law
Scott DeVito
August 1, 2015

University of Illinois College of Law
Vikram Amar
August 16, 2015

Liberty University School of Law
B. Keith Faulkner
October 1, 2015

Loyola University-New Orleans, College of Law
Interim Dean Lawrence W. Moore, S.J.
August 1, 2015

University of New Mexico School of Law
Co-Dean Alfred Mathewson
Co-Dean Sergio Pareja
August 1, 2015

Southern University Law Center
Interim Chancellor John Pierre
July 2015

Syracuse University College of Law
Interim Dean William Banks
August 2015
Third Party Comments Invited for Law Schools Undergoing Accreditation Site Visits in Spring 2016

The law schools listed below are scheduled for sabbatical, provisional, or full approval site evaluation visits in spring 2016. Any additional visits scheduled after this notice will be posted on the Section’s website.

Consistent with Internal Operating Procedure 3(a), written comments related to current compliance with the Standards for Approval of Law Schools may be submitted to the ABA Section of Legal Education and Admissions to the Bar with respect to law schools scheduled for site visits. Interested parties wishing to comment on current compliance with accreditation standards by law schools undergoing accreditation site visits during spring 2016 are encouraged to submit signed, written comments to the Section by January 15, 2016.

Law schools undergoing accreditation site visits in Spring 2016 are:

- University of Akron School of Law (Sabbatical)
- Appalachian School of Law (Sabbatical)
- University of Buffalo Law School-SUNY (Sabbatical)
- Catholic University of America School of Law (Sabbatical)
- University of the District of Columbia (Sabbatical)
- Fordham University School of Law (Sabbatical)
- George Washington University Law School (Sabbatical)
- Hamline University School of Law (Sabbatical)
- The John Marshall Law School-Chicago (Sabbatical)
- University of Massachusetts School of Law-Dartmouth (Provisional)
- University of Memphis School of Law (Sabbatical)
- University of North Texas-Dallas School of Law (Application for Provisional)
- Notre Dame Law School (Sabbatical)
- Southern Illinois University School of Law (Sabbatical)
- Stanford University Law School (Sabbatical)
· University of Utah College of Law (Sabbatical)

· Wayne State University Law School (Sabbatical)

· West Virginia University College of Law (Sabbatical)

Written comments should be sent to:
William Adams
American Bar Association
Section of Legal Education and Admissions to the Bar
321 N. Clark Street
Chicago, IL 60654-7598
william.adams@americanbar.org

Note: Your comments must be signed. Comments, with the signatures redacted, may be provided to the law school and to members of the site team reviewing the law school. Only comments directly related to the ABA Standards and Rules of Procedure for Approval of Law Schools will be considered.