

Memorandum

TO: Council on the ABA Section of Legal Education and Admissions to the Bar

FROM: ABA Coalition on Racial and Ethnic Justice
Lillian Moy, Chair
ABA Commission on Disability Rights
Robert Gonzales, Chair
ABA Commission on Hispanic Legal Rights & Responsibilities
Richard Pena, Chair
ABA Commission on Sexual Orientation & Gender Identity
Victor Marquez, Chair
ABA Commission on Women in the Profession
Stephanie Scharf, Chair
ABA Council for Diversity in the Educational Pipeline
Matthew Archer-Beck, Chair
ABA Law Student Division
Negeen Sadeghi-Movahed, Chair
ABA Young Lawyers Division
Tommy Preston, Chair
Clinical Legal Education Association (CLEA)
Professors Lisa V. Martin & Daniel Schaffzin, Co-Presidents
HBCU Law Deans Gary Bledsoe, John C. Brittain, Elaine O’Neal, John Pierre, &
LeRoy Pernell
Hispanic National Bar Association (HNBA)
Jennifer Salinas, President
Society of American Law Teachers (SALT)
Professors Matthew Charity & Davida Finger, Co-Presidents

SUBJECT: Proposed Revision of Standard 316

DATE: February 20, 2019

We ask the Council to act with restraint in light of the serious concerns that led so many groups and members of the ABA House of Delegates to once again reject the Council’s proposed changes to Standard 316 relating to bar passage.

This could be a moment of fruitful collaboration. We ask the Council to initiate a new consideration of Standard 316 involving stakeholders in a thorough, transparent, and inclusive discussion of the goals of and implementation concerns about Standard 316, accompanied by

serious study of the Council's proposal and possible alternatives.

As you know, the significant concerns expressed in the House of Delegates include:

- the potential impact on the diversity of our profession;
- the lack of study or evidence of what language in Standard 316 (two or three or four years for compliance, for example) would minimize the negative impact on diversity;
- the basic flaw of a Standard that takes no account of wide disparities in degree of difficulty of bar exams from state-to-state, of the impact on states with very few law graduates, or of problems from accepted students transferring to higher ranked schools after a successful 1L year, for example;
- the need for more targeted strategies to address the problems of consumer protection and law school debt;
- the harm to the public of pushing law students to train even more for the current exams instead of preparing for the wider competencies required for practice of law;
- the bad timing of attempting this change now during a largely unexplained generational downturn in bar passage; and
- the bad timing of attempting this change now when serious study may be putting licensing tests on the cusp of significant change.

The overwhelming negative vote of the House of Delegates and strong opposition of so many sections and colleagues indicate that more work and dialogue are needed before action is taken. We implore the Council to act with restraint and care.

Thank you for your attentiveness to these important issues. Please feel free to contact Matthew Archer-Beck at archerbeckm@sec.gov on behalf of the ABA Goal III entities, Lacy Durham at lacydurhamlaw@yahoo.com for the ABA Young Lawyers Division, Professor Kendall Kerew at kkerew@gsu.edu for the Clinical Legal Education Association (CLEA), Chancellor John Pierre at Jpierre@sulc.edu for the HBCU Law Deans, Professor Denise Roy at denise.roy@mitchellhamline.edu for the Society of American Law Teachers (SALT), or Negeen Sadeghi-Movahed at negeen.sadeghi@student.american.edu for the ABA Law Students Division with any questions or responses.

cc: William E. Adams, Jr., Deputy Managing Director, ABA Section of Legal Education and Admissions to the Bar
Hilarie Bass, Immediate Past-President, American Bar Association
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Robert M. Carlson, President, American Bar Association

Barry Currier, Managing Director, ABA Section of Legal Education and Admissions to the Bar

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