ABA may join push for law school transparency
By Karen Sloan
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Pleas for more transparency about the cost of law school and the odds of finding a job after graduation have not fallen on deaf ears at the American Bar Association.

President Steve Zack told a gathering of law school deans and professors last week that the organization is considering requiring law schools to disclose cost and employment statistics to all accepted law school applicants. The effort, dubbed "Truth in Law School Education," is still in the planning phase, but Zack hopes the ABA's Young Lawyers Division will consider the proposal in February.

Meanwhile, the Section of Legal Education and Admissions to the Bar questionnaire committee — which determines what appears on the annual questionnaire that law schools must fill out — is examining what salary and employment questions should be included and how that information should be made public.

Similarly, a subcommittee of the group reviewing the ABA's law school accreditation standards has been formed to look specifically at standard 509, which covers the consumer information law schools must collect and disclose.

"A lot of attention has been focused on employment data, and our subcommittee will be proposing much more rigorous requirements," said David Yellen, dean of Loyola University Chicago School of Law and chairman of the standard 509 subcommittee. "The current standard is very general — you could even call it vague. People have been comparing apples to oranges because schools report what they want."

For example, schools have to disclose to the ABA what percentage of their graduates are employed nine months after graduation. They don't have to disclose whether students have part-time jobs, full-time jobs, jobs paid for by their law school or jobs that don't require a J.D., Yellen said. Much of his information is already collected by the National Association for Law Placement, and should be required and disclosed by the ABA, he said.

The subcommittee on standard 509 is still in the early stages, however, and likely won't have its recommendations until some time in 2011.

The Truth in Law School Education resolution could come sooner, said David Wolfe, the chairman of the ABA's Young Lawyers Division. Presuming it passes its first test before the young lawyers division, the House of Delegates would consider the resolution in August.

"It's still in the works, but it will link the requirement to disclose employment and cost information with accreditation," he said. "You would get that information with your letter of acceptance to a law school. We want people to go to law school with their eyes open."
It is cause for concern that the number of law school applications is higher than ever at a time when law firms are shedding jobs, Zack said. He attributes some of that disconnect to applicants who lack an accurate sense of what lawyers do or how much they earn.

"What's out there right know is Boston Legal or L.A. Law," he said. "There's a total lack of awareness out there. They hear these astronomical salaries which reflect just the top 3% of students who go to the top 10 law firms."

Law schools have an incentive to present data in the best possible light, since law schools are "huge profit centers" on college campuses, Zack said.

Both Wolfe and Zack acknowledged that simply requiring law schools to disclose data already collected by the ABA would not address concerns that those statistics are misleading and skewed to begin with.

"I think some of the numbers are cooked. To play the U.S. News & World Report game, law schools are creating jobs for graduates so they can say they are employed when they really aren't," Zack said. "Still, [prospective students] will know enough to ask more questions."

The questionnaire committee plans to hold a hearing on the employment and salary issue on Dec. 13 in Fort Lauderdale, Fla. Students, career placement officers and others may submit comments in writing, said chairman Art Gaudio, who is the dean of Western New England College School of Law.

"What we're trying do is find out what the issues are and where we can improve," he said.

Kyle McEntee, a co-founder of Law School Transparency, a nonprofit based in Tennessee that pushes for better employment and salary information from law schools, said it's appropriate for the ABA to take the lead on this issue.

"This is the ABA's job," he said. "They're a regulatory body. This is exactly what they should be doing, and we're thrilled that they're taking this up. What we're doing right now isn't good enough."

However, McEntee said, it wouldn't do much good if the ABA simply required disclosure of the same limited data it already collects.

Law School Transparency has asked all 200 ABA-accredited law schools to commit to providing it with far more detailed employment and salary data. Thus far, only one school — Ave Maria School of Law in Naples, Fla. — has agreed to do so.

"Students deserve more consistent and accurate data," Yellen said.