ABA Committee Approves New Law School Disclosure Requirements
By Mark Hansen
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An ABA committee has approved a proposed new accreditation standard that would greatly expand the amount of graduate placement data law schools must publicly disclose to prospective students. But it wasn't easy.

Committee members got into a protracted and sometimes testy debate Saturday over one provision of the proposed new standard that would require law schools to post school-specific salary information about graduates on their websites.

Several committee members questioned the wisdom of such a requirement, which they felt could be misleading. But the provision was eventually approved—along with the rest of the proposed changes—after an effort to delete the school-specific salary requirement from the proposal failed.

The proposed changes, approved Saturday by the Section of Legal Education and Admissions to the Bar's Standards Review Committee, which met over the weekend in Washington, D.C., will be presented to the section's governing council at its March 16-17 meeting in Fort Lauderdale, Fla.

If adopted, the proposed changes would require law schools to post far more detailed consumer information on their websites than they are required to now, including bar passage rates and employment outcomes for graduates by job status and employment type.

Law schools also would be required to disclose conditional scholarship retention data, including the number of students admitted under such scholarships over a three-year period and the number of students whose scholarships were subsequently reduced or eliminated.

With the exception of the school-specific salary data, the Standards Review Committee's proposal is nearly identical to the changes made in the annual questionnaires law schools are required to complete, which the council approved in December.

The questionnaire committee, which proposed those changes, decided not to collect school-specific salary information on the grounds that not all graduates choose to disclose their salaries, and those who do tend to be the ones earning the most. It decided instead to rely on the National Association for Law Placement for salary data, which it plans to publish only on a statewide basis.

Several members of the Standards Review Committee voiced support for the Questionnaire Committee's approach, suggesting that the voluntary nature of the salary reporting information would skew the results upward.
But committee member and Loyola University-Chicago School of Law dean David Yellen, who drafted much of the proposal and shepherded it through the committee, persuaded all but one of his fellow committee members that incomplete salary data is better than none at all.

"Is it perfect? Absolutely not," he said. "But it's certainly not misleading in the sense that it provides an accurate portrayal of how graduates are doing in the job market."

Committee member Kurt Schmoke, the dean of Howard University School of Law, remained unconvinced, saying incomplete data is inherently misleading.

"We don't give consumers information that we know is incomplete and therefore inaccurate," he said.

Schmoke, who voted against the proposal, suggested afterward that he might file a minority report spelling out his objections with the council.