

October 2009

HIGHER EDUCATION

Issues Related to Law School Cost and Access

This report was revised on December 7, 2009, to incorporate corrected information not available at the time of publication. The figure on slide 13, on page 17, has been accordingly revised, and a new figure has been inserted on slide 14, on page 18.



GAO

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Contents

Letter		1
Appendix I	Briefing Slides	5
Appendix II	Comments from the American Bar Association	40
Appendix III	GAO Contact and Staff Acknowledgments	42
Table		
	Table 1: Summary of Law School Contacts	3

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United States Government Accountability Office
Washington, DC 20548

October 26, 2009

The Honorable Tom Harkin
Chairman
The Honorable Michael B. Enzi
Ranking Member
Committee on Health, Education,
Labor, and Pensions
United States Senate

The Honorable George Miller
Chairman
The Honorable John P. Kline
Ranking Member
Committee on Education and Labor
House of Representatives

In order to participate in federal student financial aid programs, law schools must be accredited by an agency recognized by the Department of Education (Education).¹ Accreditation is intended to ensure that schools provide basic levels of quality in their educational programs, and Education recognizes those accrediting agencies that it concludes can reliably determine the quality of education provided by the schools and programs they accredit. The American Bar Association's (ABA) Council of the Section of Legal Education and Admissions to the Bar serves as the main accrediting agency for law schools, and students who attend one of the 200 ABA-accredited law schools can take the bar examination in any jurisdiction in the country. There are also several law schools that are accredited by other Education-recognized accrediting agencies such as the Western Association of Schools and Colleges. Graduates of some of these non-ABA-accredited law schools are eligible to take the bar examination in their own state, but may not do so nationwide.

The ABA's accreditation standards focus on a number of issues, including schools' facilities, student support services, faculty, admissions practices, and graduates' passage of the bar exam. Concerns have been raised about how some of these accreditation standards may affect the cost of attendance and minority access. In 2007, we reported on the ABA's

¹20 U.S.C. § 1099b(j).

process for accrediting law schools and questions that had been raised about the process.² In this report, in response to a mandate in the Higher Education Opportunity Act,³ we examine the following questions: (1) How do law schools compare with similar professional schools in terms of cost and minority enrollment? (2) What factors, including accreditation, may affect the cost of law school? (3) What factors, including accreditation, may affect minority access to law school?

We briefed your staff on the results of our analysis on September 2 and 3, 2009, and this report formally conveys the information provided during that briefing (see appendix I for the briefing slides). In summary, we reported the following:

- Since 1994, tuition and fees at law schools and selected professional schools have increased, and trends in minority enrollment have been comparable across types of schools. At law, medical, and dental schools during this time period, Hispanics and Asians/Pacific Islanders increased as a share of enrollment or stayed at about the same level, while African American enrollment declined or stayed at about the same level.
- According to law school officials, the move to a more hands-on, resource-intensive approach to legal education and competition among schools for higher rankings appear to be the main factors driving the cost of law school, while ABA accreditation requirements appear to play a minor role. Additionally, officials at public law schools reported that recent decreases in state funding are a contributor to rising tuition at public schools.
- Most law school officials do not cite ABA accreditation standards as having an impact on minority access at their schools. Lower average Law School Admission Test (LSAT) scores and undergraduate grade point averages (GPA) may have negatively affected some African Americans and Hispanics.

We used the following methodologies to develop our findings. To compare law schools with similar professional schools in terms of cost and minority enrollment, we selected medical, dental, and veterinary schools based on Education's list of first-professional degree programs and the availability of cost and enrollment data, and analyzed data on tuition and enrollment

²GAO, *Higher Education: Issues Related to Law School Accreditation*, [GAO-07-314](#) (Washington, D.C.: Mar. 8, 2007).

³Pub. L. No 110-315, sec. 952, § 3001(i), 122 Stat. 3078, 3473 (2008).

from Education’s Integrated Postsecondary Education Data System (IPEDS) for these schools. We determined that IPEDS data are sufficiently reliable for the purposes of this report by testing them for accuracy and completeness, reviewing documentation about systems used to produce the data, and interviewing agency officials. Additionally, we analyzed data from the ABA and the Association of American Medical Colleges (AAMC) on students’ law and medical school debt. To determine the reliability of these data, we interviewed ABA and AAMC officials about limitations with the data collected and uses of the data. We found these data to be sufficiently reliable for our purposes. We adjusted the historical tuition, fee, and debt data for inflation using the gross domestic product price index.

To examine what factors, including accreditation, may affect law school cost and minority access, we reviewed documentation from the ABA and the Law School Admission Council (LSAC), and analyzed LSAC’s data on law school acceptance rates. We also interviewed officials from 22 law schools, including 19 ABA-accredited schools and 3 schools accredited by other agencies recognized by Education (non-ABA-accredited). We selected this nonprobability sample to reflect a range of characteristics, including institutional control (public, private not-for-profit, private for-profit), geographic location, school size, minority enrollment, and average LSAT score (see table 1). Finally, we spoke with a diverse group of law students from 1 ABA-accredited and 1 non-ABA-accredited school, student representatives from 2 minority law student associations, and officials from the ABA and LSAC.

Table 1: Summary of Law School Contacts

Type of law school	Total number of law schools	Sample size
ABA-accredited	200	19
Public	81	9
Private, not-for-profit	113	9
Private, for-profit	6	1
Non-ABA-accredited	11	3
Public	1	0
Private, not-for-profit	7	2
Private, for-profit	3	1
Total	211	22

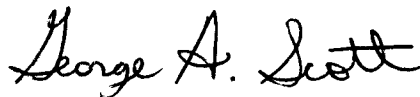
Source: GAO analysis of Education and ABA data.

We conducted this performance audit from March through August 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We provided copies of a draft of this report to the Department of Education and the American Bar Association for review and comment. The Association of American Medical Colleges and the Law School Admission Council received selected excerpts of the report to review the findings related to the respective data they provided, and we made changes as appropriate. Education had no comments on the draft report. The ABA said that the report was generally accurate, balanced, and fair. See appendix II for the ABA's comments.

We are sending copies of this report to relevant congressional committees, the Secretary of Education, and other interested parties and will make copies available to others upon request. In addition, this report will be available at no charge on GAO's Web site at www.gao.gov.

If you or your staff has any questions about this report, please contact me at (202) 512-7215 or scottg@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff members who made key contributions to this report are listed in appendix III.



George A. Scott
Director, Education, Workforce,
and Income Security Issues

Appendix I: Briefing Slides



Higher Education: Issues Related to Law School Cost and Access

**Briefings for the Senate Committee on
Health, Education, Labor, and Pensions
and the House Committee
on Education and Labor**

September 2009



Overview

- Research Objectives
- Scope and Methodology
- Summary of Findings
- Background
- Findings



Research Objectives

In response to a mandate in the Higher Education Opportunity Act (Pub. L. No 110-315, sec. 952, § 3001(i), 122 Stat. 3078, 3473 (2008)), we addressed the following questions:

1. How do law schools compare with similar professional schools in terms of cost and minority enrollment?
 2. What factors, including accreditation requirements, may affect the cost of law school?
 3. What factors, including accreditation requirements, may affect minority access to law school?
-



Scope and Methodology

To address our research objectives, we:

- Reviewed documentation from the American Bar Association (ABA) and the Law School Admission Council (LSAC).
- Identified medical, dental, and veterinary schools as the most appropriate similar professional schools based on the Department of Education's (Education) list of first-professional degree programs and the availability of cost and enrollment data on these schools.
- Analyzed data on tuition and enrollment from Education, the ABA, LSAC, and the Association of American Medical Colleges, and found these data to be sufficiently reliable for our purposes.
 - Data from Education's Integrated Postsecondary Education Data System (IPEDS) covered the period from 1994/1995 through 2007/2008.
 - Data on acceptance rates reflected the period from 2000/2001 through 2007/2008.
 - Data on student debt covered 2001/2002 through 2007/2008.



Scope and Methodology (cont.)

We interviewed:

- Officials from 22 law schools, including 19 ABA-accredited schools and 3 schools accredited by other agencies recognized by the Department of Education (non-ABA-accredited).
 - We selected this nonprobability sample to reflect a range of institutional control (public, private not-for-profit, private for-profit), geographic location, school size, minority enrollment, and average Law School Admission Test (LSAT) score.
 - A diverse group of law students from one ABA-accredited and one non-ABA-accredited school.
 - Representatives of two minority law student associations, the ABA, and other professional associations.
-



Scope and Methodology (cont.)

- We conducted this performance audit from March to August 2009, in accordance with generally accepted government auditing standards.
 - Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives.
 - We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.
-

Summary of Findings



Multiple Factors May Affect Law School Cost and Access; Accreditation Requirements Do Not Appear to Be a Major Driver

- Since 1994, tuition and fees at law schools and selected professional schools have increased, and trends in minority enrollment have been comparable across types of schools. At law, medical, and dental schools during this time period, Hispanics and Asians/Pacific Islanders increased as a share of enrollment or stayed at about the same level, while African American enrollment declined or stayed at about the same level.
- According to law school officials, the move to a more hands-on, resource-intensive approach to legal education and competition among schools for higher rankings appear to be the main factors driving law school cost, while ABA accreditation requirements appear to play a minor role. Additionally, recent decreases in state funding are seen as a contributor to rising tuition at public schools.
- Most law school officials do not cite ABA accreditation standards as having an impact on minority access at their schools. Lower average LSAT scores and undergraduate grade point averages (GPA) may have negatively affected some African Americans and Hispanics.

Background



Law School Accreditation

- To be eligible to participate in federal student aid programs, a postsecondary school must be accredited by an agency recognized by the Department of Education.¹
 - The ABA's Council of the Section of Legal Education and Admissions to the Bar is recognized for accrediting law schools.
 - Some law schools that are not accredited by the ABA have obtained accreditation from other agencies that are recognized by the Department of Education.
- Graduate and professional students at these schools may be eligible to borrow up to \$20,500 per year in federal Stafford loans, as well as additional Graduate/Professional PLUS loans.

¹20 U.S.C. § 1099b(j). In 2007, we reported on Education's process for recognizing accrediting agencies and law school accreditation issues. See GAO, *Higher Education: Issues Related to Law School Accreditation*, GAO-07-314 (Washington, D.C.: Mar. 8, 2007).

Background



ABA Accreditation Requirements

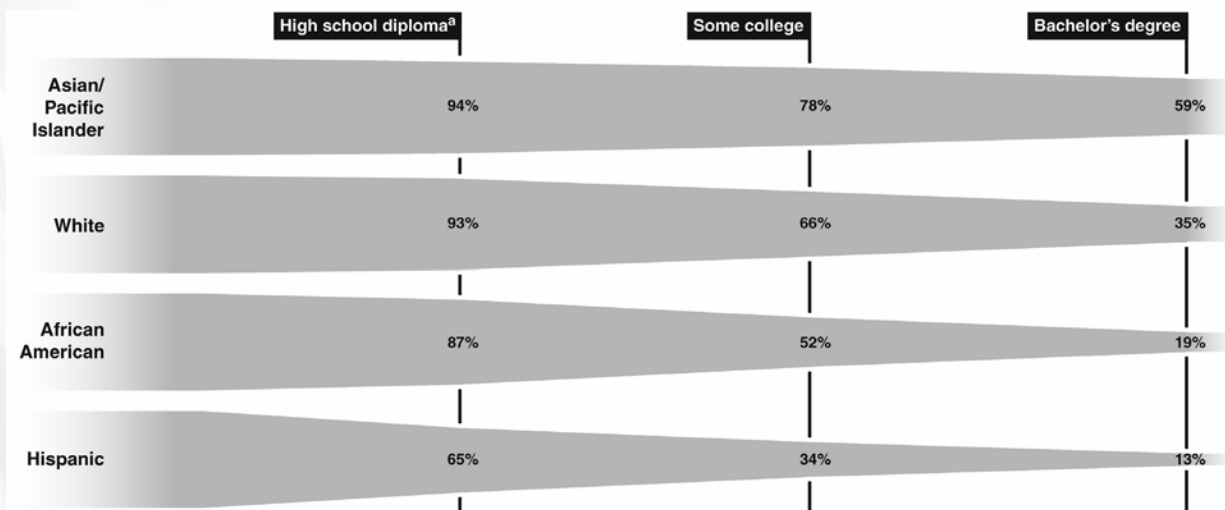
- The ABA's *Standards and Rules of Procedure for Approval of Law Schools* establish requirements with which law schools must comply to be accredited by the ABA.
- Standards focus on issues such as curriculum, student support, faculty, and admissions.
- As of June 2008, 200 law schools had received ABA accreditation.
 - Nine of the 200 were provisionally accredited.
 - Since 1952, only 8 institutions have applied for but never received accreditation.

Background



Educational Pipeline: African Americans and Hispanics Have Lower Educational Attainment than Whites and Asians/Pacific Islanders, Reducing the Pool of Potential Law School Applicants

Educational Attainment for 25- to 40-Year-Olds in 2007



Source: GAO analysis of 2007 American Community Survey data.

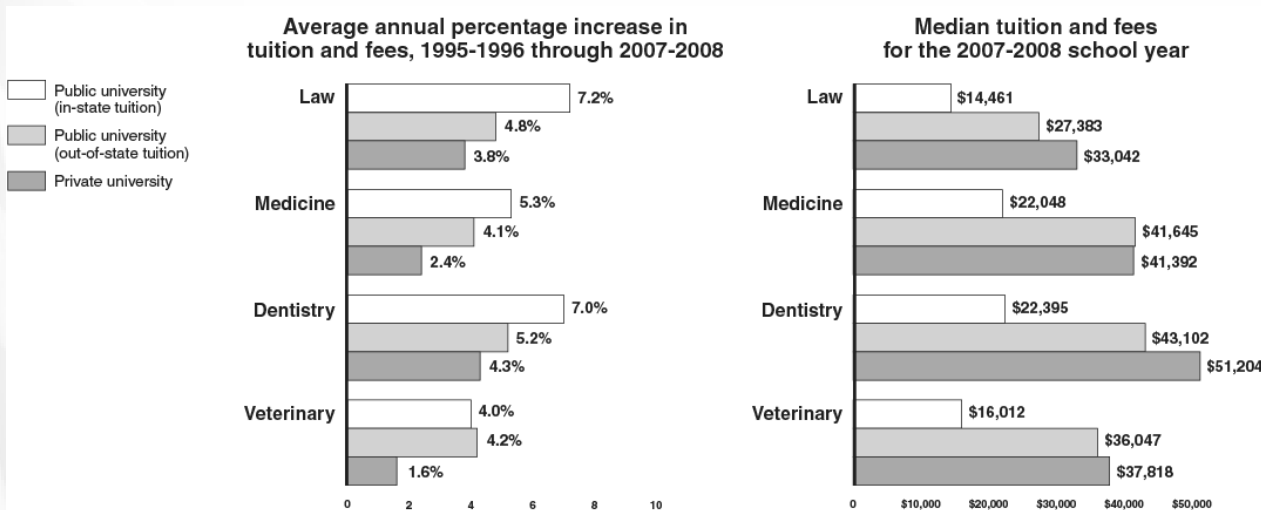
Note: Unlike other data sources used in this report, the American Community Survey collects data on a sample of the population. All differences in levels of educational attainment between racial/ethnic groups are statistically significant.

^aHigh school diploma includes equivalent qualifications, such as the GED.

Finding 1: Comparing Professional Schools—Cost



Tuition and Fees at Law and Other Professional Schools Have Increased since 1994



Source: GAO analysis of Education's IPEDS data.

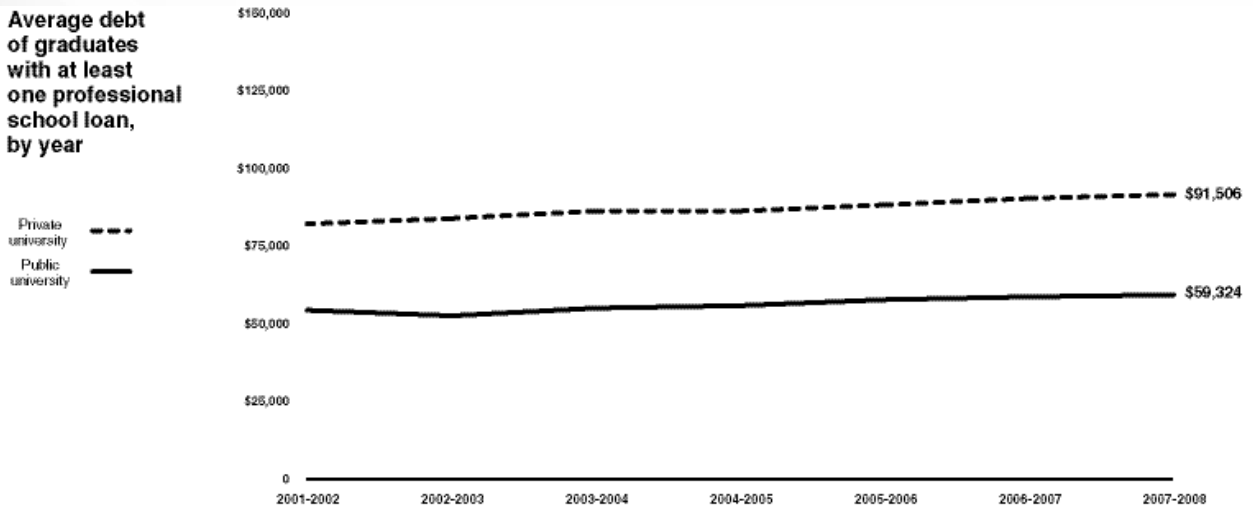
Note: All figures have been adjusted to 2009 dollars.

Finding 1: Comparing Professional Schools—Cost



Average Professional School Debt for Law School Graduates Has Risen since 2001

Average debt of graduates with at least one professional school loan, by year

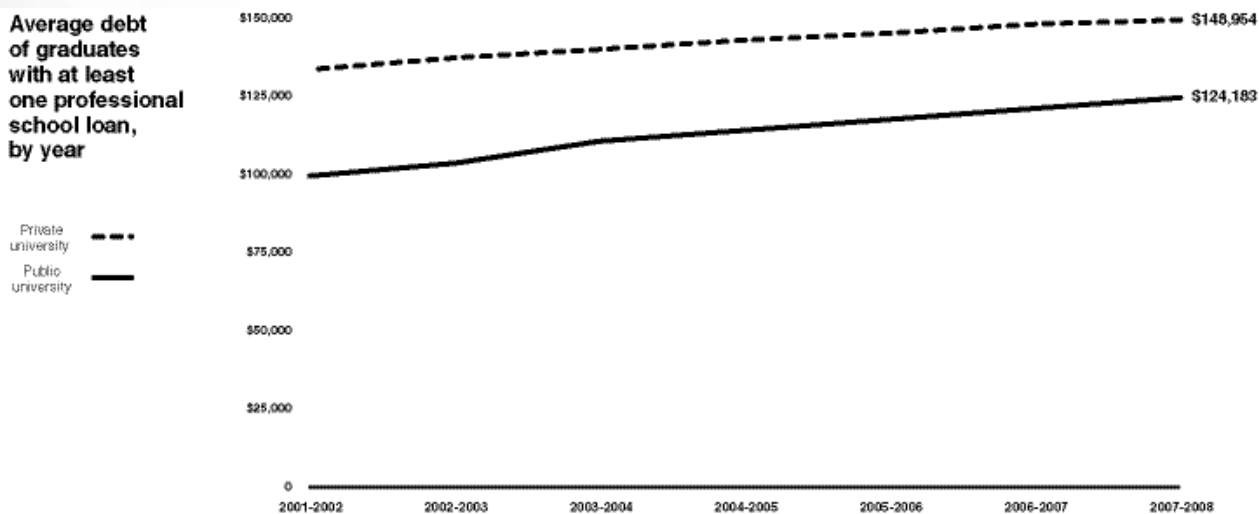


Source: GAO analysis of American Bar Association data.

Note: ABA data are based on unweighted averages, and all figures have been adjusted to 2007 dollars. Data were not available prior to 2001.



Average Professional School Debt for Medical School Graduates Has Risen since 2001



Source: GAO analysis of Association of American Medical Colleges data.

Note: AAMC data are based on weighted averages, and all figures have been adjusted to 2007 dollars. Data were not available prior to 2001.

Finding 1: Comparing Professional Schools—Cost



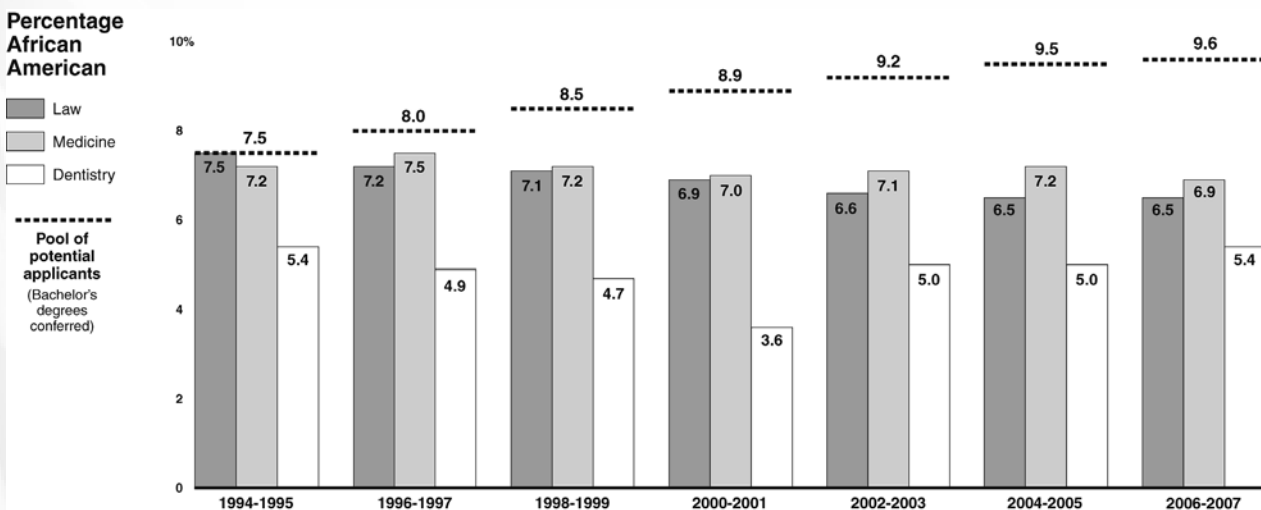
Grants and Scholarships Can Lower the Net Cost of Tuition and Fees for Some Students

- All professional degree programs we examined offer institutional aid—such as grants, scholarships, tuition remission, and loan repayment assistance—that can lower the cost of attendance for students who receive it. For example according to ABA data, in 2006-2007:
 - Public law schools provided an average of \$3,271 per capita in institutional aid, which offset median resident tuition by about 24 percent and median nonresident tuition by about 12 percent.
 - Private law schools provided an average of \$7,542 per capita in institutional aid, which offset median tuition by about 24 percent.
- In addition to receiving institutional aid, students at law, medical, dental, and veterinary schools are able to apply for a number of federal grants and scholarships, such as Scholarships for Disadvantaged Students from the Department of Health and Human Services, and Thurgood Marshall Legal Educational Opportunity Program assistance through the Department of Education.

Finding 1: Comparing Professional Schools—Enrollment



Since 1994-1995, African Americans Have Declined as a Share of Enrollment in Law Programs, while Their Share of Medical and Dental Enrollment Has Fluctuated



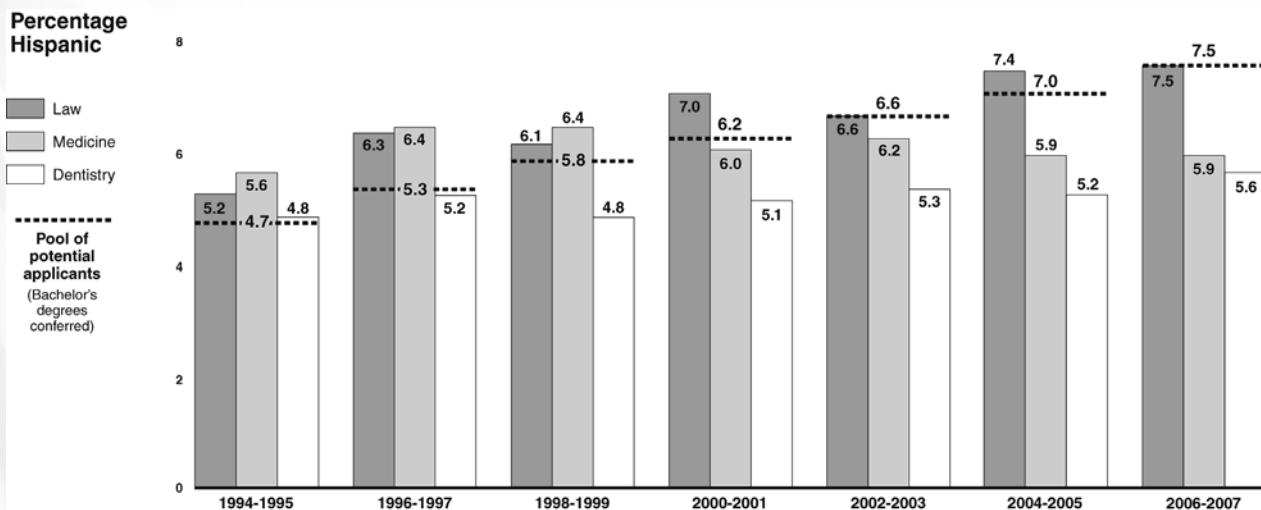
Source: GAO analysis of Education's IPEDS data.

Note: Comparable data on average enrollment by race/ethnicity were not available for veterinary medicine programs. Data are for non-Hispanic African Americans.

Finding 1: Comparing Professional Schools—Enrollment



Since 1994-1995, Hispanics Have Increased as a Share of Enrollment in Law and Dental Programs, while Their Share of Medical Enrollment Has Fluctuated



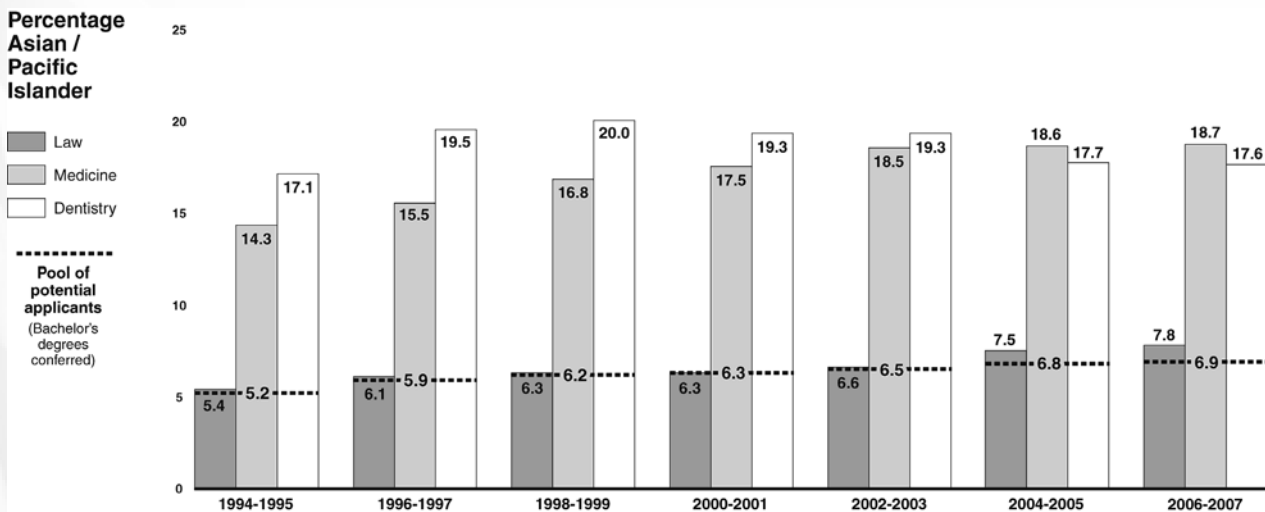
Source: GAO analysis of Education's IPEDS data.

Note: Comparable data on average enrollment by race/ethnicity were not available for veterinary medicine programs.

Finding 1: Comparing Professional Schools—Enrollment



Since 1994-1995, Asians/Pacific Islanders Have Increased as a Share of Enrollment in Law and Medical Programs, while Their Share of Dental Enrollment Has Fluctuated



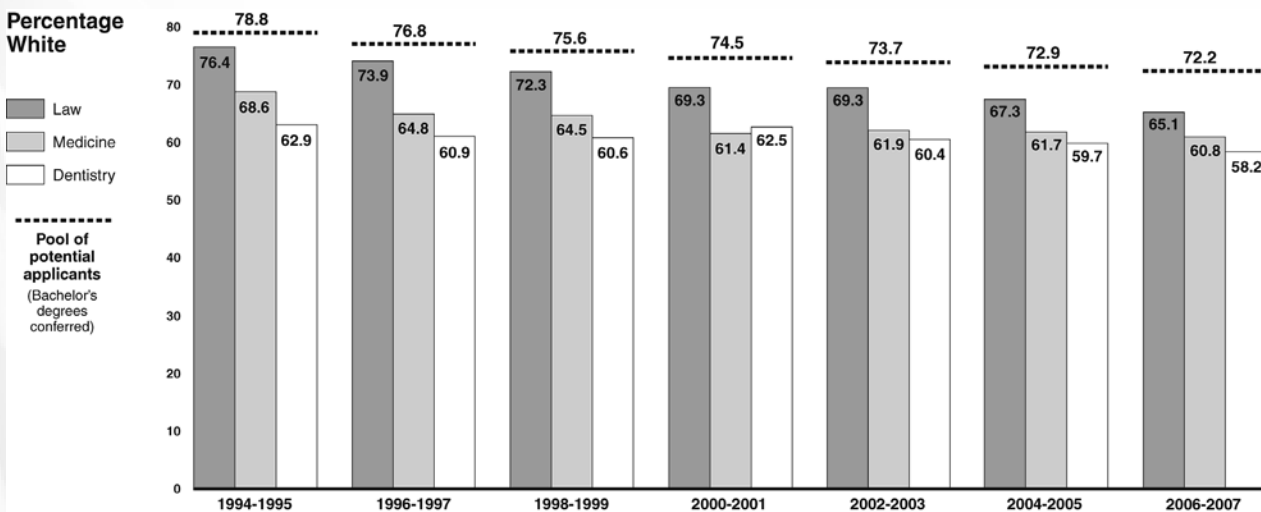
Source: GAO analysis of Education's IPEDS data.

Note: Comparable data on average enrollment by race/ethnicity were not available for veterinary medicine programs.

Finding 1: Comparing Professional Schools—Enrollment



Since 1994-1995, Whites Have Declined as a Share of Enrollment in Law, Medical, and Dental Programs



Source: GAO analysis of Education's IPEDS data.

Note: Comparable data on average enrollment by race/ethnicity were not available for veterinary medicine programs. Data are for non-Hispanic whites.



Finding 2: Factors Affecting Cost

The Change to a More Hands-on, Resource-Intensive Approach to Legal Education and Competition among Schools for Higher Rankings Reportedly Have Affected Cost

- Officials from most ABA-accredited schools we interviewed reported that changes in the approach to legal education have affected cost, particularly in the areas of faculty and staff. These changes include:
 - increased emphasis on hands-on clinical experiences, and smaller skills-based courses;
 - increased diversity of course offerings—e.g., international law and environmental law; and
 - increased student support—e.g., academic support, career services, and admissions support.

Finding 2: Factors Affecting Cost



The Change to a More Hands-on, Resource-Intensive Approach to Legal Education and Competition Among Schools for Higher Rankings Reportedly Have Affected Cost (cont.)

- Officials at most of the ABA-accredited law schools we spoke with and student representatives reported that schools compete to attract students and faculty and to increase their *U.S. News and World Report* ranking. This competition has had an impact on cost because:
 - Rankings are determined in part by such cost-related factors as per student expenditures, student-faculty ratio, and library resources.
 - According to law school officials, schools offer clinics and diverse elective courses to compete for students.
 - To attract the best faculty, school officials reported that they may offer higher salaries.



Finding 2: Factors Affecting Cost

ABA Accreditation Is Reportedly Not a Major Driver of Cost

- Officials from most ABA-accredited schools we spoke with reported that ABA accreditation requirements were not a major driver of cost increases in legal education.
- Officials from more than half of the ABA-accredited schools we spoke with stated they would meet or exceed some ABA accreditation standards even if they were not required. School officials noted that the standards often follow market trends and changing approaches to legal education.
 - For example, according to ABA data, student-faculty ratios are generally lower than the ABA standards require (20:1).
 - Officials from most of the schools we spoke to said they would offer skills-based courses and clinical opportunities (which are required by the ABA standards) in response to shifting expectations about the experiences students will need to be successful in the legal field.



Finding 2: Factors Affecting Cost

ABA Accreditation Is Reportedly Not a Major Driver of Cost (cont.)

- Officials from a few ABA-accredited schools noted major capital costs that may be required to meet ABA accreditation standards, such as library expansion, may be covered by endowment funds or alumni donations.
- However, accreditation may increase costs for a small number of schools.
 - Officials at one ABA-accredited school reported increasing spending on bar exam preparation support in response to ABA concerns about its bar passage rate.
 - Officials at some ABA-accredited schools said that ABA accreditation standards related to libraries may impose costs because they find the standards do not clearly describe the required size and organization of library collections.
 - Officials at two of the three non-ABA accredited law schools stated they would have to spend significant resources to become ABA-accredited.¹

¹These schools are accredited by other accrediting bodies recognized by Education.



Finding 2: Factors Affecting Cost

ABA Accreditation Is Reportedly Not a Major Driver of Cost (cont.)

- In some instances, accreditation standards may limit experimentation with potentially lower-cost approaches. For example, officials at some of the ABA-accredited and all of the non-ABA-accredited schools we contacted said the standards could affect schools that wanted to take steps such as:
 - expanding the role of non-tenure track and adjunct faculty,
 - developing predominantly electronic libraries, and
 - delivering courses online.



Finding 2: Factors Affecting Cost

Officials at Public Law Schools Report That Decreased State Funding Has Contributed to Increased Tuition and Fees

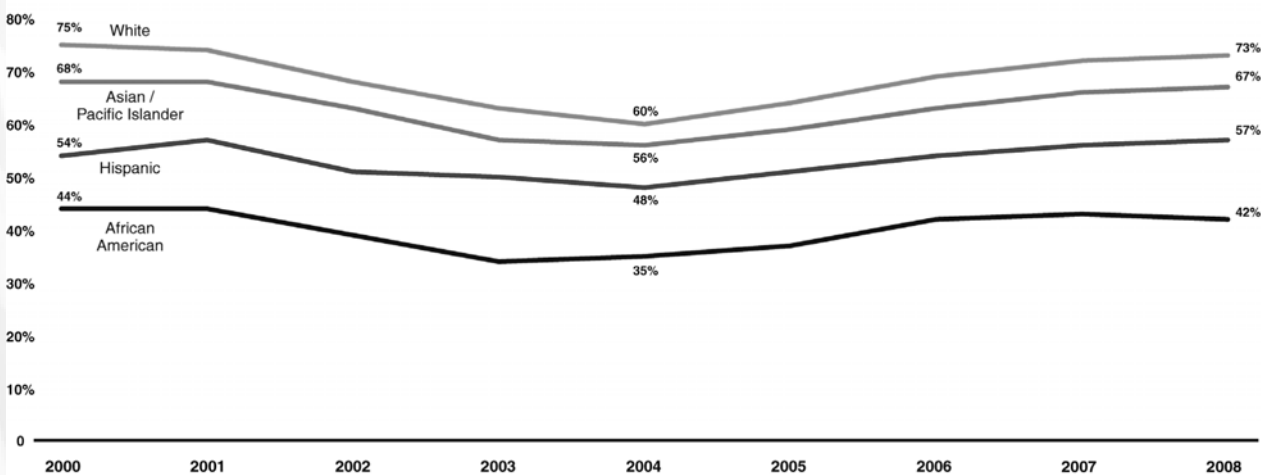
- Most public law school officials we spoke with emphasized recent decreases in state funding as a contributor to rising tuition.
- The tuition and fees at some public schools rival those of selective private institutions. For example, in 2008, six public law schools had resident tuition and fees greater than \$30,000.
- A limited number of public law schools have maintained relatively low prices, but their tuition is increasing:
 - In 2008, public law schools in the South had the lowest tuition and fees, for both residents and nonresidents, while tuition was highest in the Northeast.
 - The average annual percentage increase in tuition was highest in the West and in the South.

Finding 3: Minority Access to Law School



Acceptance Rates for Each Racial/Ethnic Group Have Followed Similar Patterns since 2000, with African Americans Having the Lowest Rates of Acceptance

Acceptance rate



Source: GAO analysis of Law School Admission Council data.

Note: The acceptance rate is the percentage of applicants in each group who were accepted by at least one law school. During the time period shown, the Law School Admission Council allowed applicants to select only one racial/ethnic category.

Finding 3: Minority Access to Law School



With a Few Exceptions, Law School Officials Do Not Cite ABA Accreditation Standards as Having an Impact on Minority Access at Their Schools

- Most law school officials, students, and minority student group representatives we interviewed focused on issues such as differences in LSAT scores, academic preparation, and professional contacts, rather than accreditation standards, to explain minority access issues.
- However, officials from some law schools reported that accreditation standards may affect minority access. For example:
 - An official at one ABA-accredited law school said the ABA's standards related to bar passage and admissions make schools less likely to admit applicants with low LSAT scores because they put the schools at risk of not meeting these standards. Officials at a few other ABA-accredited schools said that the bar passage standard did not affect their own admissions policies, but could affect access at less selective schools.
 - Officials at a non-ABA-accredited school reported that seeking ABA accreditation would require them to institute much stricter admissions standards, to the potential disadvantage of minorities with lower average LSAT scores.

27

Finding 3: Minority Access to Law School



A Variety of Elements Contribute to the Strength of an Individual's Application Package

- Officials at nearly all of the schools we spoke with said that they consider a number of elements in an application package, including:
 - LSAT score,
 - Undergraduate GPA,
 - Letters of recommendation, and
 - Personal statement.

 - Admission to law school depends, in part, on the strength of the overall package.
-

Finding 3: Minority Access to Law School



Lower Average LSAT Scores and Undergraduate GPAs May Have Negatively Affected Some African Americans and Hispanics

- According to LSAC's analysis, African American and Hispanic law school applicants had lower average LSAT scores and undergraduate GPAs than white and Asian/Pacific Islander applicants.
- LSAC cautions that LSAT scores should not be the only admissions criterion, and that scores are only a partial predictor of first-year law school performance.
- Some law school officials said that schools compete for minority applicants with above-average LSAT scores.

Finding 3: Minority Access to Law School



Lower Average LSAT Scores and Undergraduate GPAs May Have Negatively Affected Some African Americans and Hispanics (cont.)

- However, according to representatives from LSAC, the ABA, some law schools, and one minority student group, schools are reluctant to admit applicants with lower LSAT scores because the median LSAT score is a key factor in the *U.S. News and World Report* rankings.
- Officials from a few schools noted that their reluctance to admit applicants with lower undergraduate GPAs stems from a concern that these students would be less able to compete academically in law school.

Finding 3: Minority Access to Law School



Various Factors May Influence Differences in LSAT Scores among Racial/Ethnic Groups

- Officials from law schools and LSAC and law students suggested a number of reasons for the LSAT score gap:
 - Differences in academic preparation throughout the educational pipeline.
 - Resources for preparation: African American and Hispanic students, a higher proportion of whom come from low-income backgrounds compared with whites, may be less able to afford to take LSAT prep courses or time off to study for the LSAT.
 - The broader pattern of racial/ethnic differences in standardized test scores.
 - The Higher Education Opportunity Act required Education to enter into an agreement with the National Academy of Sciences to conduct a study to identify any race, ethnicity, or gender bias in the content and construction of standardized tests used for admission to institutions of higher education.² An interim report is due from the academy in August 2010.

² Pub. L. No. 110-315, § 1110, 122 Stat. 3078, 3496 (2008).

Finding 3: Minority Access to Law School



African American and Hispanic Applicants May Have Fewer Professional Contacts to Draw Upon in the Application Process

- Officials from two ABA-accredited law schools and some law students said that African American and Hispanic law school applicants may be disadvantaged because:
 - Fewer applicants in these groups may have contact with lawyers or other professionals who could advise them on aspects of the application process, such as how to prepare for the LSAT.
 - These applicants may have fewer contacts to write letters of recommendation.

Finding 3: Minority Access to Law School



Law School Cost May Affect Minority Students, but It Is Unclear How Cost Influences Students' Decisions to Apply to and Enroll in Law School

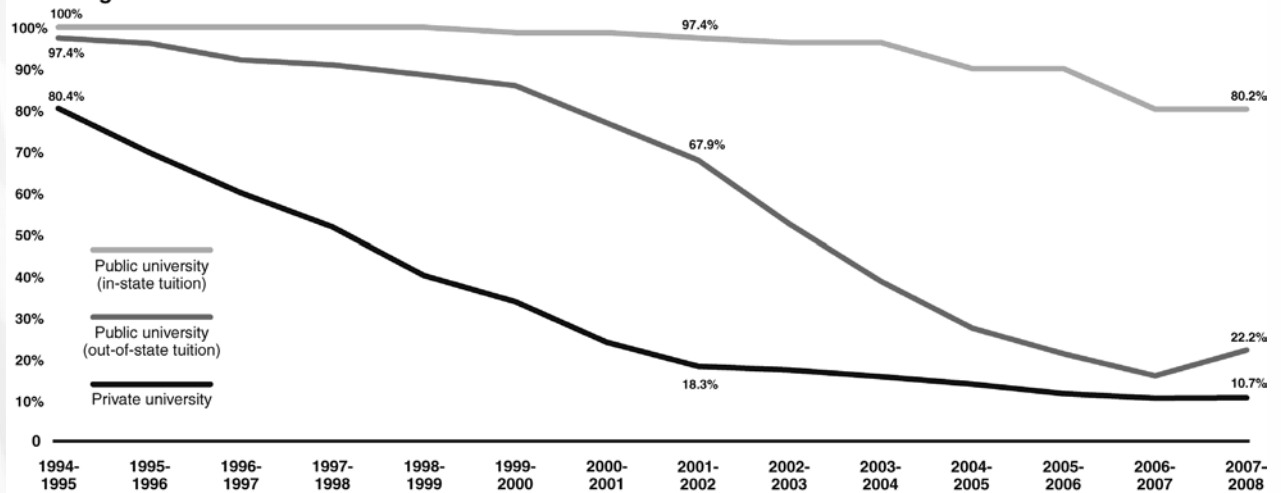
- Some law school officials we interviewed stated that rising law school tuition may have disproportionately affected minority students, a large proportion of whom are low income.
- Officials from two ABA-accredited schools and one minority law student association we interviewed said that some minority students may have faced challenges securing private or federal Graduate/Professional PLUS loans because of poor credit or the lack of a cosigner.
- Cost is one of a number of factors that may affect the decision to apply to and enroll in law school. Because data are not readily available on how potential applicants make these decisions, the impact of cost on minority access is unclear.



Finding 3: Minority Access to Law School

The Percentage of Law Schools Whose Tuition Can Be Fully Funded through Lower-Interest Stafford Loans Has Decreased over Time

Percentage with tuition under Stafford limit



Source: GAO analysis of Education's IPEDS data

Note: The total Stafford loan limit for graduate students was \$18,500 from 1994-1995 through 2006-2007, and \$20,500 in 2007-2008.



Finding 3: Minority Access to Law School

Law School Officials Reported Various Efforts to Improve Diversity

- At some of the schools we contacted, officials said that they actively recruit minority students, for example, by visiting universities with high percentages of minorities and participating in summer institutes to help minority students prepare for law school.
- A few of the schools we contacted are involved in initiatives to help address the pipeline issue, such as mentoring programs for minority or low-income high school students.
- Nearly all the schools we contacted have a variety of support services for students once they enroll, such as academic support programs and career counseling. Officials at a few schools said that these services had expanded in recent years.
- Officials from some public institutions reported that their efforts to increase minority access are constrained by legal restrictions against considering race in admissions.

Appendix II: Comments from the American Bar Association



AMERICAN BAR ASSOCIATION

Section of Legal Education
and Admissions to the Bar

October 2, 2009

Office of the Consultant on
Legal Education to the
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*Via Email and
Via UPS Overnight*

George A. Scott,
Director
Education, Workforce, and Income Security Issues
General Accountability Office
441 G St., NW, Room 5970
Washington, DC 20548

RE: Draft Report: Issues Related to Law School Cost and Access (GAO-10-20)

Dear Mr. Scott:

I am writing to provide comments from the American Bar Association ("ABA") Section on Legal Education and Admissions to the Bar (the "Section") on the draft report, *Issues Related to Law School Cost and Access*. First, let me commend you and your staff on the professionalism with which you conducted the research and produced the report. In our interactions, you were always thoughtful and respectful. As a result of these efforts, the Section believes the draft report is generally accurate, balanced and fair. While we do not necessarily agree with all of the reported comments by respondents, we see no material mistakes or errors in the objective data and information reported. This is a thorough and professional presentation.

The Section staff made every effort to cooperate fully and in a timely fashion with your data requests and to provide other relevant documentation. We believe we responded to your questions and presented information and data to your staff demonstrating that, while there are certain costs associated with accreditation (both direct costs and compliance costs), those costs have been a de minimus factor regarding the growth in the costs of legal education over the last twenty years.

We are pleased to see the conclusion stated on page 2 of Mr. Scott's draft transmittal letter stating that "According to law school officials, the move to a more hands-on, resource intensive approach to legal education and competition among law schools for higher rankings appear to be the main factors driving the cost of law school, while ABA accreditation requirements appear to play a minor role". Your conclusion, based upon the sampling done of law school deans and others, replicates the conclusions reached by the Section in its own study of law school costs conducted in 2002/03.

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Page 1

10/2/2009

George A. Scott,
Director
Education, Workforce, and Income Security Issues

We were also pleased to see the statement that “Most law school officials do not cite ABA accreditation standards as having an impact on minority access at their schools.” We believe that, in the context of the report, this statement refers to the absence of a “negative” impact on diversity efforts by law schools. The ABA Standards, of course, encourage law schools to have a diverse student body, faculty and staff. The data shows substantial growth in diversity of the professorate and the number of deans of ABA-approved law schools over the last eight years (2000-2008) and also shows growth, although relatively slower, in minority enrollment during the same period (20.6 % vs. 21.9%). The findings in the report confirm the Section’s conclusions on the diversity issues.

I wish to express the appreciation of the Council and staff of the ABA Section for a carefully and professionally done report. Thank you for the opportunity to respond to it.

Sincerely,



Hulett H. Askew
Consultant on Legal Education

cc: Jerome C. Hafter, Esq.
Honorable Christine M. Durham
Henry F. White, Jr., Executive Director

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

George A. Scott, (202) 512-7215 or scottg@gao.gov.

Staff Acknowledgments

Debra Prescott (Assistant Director) and Eve Weisberg (Analyst-in-Charge) managed this assignment. Lauren Gilbertson and Perry Lusk made significant contributions in all facets of the work. In addition, Lawrance Evans, John Mingus, Dae Park, and Elizabeth Wood provided methodological support; Carolyn Taylor provided subject matter expertise; Craig Winslow provided legal assistance; Jessica Orr provided writing assistance; and James Bennett developed graphics for the report.

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