

From: [James](#)
To: [Bar Admissions Workgroup](#)
Subject: Comment on ABA Accreditation in Bar Admission
Date: Thursday, June 12, 2025 3:10:22 PM

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To whom it may concern,

My name is James Gambill, and I'm a current law student writing to express my support for allowing graduates from non-ABA-accredited but state-accredited law schools to take the Florida Bar Exam.

I understand that there are concerns about the quality of education and legal representation that may come from non-ABA schools. However, there isn't any solid evidence showing that these graduates are less prepared or offer lower-quality legal services. A common argument against non-ABA schools is the lower first-time bar passage rate in California, but California's bar exam is widely known to be the toughest in the country. Despite that, many non-ABA graduates go on to pass it and practice successfully.

For example, all five non-ABA graduates from Purdue Global Law School recently passed the Indiana Bar in February 2025, showing that with a strong education and preparation, success is absolutely possible. I'd also encourage the Council to look into the story of Sophia and Peter Park—two teenage siblings who graduated from a non-ABA school and passed the California Bar before turning 18. Their accomplishments speak volumes about the potential of motivated students, regardless of ABA accreditation. After all, if we are being honest we know that law school alone doesn't make one a competent attorney, and the bar exam is the real assessment of legal knowledge, not the institution's name.

To be clear, I do not support law schools that have zero accreditation or oversight. But I strongly believe that schools like Purdue Global and Northwestern California University School of Law, which are state-accredited, provide legitimate, rigorous legal education following the traditional law school curriculum. I also believe that the ABA should not be the only accrediting body in the legal field. The Florida Bar and the Florida Supreme Court are fully capable of setting and enforcing high standards for legal education and bar eligibility.

Thank you for taking the time to consider my comments.

Sincerely,
James Gambill
Current Law Student

Relevant Articles:

<https://indianacapitalchronicle.com/2025/05/21/expanding-access-to-justice-first-five-purdue-global-law-school-students-admitted-to-indiana-bar/>

<https://www.abajournal.com/news/article/teen-who-enrolled-in-law-school-at-age-13-becomes-youngest-person-to-pass-the-california-bar-exam>

From: [Nathan Nevins](#)
To: [Bar Admissions Workgroup](#)
Subject: Public Comment on Bar Admission re ABA
Date: Thursday, June 12, 2025 10:29:13 AM

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The bar to become a Florida Lawyer should be raised, not lowered.

If the FL bar wants to take over accrediting law schools in order to take the FL BAR, that would be fine. As is, the ABA standard for accreditation is too low. There should be fewer lawyers graduating, fewer law schools, not more.

Allowing people who have not gone to law school at all, or those who go to completely unaccredited law schools to take the bar exam would be an absolute disaster for the profession. The current state of the profession is already far below what it should be in terms of expertise and professionalism. I'm often taking cases that other licensed attorneys handle incorrectly and I have to come in and pick up the pieces. If you start watering down standards, the profession will be even further watered down.

Instead, the FL bar should focus harder on referring unlicensed practice of law, which happens very frequently, to law enforcement. The FL Bar and FL Supreme Court should be strengthening standards and going after bad actors in the profession.

Nathan E. Nevins | Attorney at Law | 352-4-ESTATE (378283)
Sunshine State Probate | Statewide Probate Representation
Florida Bar Board Certified | Wills, Trusts and Estates



5915 NW 27th Ave, Gainesville, FL 32606
www.SunshineStateProbate.com

From: [Franklin R. Harrison](#)
To: [Bar Admissions Workgroup](#)
Subject: Non ABA accredited law schools.
Date: Tuesday, June 10, 2025 3:08:42 PM
Attachments: [Outlook-s2rvyhco.png](#)

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In my 53 years of practice, I have never been a fan of the ABA. It is generally out of touch with the everyday practice of law. However, as Chair of the National Conference of Bar Examiners, Chair of the MBE Policy committee and as Chair of the Florida Board of Bar Examiners, I have had the opportunity to witness and participate in the ABA's Accreditation process. I was able to go on a couple of law school reaccreditation site visits as well. While not perfect it is strenuous. Nationwide the bar passage rate for graduates of non-ABA accredited students is dismal. As a result, many students will borrow more and more to attend these non-accredited law school without any hope of passing the bar exam and graduate with a crushing amount of debt that is not extinguished with a bankruptcy. Qualified students have an ample opportunity in Florida to attend an accredited law school. Thank you for listing.



Franklin R. Harrison

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From: [Ross Goodman](#)
To: [Bar Admissions Workgroup](#)
Subject: You ask for brevity and being direct.,
Date: Tuesday, June 10, 2025 2:03:33 PM

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My Dad was quite wise. He had many “truisms” that he regularly repeated to us at appropriate times. One is particularly apropos at this time:

“If it ain’t broke, don’t fix it!”

The ABA has successfully assisted the Bar for decades with little to no criticism. If this is a veiled assault on DEI (or, not so clearly veiled), it is a radical opposition by a small group seeking to impose its own political/religious agenda that will cause more upheaval than clarity. I urge you to “leave well enough alone” (another piece of wisdom from my Dad).

Hon. Ross M. Goodman (retired)
Pensacola, FL

[Sent from Yahoo Mail for iPhone](#)

From: [Shannen W](#)
To: [Bar Admissions Workgroup](#)
Subject: [POTENTIALLY SUSPICIOUS MESSAGE] Public Comment on ABA's Role in Bar Admission Requirements
Date: Tuesday, June 10, 2025 3:06:19 PM

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Good afternoon,

I think it is an absolute pro that the Florida Supreme Court relies on the ABA standards when deciding whether or not to allow someone to sit for the bar. I think it would diminish the quality of persons in our profession to allow bar members to study at non-ABA accredited schools. Further, there is not a shortage of attorneys to warrant a need to lower our standards. Allowing students to sit for the bar when they graduate from a non-ABA accredited schools is setting those students up for failure. Statistics do not lie. Students who go to non-ABA accredited schools are less likely to pass the bar. It creates a false hope in students who do not have what it takes to become a lawyer, which is particularly concerning in the middle of a student loan crisis. I urge this committee to maintain the status quo. There is no point in fixing something that works. Especially if it is something that would be to the detriment of young people.

Kind regards,
Shannen Walters, esq.

From: [Robert Vessel](#)
To: [Bar Admissions Workgroup](#)
Subject: ABA BAR ADMISSION STANDARDS
Date: Tuesday, June 10, 2025 11:07:40 AM

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The ABA is little more than a woke advocacy group promoting DEI , as opposed to merit, in law school. admissions and curriculum. They are going to demand that admission standards, grading standards and the Bar Exam be dumbed down in the name of equity.

The ABA spells it all out in *ABA Standards and Rules of Procedure for Approval of Law Schools 2020-2021* that can be found at: https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2020-2021/2020-21-aba-standards-and-rules-chapter2.pdf

The ABA standards are contrary to the position of Governor Desantis, President Donald J. Trump, and the will of the American people.

From: [Holscher, Zach](#)
To: [Bar Admissions Workgroup](#)
Subject: Contact Persons for Inquiries
Date: Friday, June 6, 2025 10:45:14 AM
Attachments: [image001.png](#)

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Hello,

On behalf of the Supreme Court of Ohio, I was hoping that I could get a contact person for the Role of the ABA Workgroup who the Court could contact for any inquiries it may have in relation to this workgroup and its accompanying studies. If I could get a contact number, that would be great!

Thank you for your help,



Zach Holscher | Legal Counsel | Supreme Court of Ohio
65 South Front Street | Columbus, Ohio 43215-3431
Phone: 614.387.9520
Zach.Holscher@sc.ohio.gov
www.supremecourt.ohio.gov

From: [Robert L. Philipson](#)
To: [Bar Admissions Workgroup](#)
Subject: Comment on study group efforts regarding the role of the ABA and requirements for admission to The Florida Bar
Date: Tuesday, May 13, 2025 9:07:03 PM
Attachments: [Outlook-A blue and Outlook-cmkkfjiv.png](#)

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Dear Members of the Workgroup,

Thank you for the opportunity to submit comments on Florida's reliance on ABA-only accreditation for bar admission. I offer this input based on more than three decades of direct, hands-on experience supporting attorneys in courtrooms across the country.

I am one of the founding partners of Legal-eze Litigation Consulting and Graphics, established in 1993 here in Florida to serve the needs of the legal community. Since then, I have worked alongside attorneys on some of the most significant cases in the nation. Notably, I was part of the team supporting the State of Florida in its case against the tobacco industry, which resulted in a landmark settlement for the State. I later brought that experience to bear in the State of Washington's case, contributing to the litigation that ultimately led to the over \$200 billion national Master Settlement Agreement.

Over the years, I have supported legal teams in both civil and criminal matters, with a primary focus on civil litigation. I have worked on hundreds of trials, collaborating with attorneys to prepare, edit, and refine direct and cross-examinations, opening and closing statements, trial strategy, and the presentation of evidence. This work has taken me into courtrooms across the United States, providing me with a deep understanding of trial practice, courtroom procedure, and client advocacy.

While I have decades of courtroom experience—sometimes more than the attorneys I assist—I am fully aware that I am not a licensed attorney. I have always respected that boundary and do not appear as counsel of record. However, the current system provides no viable pathway for experienced professionals like me to pursue licensure without returning to law school and spending three years in a classroom, despite having more than 30 years of practical, real-world legal experience. I have seen firsthand how this limitation can, at times, work against the best interests of clients, forcing me to filter my insights through others who may have less trial experience or may not fully communicate the strategic input I could otherwise provide if properly licensed.

I respectfully encourage the Workgroup to consider creating an alternative, experience-based

pathway to licensure. Specifically, I recommend allowing qualified professionals with substantial courtroom experience to sit for a Limited Bar Examination, followed by a period of supervised practice under the direction of a licensed Florida attorney. After completing this supervised practice—perhaps one or two years—candidates could then sit for the full Bar Examination to obtain unrestricted licensure.

This approach would allow Florida to recognize and reward demonstrated legal experience while maintaining high professional standards and safeguarding the public. It would also expand access to legal services and provide new opportunities for those who have proven their readiness to contribute meaningfully to Florida's legal community.

Thank you for your consideration. I welcome the opportunity to further assist or provide additional input as your important work continues.

Sincerely,

Robert Philipson

“We who labor here seek only truth.”



Robert Philipson
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From:
To: [Bar Admissions Workgroup](#)
Subject: FW: ABA Workgroup collaboration
Date: Wednesday, May 21, 2025 1:19:15 PM

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From: Nicholas Harding <nick@rightstepsamerica.org>
Sent: Wednesday, May 21, 2025 1:13 PM
Subject: ABA Workgroup collaboration

EXTERNAL: This email originated from outside of the SHUTTS email system. Do not respond, click any links or open any attachments unless you trust the sender and know the content is safe.

Hello, I'm a law student living in Florida, and I saw that you are a member of the Supreme Court's ABA workgroup.

I would like to offer my insight and potentially my research ability to you and the group.

I believe that there are some unique approaches that Florida could take to legal education; the most significant would be the accreditation of LLB programs.

If you're interested in discussing this further, you can reach me at nick@rightstepsamerica.org.

Thank you for taking the time to read this.

Nick Harding

Chairman - *Right Steps America*

nick@rightstepsamerica.org

313-670-3068

From: [Jane Kim](#)
To: [Bar Admissions Workgroup](#)
Subject: Comment on Maintaining ABA Accreditation for Law Schools
Date: Thursday, June 12, 2025 8:03:43 PM

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This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am writing to express my strong support for maintaining the requirement that law schools be accredited by the American Bar Association (ABA).

ABA accreditation serves a critical function in ensuring uniform educational standards, ethical training, faculty qualifications, and institutional accountability across the country. It protects prospective students from **predatory or low-quality programs** and gives the public confidence that licensed attorneys meet a **baseline level of competency and preparedness**. Removing or weakening this requirement would risk opening the door to a **fragmented, uneven system of legal education** that would ultimately harm students, the profession, and the public.

Moreover, **ABA accreditation is closely tied to the portability of a law degree**. Many law graduates begin their careers in Florida but later practice in other jurisdictions. Graduating from a non-ABA-accredited school could severely limit their mobility and professional options. For these reasons, the ABA's role is not merely bureaucratic—it is a safeguard for both the profession and the people we serve.

While flexibility and innovation in legal education are welcome, abandoning the ABA accreditation requirement entirely would be a step backward. I urge the Florida Bar to reaffirm its commitment to protecting educational quality and public trust by preserving the current standard.

Sincerely,

Jane Kim

Law License in FL and IL
Licensed Real Estate Broker in FL
Licensed Real Estate Managing Broker in IL

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From: [Tom Taylor](#)
To: [Bar Admissions Workgroup](#)
Subject: Public Comment
Date: Monday, June 16, 2025 10:22:01 AM

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I have a full time career as a charter pilot. A number of years ago, I started looking into attending law school part time as an avocation more than an anticipated career change. I found the attendance requirements of traditional law school were not compatible with my current career. Instead, I enrolled in Concord (now Purdue) School of Law. I graduated with honors last month. I found the curriculum to be thorough, challenging, and rewarding. Because of the limitations imposed by the American Bar Association, I will be sitting for the bar exam in Connecticut next month despite being a Florida resident for almost 20 years.

According to Inside Higher Education, over one million students are currently enrolled in online courses offered by non-profit colleges and universities. Like me, these students found it more convenient to get a degree free from the need to travel to a classroom at a set time. I do not think that this diminishes the quality or value of the education. It demonstrates a great deal of commitment and a strong desire for success.

Anyone wishing to practice law in Florida not only needs a degree in law, but they also need to pass the bar exam. I am not advocating for elimination of this requirement - but I do think the opportunity to take the bar exam and demonstrate our level of preparedness should be afforded to those who did not have the option to attend a traditional law school. Indiana gave us the opportunity last year, and my school had a 100% pass rate. Please give me and other non-traditional law students the chance to show you that we can pass the bar and be productive attorneys in Florida.

Respectfully,

Thomas Taylor, J.D.
7306 Salerno Ct
Naples FL 34114

From: [Tom Lynn](#)
To: [Bar Admissions Workgroup](#)
Subject: ABA Role in Bar Admission Requirements
Date: Tuesday, June 17, 2025 8:14:26 AM
Attachments: [image002.png](#)
[image003.png](#)

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Dear Sir or Madam:

I write to strongly object to any role of the American Bar Association in Florida bar admissions processes (including accreditation of law schools).

The ABA has a long and decorated history, but unfortunately for the last 3 decades that history has been one of abject racism, support for authoritarianism and challenges to our federal and state constitutions, and vicious politicization of its work.

The ABA has expressly demanded that law schools and bar processes judge prospective attorney primarily by race, which is patently illegal and finally being addressed at the state and federal level. The Association's dedication to leftist political causes (promoting abortion, child sexual mutilation, governmental promotion of nontraditional sexual activity, etc.) infects all of its work, lobbying, and influence. Please remove that influence from our free state.

Thank you.

-Tom Lynn



Tom Lynn
General Counsel
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The Legendary Family of Companies
Admitted in FL and MN

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From: [James F Gray](#)
To: [Bar Admissions Workgroup](#)
Subject: SINCE WE FLORIDA LAWYERS CANNOT USE THE ABA FOR CLE, WE SHOULD DELETE ANY ABA INPUT IN BAR ADMISSIONS
Date: Tuesday, June 17, 2025 7:37:41 PM

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Jim Gray
James F. Gray, PA
3615- B NW 13 St.
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Florida Bar #318681
Fund Member #17403
Telephone 352 371 6303
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E-Mail PapaGray1@aol.com

From: [Robert Weinstein Esq.](#)
To: [Bar Admissions Workgroup](#)
Subject: Comment
Date: Friday, June 20, 2025 7:58:15 PM

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Dear Working group,

I hope this email finds you well.

It is great to hear the conversation is even happening with so many vested interests in maintaining high barriers of entry in the Florida legal profession.

This commenter is yet another example of both someone who would like to move to Florida and practice law and someone who's only option was online due to living in the Northwoods of Wisconsin.

It's hard to imagine any other scenario other than limiting competition for maintaining rigid standards that to the best of my knowledge, have not proven the public is better served. My clients think I'm their best option as my many Google reviews as well as my repeat business demonstrate.

In California, when attorneys were asked for comments related to reducing the cut score, the primary reason cited in comments against it was again, increased competition (generally framed in a different light). Barriers of entry may be "sold" using "public safety," albeit that doesn't necessarily mean that's the true motivation.

The free market works well and people are not in totality as stupid as many present them to be. Bad actors in all sorts of industries fail if they don't deliver, and the hidden costs of higher billing rates and reduced options are often overshadowed by the visible 'benefits.' Especially by those with a bias.

Bob

Respectfully,

Robert Weinstein, Esq.
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Also Admitted to Practice:

US District Court Eastern and Western Districts of WI

US District Court Southern District of CA

US Tax Court

Please note, while your statements may (or may not) be protected under attorney-client confidentiality, this communication does not form an attorney-client relationship, and no relationship exists absent an express written agreement.

Disclaimer - My insurance and real estate licenses **exceed** the jurisdictions of admission to practice law, and no client/attorney relationship exists without express agreement.

MEMORANDUM

To: Florida Supreme Court Workgroup on the Role of the American Bar Association in Bar Admission Requirements
From: Barry Currier
Re: Comments on the Project to Review Continued Reliance on the ABA Law School Accreditation System
Date: June 23 2025

This is a response to the invitation to comment on the topic of whether Florida's bar admissions rule regarding the legal education necessary to sit for the bar examination and for admission to practice in Florida should continue to require a Juris Doctor degree ("JD") from a law school accredited by the Council of the American Bar Association Section of Legal Education and Admissions to the Bar ("Council") and on alternatives to such a requirement.

I write as the former Managing Director of Legal Education and Accreditation at the American Bar Association (2012-2020), which manages the law school regulatory process for the Council. My other relevant experience includes serving as the ABA Deputy Managing Director (2000-2004); dean of an ABA-approved law school (1996-2000); dean of the nation's first fully online law school, which was not ABA-approved (2004-2010); and as a law professor for many years at several law schools, including 19 years as a faculty member at the University of Florida College of Law. I recently started a Substack publication, Legal Education Matters, which is exploring this and related legal education, accreditation, and bar admissions topics.

Thank you for asking for comment. My comments are:

1. There should be a national law school regulatory system for law schools. The Council's STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS provides such a system.

A national regulatory system such as the Council's system is a cost-effective way to assure that law schools in the United States require a program of legal education that provides an appropriate educational foundation for new lawyers. Though it did not begin with the intention, over time the ABA (first the ABA itself, and now the Council) became the *de facto* regulator of law school JD programs. In 2024, according to National Conference of Bar Examiners (NCBE), and excluding takers who received their legal educations outside the United States, 98 percent of all bar passers (and 95 percent of all bar takers) across the country in that year had a J.D. from one of the Council's 195+ approved law schools.

A national process benefits prospective law students who can look across the country for their best law school opportunity and law graduates looking for their first job who can

search for legal employment anywhere because all jurisdictions accept a JD degree from an ABA-approved law school as satisfying the legal education requirement to sit for the bar exam and be admitted to practice. A national process also benefits those looking to hire newly minted JD graduates because they can search for good candidates in a large national pool.

This *de facto* national process is even more beneficial for prospective and current law students because other groups, particularly the Law School Admissions Council (LSAC) and the National Association of Law Placement (NALP), piggyback on the ABA regulatory system to provide helpful guidance, support and advice.

Currently, the costs of the Council's system are fully supported by law schools and indirectly covered by students whose tuitions are the primary source of law school revenues. These costs are much lower than they would be in the absence of a central system. Without it, every law school would have to monitor and comply with the educational requirements of every jurisdiction (at least those where their graduates might want to sit for the bar exam) and every jurisdiction would have to develop standards along the lines of the ABA Standards and apply them to every law school wanting to qualify their JD graduates to sit for the bar exam in their jurisdiction. If something like the ABA system did not exist, someone would invent it.

I take a deeper dive [HERE](#) into the importance of having a national regulator/approver of law schools. The disappearance or dissolution of the current system would introduce uncertainty, confusion, potential conflicts, and costs that are unnecessary.

2. It is fair to ask whether the best place to locate a national law school regulatory system today is within the ABA, even in an ABA group such as the Council that operates separately and independently of the larger ABA in its accreditation work.

There is often a misunderstanding and failure to appreciate that the Council, not the larger ABA, is the regulator in charge. The Council is separate and independent of the larger ABA in its accreditation work because it, not the larger ABA, reviews and approves law schools, controls the Standards and Rules of Procedure, controls the budget for its regulatory work, and controls the governance of the process (e.g., the election of Council members).

In my more than a decade of work in the Managing Director's Office, I never experienced or saw the Council be pressured by the larger ABA (the ABA President, Board of Governors, House of Delegates, or the ABA Executive Director) regarding what a Standard should or should not provide, or whether a school should or should not be approved or found in/out of compliance with a Standard or Rule of Procedure. If the Florida Supreme Court or the

Working Group has concerns about the law school approval process, look to the Council, not the larger ABA.

This said, for reasons explored in more depth [HERE](#), I do think that the question about whether the regulatory process would be better off outside of the ABA merits consideration. I welcome the interest of the Florida Supreme Court and this Working Group in the matter. I hope that a national conversation involving the Council, law schools, and the state courts will commence. The interest of the Court and your Workgroup can help jumpstart that conversation.

As this conversation begins, the first question should be whether there are changes that the Council could make to address concerns that you and others have about how the Council is set up and operates and about the Standards themselves. The easiest and least disruptive way to make major changes would be to make them within the existing system. There are reasons to conclude that it is unlikely to happen, some coming from the Council's actions or inactions in recent years and some from the understanding that, more often than not, significant disruptive change comes from outside, not inside, a long-term well-established dominant organization such as the Council.

If the Council shows interest in making appropriate changes, then the question would be whether that change process would lead to a better outcome and happen faster if the Council left the ABA and set itself up as freestanding regulatory body. Other options might be for the Council to transfer its affiliation or be absorbed by or merged with a different group. Logical organizations to consider would be the National Center for State Courts or the NCBE. Perhaps the Council and the NCBE could be combined into one organization that manages both the regulation of legal education and the bar exam for state courts. There are, I suspect, other options. There is not, of course, widespread agreement on what "appropriate changes" might be.

It is daunting to think about the challenges involved in establishing a new home for the law school regulatory system, whether under the authority of the Council or a different, new entity. But that should not deter all the stakeholders and constituent groups from exploring the options. If the ABA and/or the Council are no longer the best home for the national regulation of legal education, then those who care about legal education in the United States should work hard and work together to figure out the best path forward and make it happen. It is not impossible to accomplish such a change.

3. Florida can establish its own law school approval process, but that would not likely lead any existing law school to resign its ABA approval, at least in the short run.

Nothing prevents the Florida Supreme Court from establishing its own law school regulatory system. It might choose to do so for a variety of reasons, including making legal education available in parts of Florida that are some distance from an ABA-approved law school campus, providing a more affordable legal education option in the state, or encouraging the creation of a new law school or schools in Florida to serve particular missions. But the availability of a Florida accreditation process would be unlikely to cause any currently ABA-approved law school to resign its ABA approval. What more approval does an ABA-approved school need beyond the approval of the Council, which provides its JD graduates with access to the bar exam and admission to practice in all jurisdictions?

At the federal level, nothing bars the United States Department of Education (US DoE) from approving more than one accreditor of JD degree programs. If another accreditor were recognized for that purpose, your Court could amend its rules to permit JD graduates from a school approved by that new accreditor to sit for the Florida bar exam and to be admitted to practice in your state. There would simply be two pathways for a JD graduate to meet your bar admissions requirements – graduate with a JD from an ABA-approved school or a school on new accreditor’s the list of approved schools.

Would the recognition of a second accreditor of JD programs by the US DoE be of interest to current ABA-approved law schools? Perhaps, but only if that accreditation were substitutional and not merely supplementary to its ABA approval.

Schools that think that the current ABA process is too expensive, too slow, too burdensome, or too intrusive on matters that should be left to schools to determine might consider switching to a new accreditor, but only if that accreditation provided access to bar admission in all or almost all jurisdictions. It is possible that schools unhappy with the Council system might seek approval by that new accreditor and continue in the Council system at least for a while, as the new group sought broad acceptance of its standards and processes by courts throughout the country. Certainly, a meaningful set of schools and a meaningful set of states could lead the development of a new process, if they chose to do so.

4. Major reform to the law school regulatory system should be a national undertaking.

Whatever concerns you have about the Council’s process, you should not and are not likely to bar JD graduates from an ABA-approved school from admission to practice in Florida.

Nor are you likely to look for ways to prevent bar applicants from admission in Florida because they took certain courses or participated in certain programs at an ABA-approved law school. If the Court is concerned about what schools are requiring of their students, particularly if those requirements relate back to an ABA Standard, the most effective expenditure of your time and effort would be to help lead a conversation across the country about what major changes are needed to lead to a law school regulatory system, including a set of educational standards, which meets the needs of Florida and all other jurisdictions.

That conversation could happen in the Council, in the Conference of Chief Justices (and the current CLEAR project may be a good start), or in an independent project organized by leaders in legal education, the courts, and the profession.

Any such reform should begin with the understanding that the state courts are one of the (if not THE) major stakeholders in the law school regulatory system. It is your authority to regulate the practice of law that includes the requirement that bar applicants have an appropriate legal education to be licensed to practice law, and your rules that state that a JD from an ABA-approved law school satisfies that education requirement.

During my time as ABA Managing Director supporting the Council's work, I had the privilege of attending the Conference of Chief Justices (CCJ) meetings to give a report on the Council's work. I also had many opportunities to work with and get to know many state supreme court justices. Many served on our Council and Council committees, including as Chair of the Council. I know of your keen interest in legal education. I also know that your work plates are full to overflowing.

In managing your workloads, you and your sister courts have looked to the Council and to the NCBE to effectively manage the complementary twin pillars of the bar admissions process – legal education and the bar exam. Speaking to the legal education pillar, the Council has been a good steward of the work the courts expected of it. Using bar passage as a proxy for whether the law schools have done and are doing their jobs, both the first-time and the ultimate bar pass rates reported by the currently 195+ ABA-approved law school support the conclusion that the reliance on the Council and its standards and processes was merited. For the most recent annual results reported by the Council, ~90 percent of first-time takers from ABA-approved law schools passed the bar exam. The most recently reported ultimate bar pass rate (basically, the pass rate for graduates who sat for a bar exam in the first four administrations of the exam after graduation) is ~95 percent. These outcomes compare favorably with ABA Standard 316, which requires a 75 percent ultimate pass rate for compliance.

These excellent outcomes do not mean that there is no need for reform. I appreciate the Court's interest in exploring the need for that reform.

Thank you for the opportunity to comment. I hope that what I have said is helpful to you.

From: [Williamsnotaryservices](#)
To: [Bar Admissions Workgroup](#)
Subject: Consideration for Non ABA Law School Graduates' Bar Eligibility
Date: Monday, June 23, 2025 6:18:15 PM

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Florida Board of Bar Examiners,

I hope this message finds you well.

I am writing to respectfully request that the State of Florida consider revising its current policy requiring graduation from an ABA accredited law school as a condition for eligibility to sit for the Florida Bar Exam. As a current law student at Purdue Global Law School, a non ABA accredited but institutionally accredited program, I would like to offer several considerations in support of expanding access to qualified graduates from alternative legal education pathways.

Many non ABA law schools offer a legal education that is substantially similar in content and rigor to that of ABA accredited institutions. Core legal subjects, academic expectations, and bar preparation are all present. In California, for example, non ABA graduates are eligible to sit for the bar under a state regulated framework, and many of those attorneys go on to serve their communities with professionalism and distinction.

Affordability is a major reason why capable and motivated students choose non ABA programs. These schools often cost under \$100,000, significantly less than the \$150,000 to \$200,000 typically required to attend an ABA accredited institution. With proposed federal legislation potentially capping graduate student loans at \$100,000, this financial accessibility will become even more critical for students from diverse socioeconomic backgrounds.

Importantly, other states are also responding to this changing educational and economic landscape. Texas, for example, has begun reconsidering its ABA only requirement, recognizing the need to modernize bar admission policies and create a more inclusive pathway into the legal profession. I encourage Florida to join in leading this national conversation by exploring similar reforms that promote both excellence and accessibility in legal education.

On a personal note, I hold a Ph.D. in Cybersecurity and two master's degrees. I am academically qualified to attend any ABA accredited law school, but I selected a non ABA program for practical and financial reasons. This is a decision shared by many talented individuals who remain committed to serving their communities through the law.

I respectfully ask that the Florida Board of Bar Examiners consider policy reforms that would allow qualified graduates of non ABA accredited law schools the opportunity to sit for the Florida Bar Exam. This change would expand the pipeline of qualified legal professionals, promote access to justice, and strengthen the diversity of Florida's legal community.

Thank you for your time and thoughtful consideration.

Sincerely,
Jasmine Williams, Ph.D., M.S.

IN THE SUPREME COURT OF PENNSYLVANIA

Alexander David Keely

Petitioner.

No. _____

**APPLICATION FOR EXTRAORDINARY RELIEF UNDER THIS
COURT'S GENERAL POWERS AND KING'S BENCH JURISDICTION**

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William C. Kidder, *The Struggle for Access from Sweatt to Grutter: A History of African American, Latino, and American Indian Law School Admission, 1950-2000*, 19 HARVARD BLACKLETTER L. J. 1 (2003). 13, 14, 51

I. INTRODUCTION

This Court's general authority and King's Bench jurisdiction empower it to address the constitutionality of issues threatening the integrity of the Commonwealth's judicial system and matters of immediate public importance.¹ For over a century, Pennsylvania's bar admissions rules have unjustly perpetuated discriminatory barriers, denied qualified individuals access to the legal profession, and undermined public confidence in a fair and equitable judiciary. These activities occurred while every branch of the Pennsylvania government recognized that racial minorities and lower and middle-income residents have struggled to achieve the American dream without the necessary access to justice support needed to solve their most pressing and life-altering legal challenges.

This petition references this Court's exclusive jurisdiction over bar admissions rules and argues for removing the unwarranted and discriminatory impediments to the bar by describing how the past adoption of the American Bar Association ("ABA")-accreditation monopoly in legal education qualifications violates the fundamental rights of Petitioner. Constitutional protections apply to the fundamental right to work, which is incorporated in the liberty and property interests codified by the people in the Fifth and Fourteenth Amendments.²

¹ *In re Bruno*, 627 Pa. 505, 565, 101 A.3d 635, 671 (2014).

² U.S. CONST. amends. V, XIV.

Historically legitimate professional licensing restrictions on the fundamental right to work are often and appropriately given only rational basis scrutiny, with much deference given to the states. However, this petition will demonstrate that U.S. Supreme Court precedents in similar constitutional rights cases require this Court to hold that restrictions created outside of historically acceptable limitations on fundamental rights are unconstitutional. This petition proves that the current ABA-accreditation requirement falls entirely outside the bounds of historical and Supreme Court-defined professional licensing limitations on individual qualifications, forcing a monopoly in legal education providers that must not be used to prevent or substantially delay well-qualified applicants' access to the bar.

In addition to violations of historical professional licensing limitations, this petition demonstrates how Pennsylvania's adoption of ABA's racially discriminatory practices has invidiously discriminated against Petitioner and other Blacks and minorities. These actions violate the Equal Protection and Due Process Clauses of the Constitution, the Civil Rights Act of 1964, and Pennsylvania's Human Relations Act ("PHRA") through a combination of discriminatory impact and purpose behind this monopoly in legal education.

Finally, this petition argues that, aside from all other arguments, procedural due process rights require Pennsylvania to conduct individual assessments of educational qualifications before preventing Petitioner's ability to practice law in

the state. Alternatively, Petitioner argues that this Court has already implemented rules that satisfy traditional goals of preventing fraud and harm to the public through existing professional licensing requirements, including the bar examination, professional responsibility tests, and background investigations, which appropriately safeguard competency to practice law and justify removing the education requirement altogether.

Petitioner is compelled to seek extraordinary relief because this Court's past creation of the ABA-monopoly is an entrenched violation of individual constitutional rights and the public's right to a fair and accessible bar. While the Court may be hesitant to overhaul these rules, reforming the bar is essential to align with the historical and non-discriminatory professional licensing standards that Petitioner's and other Pennsylvanians' constitutional rights demand. By utilizing plenary authority to review and revise these harmful rules, the current Court can remove long-standing discrimination, uphold its constitutional mandate to regulate the bar, restore trust in the judiciary, and provide Pennsylvanians greater access to justice by opening the bar to all qualified applicants.

II. PETITIONER

Petitioner, Alexander David Keely, 40, is a resident of Chambersburg, Pennsylvania, where he lives with his wife and five children. Petitioner is an Eagle Scout, former All-American National Collegiate Athletic Association ("NCAA")

swimmer, and volunteer Firefighter Paramedic. Ethnically, he is the son of an American Irish and European mother and a naturalized American immigrant father from Barbados. He is the son of U.S. Marines and stepparents who dedicated their lives to protecting the constitutional rights of Americans across this country for decades. Petitioner grew up attending schools in Pennsylvania, graduating from Mercersburg Academy and then Dickinson College, where he earned his Bachelor of Arts in International Studies while leading multiple student community service organizations, including Rotary International and Alpha Phi Omega.³

Petitioner later earned his Master of Science in Information Technology with highest honors from American Public University in Charles Town, West Virginia, in 2018 before starting at Purdue Global Law School (“PG Law”) in early 2021.⁴ Petitioner has worked in information security for over a decade in the private and public sectors, where he has helped secure and defend the United States’ critical information systems.

In 2024, Petitioner graduated from PG Law, earning twenty-four (24) highest grade awards in individual classes and graduating with highest honors as the valedictorian of his class.⁵ Shortly after graduation, he passed the Uniform Bar Exam (“UBE”) in the estimated 98th percentile of all test takers from all law

³ *About*, Empowerment L., <https://www.empowermentlaw.com/about/> (last visited June 11, 2025).

⁴ *Id.*

⁵ *Id.*

schools.⁶ Petitioner was then admitted to the Connecticut state bar and desires to practice law in the Commonwealth of Pennsylvania by joining the mandatory state bar. However, because of existing bar admissions rules approved and governed by this Court, Petitioner’s request for a transfer of his passing UBE and Multistate Professional Responsibility Examination (“MPRE”) scores would be fruitless and wasteful of his family’s funds. This result is not due to his individual qualifications, but rather to one discriminating factor—he did not attend an ABA-accredited law school.

III. JURISDICTION

This Court has jurisdiction pursuant to 42 Pa.C.S.A. § 502, which references general powers of the Supreme Court of Pennsylvania and King’s Bench authority under 210 Pa. Code Rule 3309(a) for extraordinary relief. The rule specifically provides relief under 42 Pa.C.S.A. § 726 for matters of immediate public importance or within the powers reserved to the Supreme Court in “Section 1 of the Schedule to the Judiciary Article.”

⁶ See *The Uniform Bar Examination (UBE) 2024 Statistics*, National Conference of Bar Examiners (“NCBE”), <https://thebarexaminer.ncbex.org/2024-statistics/the-uniform-bar-examination-ube/> (last visited June 11, 2025) (Estimated from 2024 February UBE statistics); NCBE reported lower exam scores for the Feb. 2025 administration, which may indicate Petitioner earned a higher percentile ranking); See *National Bar Exam Scores Fall to Historic Low in February 2025*, Legal.io (Mar. 29, 2025), <https://www.legal.io/articles/5586661/National-Bar-Exam-Scores-Fall-to-Historic-Low-in-February-2025>.

The Court’s powers in Section 1 include the explicit review of the constitutionality of judicial administration matters concerning bar admission, as in PA. CONST. art. V, § 1, 2, & 10(c). In addition, this Court has jurisdiction under its King’s Bench authority to decide this application and order the requested relief to “cause right and justice to be done” in this matter involving “an issue of immediate public importance” according to 42 Pa.C.S.A. § 726. Pennsylvania’s discrimination concerning bar admission rules has contributed to an ever-growing and severe access to justice issue, resulting in hundreds of thousands of Pennsylvanians lacking support for their legal problems annually.

IV. FACTUAL BACKGROUND

The right to work is a cornerstone of American liberty and deeply woven into the fabric of our founding principles as articulated in the Declaration of Independence’s promise that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”⁷ However, exclusionary bar admission rules in Pennsylvania, shaped by the ABA’s discriminatory practices, stifle this fundamental right, limiting access to the legal profession and deepening the state’s access to justice crisis. This section traces the historical and modern dimensions of

⁷ *Declaration of Independence (1776)*, National Archives, para 1, <https://www.archives.gov/milestone-documents/declaration-of-independence>.

this barrier, weaving together its impact on diversity in the legal profession, the urgent need for legal services in Pennsylvania, and Petitioner’s qualifications for bar admission.

A. The fundamental right to work is inextricably linked to constitutional liberty and property rights.

The American Revolution was ignited by grievances over taxation without representation, a policy that curtailed colonists’ freedom to pursue their chosen occupations and retain their earned property. The Declaration of Independence crystallized the vision that these liberty and property rights endure throughout time, inextricably linked with other fundamental rights because of their united goal of enabling sovereign people to have the freedom to pursue their desired version of happiness.⁸

After the revolution, James Madison eloquently reaffirmed this liberty and property association to the right to work by writing in The Federalist No. 10, published in November of 1787, that the “diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government.”⁹ The concept of a fundamental right to pursue one’s passion through

⁸ See *Id.*, at para 5.

⁹ James Madison, *The Federalist Papers: No. 10*, Yale L. Sch., (Nov. 23, 1787), at para. 6, https://avalon.law.yale.edu/18th_century/fed10.asp.

learning and choosing an occupation was established well before America's founding and has been recognized throughout American history.

The right to follow any of the common occupations of life is an inalienable right, it was formulated as such under the phrase 'pursuit of happiness' in the Declaration of Independence, which commenced with the fundamental proposition that 'all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.' This right is a large ingredient in the civil liberty of the citizen.¹⁰

The Supreme Court continued to apply the fundamental right to work, as established in federal protections through the Bill of Rights in the Fifth Amendment, adopted in 1791, to the states in the *Slaughter-House* case in 1884 through the Privileges and Immunities Clause of the Constitution and the Fourteenth Amendment.¹¹

While many Supreme Court cases have reinforced a fundamental right to work in terms of choosing an occupation, later cases seem to have been construed by some to argue against a fundamental right to work, including the right to practice law. Yet, in cases like *Edelstein v. Wilentz* from the Third Circuit U.S. Court of Appeals, which refrained from recognizing the fundamental right to work

¹⁰ *Butchers' Union Slaughter-House & Live-Stock Landing Co. v. Crescent City Live-Stock Landing & Slaughter-House Co.*, 111 U.S. 746, 765–66, 4 S.Ct. 652, 659 (1884) (Bradley, J. with Harlan and Woods, JJ., concurring).

¹¹ *Id.*; *See id.*, at 757 (Field, J., concurring citing ADAM SMITH, WEALTH OF NATIONS, ch. 10 (1776) ("the property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable.")).

or practice law, the main differentiating factor lies in the distinction between the fundamental right to work and the lack of a right to employment by a third party.

The California Court of Appeals in *Townsend*, citing the California Supreme Court, understood this distinction and stated that the court does “not question that there is a ‘fundamental right’ to pursue a lawful occupation ... However, plaintiff’s fundamental right to practice law ... does not encompass the right to work for a particular employer, whether that employer be public or private.”¹² While there remains a fundamental right to work and choose one’s occupation,¹³ there is no federal constitutional right to force an employer to hire an individual or maintain their employment.¹⁴ As both of these concepts are logically independent, the inability to force employment does not alter the continuing fundamental right to work in America, which has been established as an inalienable right for centuries. This enduring principle sets the stage for examining the history behind acceptable licensing practices that limit this fundamental right.

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¹² *Townsend v. Cnty. of Los Angeles*, 49 Cal. App. 3d 263, 267, 122 Cal. Rptr. 500, 502 (Ct. App. 1975) (citing *Purdy & Fitzpatrick v. State of Cal.*, 71 Cal.2d 566, 579, 79 Cal.Rptr. 77, 456 P.2d 645 (Cal. 1969); *Raffaelli v. Comm. of Bar Exam’r*, 7 Cal.3d 288, 293-294, 101 Cal.Rptr. 896, 496 P.2d 1264 (Cal. 1972)).

¹³ See *Corfield v. Coryell*, 6 F. Cas. 546, 552 (C.C.E.D. Pa. 1823) (listing “professional pursuits” as privileges and immunities, recognizing constitutional protection for occupational freedom).

¹⁴ See *The Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 578–79, 92 S.Ct. 2701, 2710, 33 L. Ed. 2d 548 (1972); See *Bishop v. Wood*, 426 U.S. 341, 348, 96 S.Ct. 2074, 2079, 48 L. Ed. 2d 684 (1976).

B. Historical limitations on professional licensing utilized qualifications and examinations to validate competency and prevent fraud.

While the fundamental right to work has been an inseparable part of America's founding, government licensing of professions has attempted to safeguard the public from fraud and incompetence. A long history of licensing began in England with the craft guilds of the Middle Ages, the Inns of Court in the 1300s, and the Royal College of Physicians' licensing of the 1500s.¹⁵ Without factoring in monopolistic, self-serving, and discriminatory motivations, American colonists continued professional licensing to the present time to "combat consequences of ignorance and incapacity, as well as of deception and fraud and to fulfill the government's responsibility, from time immemorial, to exact in many pursuits a certain degree of skill and learning upon which the community may confidently rely."¹⁶

Inseparable from the long history of licensing were applicants' qualifications and testing to determine competency for licensure in the legal profession. In the 1600s, apprenticeships and clerkships were the first training methods adopted by new American lawyers.¹⁷ After all colonies established a professional bar by the

¹⁵ *Veterans Guardian VA Claim Consulting LLC v. Platkin*, 133 F.4th 213, 224–25 (3d Cir. 2025).

¹⁶ *Id.* (citing *Dent v. West Virginia*, 129 U.S. 114, 122 (1889)).

¹⁷ Katlin Kiefer, *The History of the U.S. Bar Exam, Part I – The Law's Gatekeeper*, Libr. of Cong., para. 2 (Feb. 13, 2024), <https://blogs.loc.gov/law/2024/02/the-history-of-the-u-s-bar-exam-part-i-the-laws-gatekeeper/>.

1750s, the first oral examinations by judges began in 1783.¹⁸ By the mid-1800s, written bar exams improved upon the potential for leniency and variation in oral exams.¹⁹ The majority of states adopted a written exam by the 1920s,²⁰ coinciding with the formation and growing prominence of the ABA.

The so-called “diploma privilege” gained substantial popularity from the late 1800s until the 1920s, providing automatic bar admission after graduation from an American law school.²¹ However, this licensing method was short-lived as the ABA declared a preference for licensing based on independent performance assessments through the written bar exam, a policy that the majority of states later adopted.²²

C. Pennsylvania and ABA’s history of purposeful racial and minority discrimination limit access to the legal profession.

While the right to work is a bedrock of American liberty, Pennsylvania and the ABA have historically imposed discriminatory barriers that excluded minorities and women from the legal profession. Pennsylvania’s overt discrimination against Blacks and women in the bar solidified in 1838 with a revision to the state Constitution that limited citizenship rights, including voting and the ability to

¹⁸ *Id.*

¹⁹ *Id.* at para. 3.

²⁰ *Id.* at para. 6.

²¹ *Id.*

²² *Id.*

practice law, to only White men.²³ Blacks who were some of the first of their race to graduate from college, complete judge clerkships, and apply for the bar in Pennsylvania, as in the case of George Boyer Vashon, were denied admission in the 1840s through the 1860s because of race.²⁴ When Blacks started increasing attendance in private law schools after the Civil War, the ABA and the American Association of Law Schools (“AALS”) launched an overt campaign of discrimination that increased education requirements before law school and limited access to the bar in some states to only graduates of ABA-accredited law schools.²⁵

Attending law school became even more difficult with the ABA’s creation of significant obstacles to prevent the entry of minorities and women in the early 1900s. In line with earlier American Medical Association (“AMA”) discrimination successes in impeding minorities from becoming medical doctors, the ABA created a covert campaign of discrimination. These obstacles included the purposeful discrimination against minorities and women through increased costs of tuition and pre-admission requirements, exclusion of minority friendly and accessible schools, and additional examinations covering subjects not taught in the general schooling

²³ Catherine M. Hanchett, *George Boyer Vashon 1824-1878 Black Educator, Poet, Fighter for Equal Rights Part One*, 68 THE W. PA HIST. MAG. 205, 208 (July 1985).

²⁴ Jennifer C. Yates, *Black Scholar Denied Pa. Law License in 1847 Admitted to State Bar*, *Diverse: Issues in Higher Education* (May 4, 2010), <https://www.diverseeducation.com/demographics/african-american/article/15089605/black-scholar-denied-pa-law-license-in-1847-admitted-to-state-bar>.

²⁵ George B. Shepherd, *No African-American Lawyers Allowed: The Inefficient Racism of the ABA’s Accreditation of Law Schools*, 53 J. LEGAL EDUC. 103, 109-110 (2003).

curriculum.²⁶ These actions focused law school and bar admissions on factors outside of an individual's merit, knowledge, and ability to practice.

By the 1940s, law schools geared toward minorities were shutting down because of this pressure, and these new covert discriminatory and more generally applicable requirements ensured fewer minorities became lawyers than with the associations' prior express exclusion of Blacks, women, and other minorities.²⁷ Similar overt discrimination tactics against women occurred with wide acceptance in AALS committees led by Harvard Law School's dean Erwin Griswold in 1951, assuring members that there would never be a great acceptance of women lawyers because the new so-called anti-racial discrimination "policy was never to give any man's place to a woman."²⁸ The ABA finally ceased its express racial discrimination in the 1940s when it became unpopular, and the Supreme Court later held that public law schools could not exclude Blacks in the 1950s.²⁹ However, from the 1950s through the early 1970s, most ABA-accredited law schools had not admitted a single Black student.³⁰ In 1970, Pennsylvania was one of four states outside of the South to have over 1 million Blacks, yet the state only

²⁶ *Id.* at 112-113.

²⁷ *Id.* at 113.

²⁸ William C. Kidder, *The Struggle for Access from Sweatt to Grutter: A History of African American, Latino, and American Indian Law School Admission, 1950-2000*, 19 HARVARD BLACKLETTER L. J. 1, 16 (2003).

²⁹ *Id.* at 109.

³⁰ *Id.* at 5.

had approximately 140 Black lawyers, which was considered “scandalous,” according to a Philadelphia Bar Association committee.³¹

The ABA’s practices increased law school tuition beyond the 1950s for many decades,³² and new policies demanded additional law school entry requirements, such as the Law School Admission Test (“LSAT”), which further limited diversity.³³ At the AALS meeting in 1969, Professor Derrick Bell, a member of the organization’s Black Caucus of Law Teachers, noted the group’s strong opposition of the LSAT, which they viewed as “a device to exclude [B]lacks from law schools,” instead of using more fair and generally applicable alternative admissions criteria.³⁴ Nationally, ABA’s discrimination continues to limit law school diversity, as when compared to the 2020 Census of Blacks overall (12.4%), the percentage of Blacks in ABA law schools (7.7%) continued to fail to represent overall society, which comprises ~38% fewer Blacks in ABA schools,³⁵ and ~64% fewer Blacks practicing law nationwide (4.5%).³⁶

³¹ *Id.* at 8.

³² *Id.* at 131.

³³ Deseriee A. Kennedy, *Access Law Schools & Diversifying the Profession*, 92 *TEMPLE L. REV.* 800, 802 (2020).

³⁴ *Proceedings of the Annual Meeting of the Association December 28, 29 and 30, 1969*, 1969 *AALS Proceedings* 33 (1969) at 146-7.

³⁵ *Profile of the Legal Profession: Legal Education*, A.B.A. (July 2022), <https://www.abalegalprofile.com/legal-education.php>.

³⁶ *Profile of the Legal Profession: Demographics*, A.B.A. (July 2022), <https://www.abalegalprofile.com/demographics.php>; See Nicholas Jones, Rachel Marks, Roberto Ramirez, & Merarys Rios-Vargas, *2020 Census Illuminates Racial and Ethnic Composition of the Country*, U.S. Census Bureau (Aug. 12, 2021),

After the Civil Rights Act of 1964 was passed to eliminate employment discrimination, Pennsylvania implemented the ABA’s discriminatory tactics by approving changes to the rules in 1971 to limit bar access to only those graduates of ABA-accredited law schools.³⁷ Unlike what this Court said in *Kartorie* (1979) that “[n]o rule, principle, or doctrine is more firmly established in this Court’s jurisprudence than the requirement of graduation from an A.B.A. approved law school,”³⁸ Pennsylvania went through centuries prior without that requirement. Pennsylvania’s adoption of the ABA education monopoly has a direct impact on law firm diversity within the state. An ABA report notes that California, the state accepting the most non-ABA accredited schools, was cited as having “particularly strong” law firm diversity, with five of the top ten metropolitan areas in the country having the highest percentage of minority law partners.³⁹ On the other hand, Pennsylvania, which does not accept any non-ABA accredited schools, is home to the metropolitan area of Pittsburgh, which has the lowest percentage of minority law firm partners in the entire country, at 2%.⁴⁰

<https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>.

³⁷ *Modern Bar Examination*, Pa. Bd. of Law Exam’r (June 24, 2023), https://www.pabarexam.org/board_information/history/modern.htm.; *Appeal of Murphy*, 482 Pa. 43, 45, 393 A.2d 369, 370 (1978).

³⁸ *Appeal of Kartorie*, 486 Pa. 500, 502, 406 A.2d 746, 747 (1979).

³⁹ *Profile of the Legal Profession 2024: Demographics*, A.B.A. (Nov. 2024), <https://www.americanbar.org/news/profile-legal-profession/demographics/> (citing the National Association for Law Placement 2023 Report on Diversity in U.S. Law Firms) (last visited Mar. 16, 2025).

⁴⁰ *Id.*

In recent years, the ABA switched tactics to continue its façade of promoting diversity, equity, and inclusion, while maintaining ongoing covert discriminatory policies that impede access to the profession because of race. Modern racial discrimination accusations have been raised against the ABA and throughout its law school admissions, hiring, and judicial clerkship programs. The organization modernly reentered a campaign of overt and express policies promoting racial discrimination against Whites. This resulted in twenty-one state attorneys general submitting a demand letter in June 2024 to stop the ABA’s alleged racial discrimination in law school admissions and faculty hiring practices nationwide, accusing the organization of violating the Constitution and Title VII of the Civil Rights Act.⁴¹

Along with discrimination in entry to law school and faculty positions, the Wisconsin Institute for Law & Liberty (“WILL”) filed a civil rights complaint with the Department of Education in May 2024, accusing the ABA and three of its universities of discriminating against White students and graduates seeking judicial clerkships.⁴² The arguments against the organization presented claims of the

⁴¹ *Attorney General Marshall and 21-State Coalition Demand American Bar Association Stop Requiring Racial Discrimination in Law School Admissions and Hiring*, Off. of the Att’y Gen. (June 6, 2024), <https://www.alabamaag.gov/attorney-general-marshall-and-21-state-coalition-demand-american-bar-association-stop-requiring-racial-discrimination-in-law-school-admissions-and-hiring/>.

⁴² *WILL Files Formal Civil Rights Complaint Against the American Bar Association and Institutions of Higher Education Across America for Discriminatory Practices*, WILL (May 21,

ABA’s continuing violation of the Supreme Court’s decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, through alleged violations of federal law in their Title VI complaint.⁴³

D. Access to justice problems in Pennsylvania are increased by the judicial system’s discrimination against non-ABA legal training.

The lack of access to justice in Pennsylvania that plagues low-income and minority residents continues to grow. Over the last 20 years, the Pennsylvania General Assembly led multiple investigations, reports, and actions to combat the adverse effects of residents’ lack of access to the legal system. However, while legal aid programs exist to help those in poverty, most of their legal needs and those of the middle class are left unaddressed due to a lack of lawyers available to assist.

The Office for Access to Justice within the U.S. Department of Justice (“DOJ”) has emphasized the need to support nationwide legal aid programs, public defender offices, and prosecutorial agencies, particularly in smaller communities and rural areas.⁴⁴ While the Pennsylvania Bar Association and state legislature have initiated grants to fund access to justice programs, their research still indicates

2024), <https://will-law.org/will-files-formal-civil-rights-complaint-against-the-american-bar-association-and-institutions-of-higher-education-across-america-for-discriminatory-practices/>.

⁴³ *Id.*

⁴⁴ *Access to Justice Prize*, U.S. Dep’t of Just., Off. for Access to Just. (Feb. 18, 2025), <https://www.justice.gov/atj/access-justice-prize>.

these programs are not effectively addressing the widening access to justice gap for residents.⁴⁵

According to Legal Services Corporation (“LSC”) data, the northeast sector of the U.S., encompassing Pennsylvania, experiences over 387,000 eligible legal problems annually, but at least 72% of those support requests remain unmet.⁴⁶

Low-income families are often in need of support for serious problems relating to the security of their family, with over 50% of their legal issues relating to housing, domestic relations, or safety concerns.⁴⁷

Without access to justice for these families concerning substantial or life-altering issues, their ability to achieve the American dream is inhibited because of the lack of legal support. In 2016, a bipartisan coalition of the Pennsylvania legislature found that a longstanding and growing problem exists with residents’ inability to access legal services in our state. The lack of access prevents those affected from exercising their constitutional rights to counsel and legal support, which the legislature classified as a “basic human need” for residents.⁴⁸

⁴⁵ *What We Do*, Pa. Bar Found., <https://www.pabar.org/site/Foundation/What-We-Do/> (last visited Mar. 12, 2025).

⁴⁶ *The Justice Gap: Section 6: Reports from the Field*, LSC, <https://justicegap.lsc.gov/resource/section-6-reports-from-the-field/> (last visited Mar. 16, 2025).

⁴⁷ *Id.*

⁴⁸ *Report on the Use of the AJA: The Commonwealth’s Access to Justice Act*, Pa. Gen. Assembly, Legis. Budget and Fin. Comm., 12 (Oct. 2016), <https://palegalaid.net/sites/default/files/attachments/2018-04/Report-on-Use-of-AJA-October-2016%5B1%5D.pdf>.

Unfortunately, over 50% of Pennsylvania residents seeking legal aid services do not receive help due to funding constraints.⁴⁹ This Court’s Interest on Lawyer’s Trust Accounts (“IOLTA”) board cited an LSC report that found even more residents needing legal help did not seek it, estimating that only 20% of the actual legal need for support is met by current aid programs.⁵⁰

E. Pennsylvania’s history of adopting discriminatory ABA bar admission rules and the former education waiver option.

Compounding these issues, the ABA’s accreditation policies bar fully online law schools, like PG Law, from accreditation regardless of their quality. According to the ABA’s Section of Legal Education and Admissions to the Bar, approved law schools may only grant up to 50 percent of the total credit hours within a JD program through distance education or online methods.⁵¹ ABA law schools must maintain requirements regarding their legal education programs in Standards 301-315, while also ensuring that a minimum of 75 percent of their graduates pass the bar examination within a two-year period.⁵² Unfortunately, these standards create a stigma for law school applicants and prevent fully online law schools, like PG Law, from undergoing an ABA assessment to determine the quality of their JD

⁴⁹ *Id.* at S-2.

⁵⁰ *2017 Justice Gap Report*, LSC, 1-2 (June 2017), <http://www.lsc.gov/mediacenter/publications/2017-justice-gap-report>.

⁵¹ *A Guide to ABA Approved Distance Education*, A.B.A. (Dec. 19, 2024), https://www.americanbar.org/groups/legal_education/resources/distance_education/.

⁵² *See generally Chapter 3: Program of Legal Education*, A.B.A., https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_t_o_the_bar/standards/2024-2025/2024-2025-standards-chapter-3.pdf (last visited June 11, 2025).

programs or compliance with ABA requirements based on the merit of their legal pedagogy.

Pennsylvania Bar Admissions Rule 102(a) limits the licensing of lawyers to only those who graduate from law schools accredited by the ABA.⁵³ According to ABA accreditation Standard 105(a)(12)(i), the organization will not accredit fully online programs without special approval, which has only been permitted for a select number of existing ABA law schools.⁵⁴ Although nearly all law schools transitioned from in-person to online classes during the prolonged COVID-19 restrictions, the ABA continues to discriminate against fully online law schools solely because of the instruction method used, rather than evaluating the effectiveness of their programs.

These ABA restrictions have limited access to alternative learning methods, including state-accredited law schools that offer quality legal education free from the ABA's discriminatory practices. This unmeritorious restriction greatly hinders minorities, students with disabilities, and low-income families from entering the profession. Minority and disabled students can significantly benefit from online learning in law school, as they do in other higher education programs. These disadvantaged groups often lack the same ability to relocate to attend brick-and-

⁵³ 204 Pa. Code 71 r. 102.

⁵⁴ A.B.A., *Distance Education*, supra n. 52.

mortar schools and more frequently have significant family, work, or community responsibilities that require schedule flexibility, which would otherwise prevent their attendance in traditional higher education venues.⁵⁵

The national impact of these discriminatory ABA policies significantly affects diversity in the legal profession. Although the general higher education population is 40% diverse and 19% disabled,⁵⁶ minority lawyers of color nationwide are only 23% of the legal profession, and 2.4% are those with disabilities as of 2023.⁵⁷ Unsurprisingly, Pennsylvania's diversity in the legal profession is not significantly different from what the ABA has created nationally, due to the implementation of the same underlying discriminatory policies. Along with lawyers, the lack of a diverse bench was also noted by an Interbranch Commission in 2014, which identified an underrepresentation of minority judges in the state, with none serving on the Pennsylvania Supreme Court or Commonwealth Court, and only one serving on the Superior Court.⁵⁸ Otherwise, the commission

⁵⁵ J.P. Pressley, *Online Learning Can Help Minimize Racism and Ableism In and Out of the Classroom*, EdTech: Focus on Higher Education (May 25, 2022), <https://edtechmagazine.com/higher/article/2022/05/online-learning-can-help-minimize-racism-and-ableism-and-out-classroom>.

⁵⁶ See Jane Nam, *Diversity in Higher Education: Facts and Statistics*, BestColleges (Apr. 29, 2024), <https://www.bestcolleges.com/research/diversity-in-higher-education-facts-statistics/> (citing the National Center for Education Statistics); See Lyss Welding, *Students With Disabilities in Higher Education: Facts and Statistics*, BestColleges (Mar. 29, 2023), <https://www.bestcolleges.com/research/students-with-disabilities-higher-education-statistics/> (citing the National Center for Education Statistics).

⁵⁷ A.B.A., *Demographics 2024*, *supra* n. 40.

⁵⁸ *Creating A Diverse Bench in Pennsylvania*, Pa. Interbranch Comm'n, 7 (Jan. 2014), <https://pa-interbranchcommission.com/wp-content/uploads/2021/10/Creating-A-Diverse-Bench-Final.pdf>.

determined that only 9% of the Courts of Common Pleas were made up of minorities.⁵⁹

The current rules that limit access to the Pennsylvania bar include Rule 203 Admission by Bar Examination, which requires an applicant to have 1) completed an accredited college or university undergraduate degree, or equivalent education, 2) graduated from an ABA-accredited law school (per Rule 102), 3) possessed appropriate conduct showing good character or general non-scholastic qualification standards, 4) completed the UBE with a minimum score of 270, and 5) completed the MPRE with a minimum score of 75.⁶⁰ Rule 206 Admission by Bar Examination Score Transfer requires nearly the same requirements as Rule 203, except that the bar examination must meet the minimum UBE score and be transferred within 30 months of taking the exam.⁶¹

Alternatively, under Rule 203, an attorney who did not attend an ABA-accredited law school must gain five additional years of experience practicing law or teaching at an ABA law school in a reciprocal jurisdiction before the rules allow that attorney to have the option of retaking the UBE in Pennsylvania before bar admission.⁶²

⁵⁹ *Id.*

⁶⁰ 204 Pa. Code 71 r. 203.

⁶¹ 204 Pa. Code 71 r. 206.

⁶² 204 Pa. Code 71 r. 203(a)(2)(ii).

Although this Court previously amended admission rules in 1976 to permit individuals to sit for the bar examination if they “shall have acquired a legal education which in the opinion of the State Board is the equivalent of the education received in an ABA approved school,” policies permitting the waiver were unclear.⁶³ In the fall of 1976, Edward M. Murphy, a Western State University School of Law graduate and California attorney, applied for a waiver to take the bar exam in Pennsylvania because the ABA did not accredit Western State at that time.⁶⁴ The U.S. District Court held in *Murphy* that Pennsylvania’s waiver option, available to bar applicants not attending ABA-accredited law schools,

must be operated in accordance with the due process guarantees of the Fourteenth Amendment. Waivers may not be granted or denied arbitrarily or capriciously, or without definable reasons or standards. In the absence of any guiding principles which may be pointed to as forming the basis of a waiver decision there is no indication that due process has been adhered to. There is no intimation of the rational basis on which the Court’s discretion has been exercised. Due process will not allow the exercise of unfettered discretion, or the use of improper criteria. While we have no reason to believe nor do we mean to infer that this or any other waiver decision was the result of an improper exercise of discretion in violation of the Fourteenth Amendment, we simply do not know, and neither do plaintiff or other graduates of non-ABA accredited law schools who wish to be admitted to the bar in Pennsylvania. No reasons have been given, and no standards and guidelines for issuance or denial of waivers have been established. Applicants for admission to the bar by the way of the waiver procedure

⁶³ *Murphy v. Egan*, 498 F. Supp. 240, 241 n. 1 (E.D. Pa.), *cause dismissed and remanded sub nom.* Appeal of Eagen, 639 F.2d 772 (3d Cir. 1980), and *cause dismissed and remanded sub nom.* *Edward M. Murphy, II v. Michael J. Eagen*, 639 F.2d 774 (3d Cir. 1980).

⁶⁴ *Id.* at 241.

are entitled to know the criteria which must be met in order to be granted a waiver.⁶⁵

After the federal court required the Pennsylvania Board of Law Examiners' ("PBLE") waiver requirement to follow due process guarantees by providing standards and guidelines, the entire waiver process was eliminated. This limited immediate bar examination, transfer of UBE scores, and reciprocity admission options to only ABA law school graduates.⁶⁶ The PBLE currently advises potential applicants desiring to gain bar admission that the board is "without authority to waive its rules or the requirements of its rules. Accordingly, there is no process to petition the Board for waiver of its rules or rule requirements."⁶⁷

F. PG Law's JD programs provide equivalent legal qualifications and help address the access to justice gap.

PG Law, formerly Concord Law School, was established in 1998 in Los Angeles, California, as the nation's first fully online law school.⁶⁸ The school was founded to provide more access to law programs that would accommodate both the time and budget constraints of working adults.⁶⁹ PG Law's mission is to provide a rigorous legal education that supports effective client advocacy.⁷⁰ One of PG

⁶⁵ *Id.* at 244.

⁶⁶ 204 Pa. Code 71 r. 102.

⁶⁷ *Waiver Statement*, Pa. Bd. of Law Exam'r (Apr. 11, 2025), https://www.pabarexam.org/bar_admission_rules/waiverstatement.htm.

⁶⁸ *About Purdue Global Law School*, PG L., <https://www.purduegloballawschool.edu/about> (last visited June 11, 2025).

⁶⁹ *Id.*

⁷⁰ *Id.*

Law's goals is to enable greater access to justice for the general population by helping rural communities with their legal needs.⁷¹ PG Law supports access to justice by being innovative in its teaching methods and educating students more effectively, while offering tuition rates that are less than half the average of ABA-accredited schools.⁷² This permits graduates to be zealous advocates for their clients while not being forced to relocate outside of rural areas or join larger firms that focus on high-profile, commercial, or government clients to pay off their debt.

PG Law Dean Martin Pritikin, magna cum laude graduate of Harvard Law School and ABA-accredited law school Teacher of the Year award winner (twice), has led faculty efforts since 2016 to improve the quality of the JD program.⁷³ Under Dean Pritikin's persistent and determined leadership, faculty have been encouraged to incorporate creative teaching strategies and techniques to innovate more engaging and dynamic learning environments that cater to students' diverse learning styles.

In 2003, PG Law's first graduates sat for the California Bar Exam and achieved a pass rate of 60%, surpassing the state's overall first-time pass rate for

⁷¹ *Id.*

⁷² *A Quality Legal Education Doesn't Need to Cost a Fortune*, PG L., <https://www.purdueglobal.lawschool.edu/tuition> (last visited June 10, 2025).

⁷³ *Martin Pritikin, JD*, PG L., <https://www.purdueglobal.edu/about/leadership-board/martin-pritikin/> (last visited June 11, 2025).

all examinees.⁷⁴ PG Law's latest bar examination performance highlights include a first-time pass rate of 62% on the February 2023 California Bar Exam, which far exceeded the first-time average of all ABA law schools at 43%.⁷⁵ During the February 2025 exam, for which Petitioner was an examinee, PG Law graduates had an overall first-time pass rate of 88% among UBE takers, which exceeded the overall first-time pass rate in all states where graduates took the exam, including Utah, Indiana, and Connecticut.⁷⁶

PG Law's 2025 results matched the first-time pass rate in California at 62% and exceeded the ABA's first-time pass rate nationally, with 68% of PG Law graduates passing the bar on their first attempt compared to the 62% ABA-dominated average.⁷⁷ For the February 2025 UBE, Pennsylvania examinees from mostly ABA law schools had a first-time pass rate of 57%, which PG Law surpassed at 88% in similar UBE jurisdictions.⁷⁸ Nationwide bar exam scores have declined over the past five years as the substantial majority of examinees, ABA graduates, have seen a decrease in average scores on the exams, with the February

⁷⁴ *The History of Purdue Global Law School*, PG L., <https://www.purduegloballawschool.edu/about/history> (last visited June 11, 2025).

⁷⁵ *Id.*

⁷⁶ *Spring 2025 Alumni Newsletter*, PG L., May 2025, at 2.

⁷⁷ *Id.*

⁷⁸ *Bar Exam Results by Jurisdiction*, NCBE (June 11, 2025), <https://www.ncbex.org/statistics-research/bar-exam-results-jurisdiction>.

2025 Multistate Bar Exam (“MBE”) score being the lowest since the NCBE’s inception in 1972.⁷⁹

While the quality and format of online law school programs vary greatly, PG Law’s bar passage rates have gradually improved.⁸⁰ Even as online JD programs have strengthened, comparing ABA and non-ABA-accredited schools is challenging because of the nationwide prejudice against graduates stemming from state bars that still incorporate ABA discrimination requirements. This non-merit-based discrimination forces non-ABA-accredited law schools to suffer from an “adverse selection” bias among applicants to law schools in general who do not want to risk a stigma from a lesser-known online law program with potentially significant bar admission and work restrictions.⁸¹ Therefore, it is likely that the performance of online law schools and their associated bar-passage-rate statistics are negatively impacted because of the ABA’s manufactured discrimination and artificial limitations against them, which permeate into law school applications, internships, fellowships, clerkships, and post-graduate employment.

⁷⁹ See Legal.io, *National Bar Exam Scores Fall*, *supra* n. 6; See also NCBE Announces National Mean for February 2025 MBE, NCBE (Mar. 27, 2025), <https://www.ncbex.org/news-resources/ncbe-announces-national-mean-february-2025-mbe/>.

⁸⁰ *Mythbusters: What do we really know about online law schools?*, A.B.A. J. (Jan. 15, 2025), <https://www.abajournal.com/web/article/mythbusters-what-do-we-really-know-about-online-law-schools>.

⁸¹ *Id.*

G. Multiple states’ supreme courts and boards of law examiners determined that PG Law’s JD program satisfies requirements for bar admission qualifications.

ABA’s Legal Program Standards 301-316 create learning objectives and outcomes for its accredited law schools.⁸² These open requirements support curricula flexibility while necessitating that programs prepare students for the bar exam by developing an understanding of professional responsibility, legal writing, and client advocacy.⁸³ PG Law’s JD curriculum is substantially equivalent to ABA requirements and matches the core curriculum at some of the highest ABA-ranked schools in the country, like Stanford,⁸⁴ Harvard,⁸⁵ and Yale.⁸⁶ In addition to the similar mapping of JD degree requirements, PG Law is accredited by the Higher Learning Commission, an institutionally recognized accreditation agency by the U.S. Department of Education, and the Committee of Bar Examiners of the State Bar of California.⁸⁷ Finally, PG Law’s leadership and faculty have extensive experience advocating for clients, defending civil rights, publishing legal works,

⁸² A.B.A., *Chapter 3*, *supra* n. 53, at 19-20.

⁸³ *Id.*

⁸⁴ *Degree Requirements*, Stanford Univ. (Nov. 4, 2022), <https://law.stanford.edu/wp-content/uploads/2022/11/Overview-of-JD-Requirements-for-Class-of-2025.pdf>.

⁸⁵ *J.D. Degree Requirements Quick Reference Guide*, Harv. L. Sch., <https://hls.harvard.edu/academics/curriculum/registration-information/j-d-degree-requirements-quick-reference-guide/> (last visited June 11, 2025).

⁸⁶ *Academic Requirements and Options*, Yale L. Sch., <https://bulletin.yale.edu/bulletins/law/academic-requirements-and-options#course-selection> (last visited June 11, 2025).

⁸⁷ *Accreditation*, PG L., <https://www.purduegloballawschool.edu/about/accreditation> (last visited June 11, 2025).

and teaching the law, along with the great majority being graduates and award-winning professors of ABA-accredited law schools.⁸⁸

PG Law has also been recognized by five states' boards of law examiners or supreme courts for having a legal education program that is substantially equivalent to ABA standards or one of sufficient quality to satisfy bar admission requirements. Along with California, the Supreme Court of Indiana provided non-ABA-accredited law schools with a pathway to licensure in 2024 by approving PG Law graduates to take the bar examination based on individual waivers through amendments to Indiana's Administrative and Discipline Rule 13.⁸⁹ In 2024, Connecticut's Bar Examining Committee similarly approved PG Law graduates to qualify for their bar examination without waiver after evaluating the school and determining that it met their educational qualifications for admission.⁹⁰

In 2024, the Supreme Court of Utah ruled in *Labrum* that PG Law's curriculum, topic coverage, and program length were equivalent to ABA

⁸⁸ *Purdue Global Law School Faculty: Distinguished and Responsive*, PG L., <https://www.purduegloballawschool.edu/about/faculty> (last visited June 11, 2025).

⁸⁹ *Dean's Letter - Summer 2024*, PG L. (July 31, 2024), <https://www.purduegloballawschool.edu/blog/deans-column/summer-2024>; *See Order Amending Admission and Discipline Rules*, No. 24S-MS-1 (Ind. Feb. 15, 2024), <https://www.in.gov/courts/files/order-rules-2024-0701-admin.pdf>.

⁹⁰ Julianne Hill, *Connecticut Allows Fully Online Law School Grads of Purdue Global to Take Bar Exam*, A.B.A. J. (Oct. 8, 2024), <https://www.abajournal.com/web/article/connecticut-allows-purdue-global-fully-online-law-school-grads-to-sit-the-bar-exam>; *See Frequently Asked Questions (FAQs)*, Conn. Bar Examining Comm., <https://ctbaradmissions.jud.ct.gov/faq> (last visited June 11, 2025).

standards.⁹¹ Although the court mentioned concerns about lower first-time bar pass rates in 2017, it noted that PG Law’s ultimate bar pass rates at the time were slightly lower than the ABA requirement by approximately five percent.⁹² The court reviewed attorney discipline and disbarment statistics, which it documented were similar to the ethical standards of other graduates of ABA-accredited law schools.⁹³ The court held that based on clear and convincing evidence, PG Law provided a JD education of “sufficient quality” for a graduate’s admission to the bar upon passing the bar examination and other requirements.⁹⁴

In April 2025, the Wyoming Supreme Court held in *Anderson* that although existing rules required ABA-accredited law school attendance, a graduate of PG Law had sufficient educational training and experience to “fully qualify him to sit for the UBE and potentially practice law in Wyoming upon passage of the exam.”⁹⁵ Similarly, in May of 2025, the Texas Supreme Court held in *Locke* that PG Law’s JD program provided the graduate with a legal education where “good cause [was] shown for waiving the requirements of Rules 3 and 13.”⁹⁶ The court waived these rules that limited bar applicants to only attending accredited schools at the time of

⁹¹ *Labrum v. Utah State Bar*, 2024 UT 24, ¶ 29, 554 P.3d 943, 952, No. 20230173 (Utah 2024).

⁹² *Id.* at ¶ 31.

⁹³ *Id.*

⁹⁴ *Id.* at ¶ 32.

⁹⁵ *In the Matter of Scott Warren Anderson’s Request for Waiver under Rule 105(a) to sit on Wyoming Bar Exam*, (Wyo. Apr. 8, 2025), at 1.

⁹⁶ *Waiver of Requirements in Rules 3 and 13 of the Rules Governing Admission to the Bar for Nelson Locke*, No. 25-9024 (Tex. May 6, 2025), at 1.

a student's graduation and prevented primarily online law school graduates from applying.⁹⁷ This coincides with the Supreme Courts of Texas and Florida recently issuing orders soliciting public comments on their bar admission education requirements regarding the merits of the ABA monopoly and “whether to reduce or end the Rules’ reliance on the ABA; and alternatives the Court should consider.”⁹⁸

H. Petitioner’s education and experience qualify him to utilize Rule 206 to transfer his scores and be admitted to the Pennsylvania Bar, except for the single ABA-accreditation requirement.

Petitioner Keely lives on the outskirts of the small town of Chambersburg, PA, with his wife and five children, all aged 16 or younger. Petitioner works for a government consulting firm and has over fifteen years of experience leading information systems security architecture, policy, and implementation efforts within private companies and the federal government. Petitioner works full-time, helps his lovely wife raise and care for their children (including one in diapers and one born during law school), attends to his local elderly family members, and volunteers in the county at church and other community events. These work, family, financial, and community obligations would have made it extremely

⁹⁷ *Id.*

⁹⁸ *Order Inviting Comments on the Law School Accreditation Component of Texas’s Bar Admission Requirements*, Misc. Docket No. 25-9018 (Tex. Apr. 4, 2025), <https://www.txcourts.gov/media/1460232/259018.pdf>; *In re Workgroup on the Role of the American Bar Association in Bar Admission Requirements*, No. AOSC25-15 (Fla. Mar. 12, 2025), <https://supremecourt.flcourts.gov/content/download/2448909/file/AOSC25-15.pdf>.

difficult and impractical for Petitioner to commute over an hour multiple times per week or move his family to attend an ABA-accredited law school.

During Petitioner's attendance at PG Law, he earned twenty-four (24) Center for Computer-Assisted Legal Instruction (CALI) highest course grade awards and graduated at the top of his 2024 class.⁹⁹ Petitioner took the March 2024 MPRE, finishing in the top 7.1% of all examinees from all law schools.¹⁰⁰ After graduating from PG Law, Petitioner sat for the UBE in Connecticut, where he satisfied all character and fitness requirements to practice law and passed the bar likely in the top two percent of UBE examinees from all law schools nationwide.¹⁰¹

Petitioner's experience includes managing information security programs in the private and public sectors for over 15 years, advising senior leaders, and implementing security efforts that have helped secure clients' highly sensitive information and assets.¹⁰² During that time, Petitioner spent thousands of hours training and volunteering for over 10 years as a Firefighter II Paramedic for the Germantown Volunteer Fire Department, serving the community while working full-time to support his family.¹⁰³

⁹⁹ Empowerment L., *About, supra* n. 3.

¹⁰⁰ *The Multistate Professional Responsibility Examination (MPRE) 2024 Statistics*, NCBE, <https://thebarexaminer.ncbex.org/2024-statistics/the-multistate-professional-responsibility-examination-mpre/> (last visited June 11, 2025).

¹⁰¹ See NCBE, *The Uniform Bar, supra* n. 6.

¹⁰² Empowerment L., *About, supra* n. 3.

¹⁰³ *Id.*

Petitioner desires to become a member of the Pennsylvania bar to work as a practicing attorney for clients within the state and to support access to justice initiatives through pro bono efforts to help the community with severely needed legal assistance. As Connecticut is a reciprocal UBE jurisdiction, Petitioner should be able to transfer his passing UBE and MPRE scores to satisfy Pennsylvania Bar Admission's Rule 206 Admission by Bar Examination Score Transfer requirements. However, as Rule 206(b)(2) requires compliance with paragraph (a) of Rule 203, requiring ABA-accredited law school graduation (as in Rule 102),¹⁰⁴ this remains the only reason why the PBLE would automatically reject Petitioner for admission to the Pennsylvania bar.

Even seeking admission through reciprocity in another jurisdiction would not be possible after five years of practice in another jurisdiction because Rule 204 Admission by Reciprocity still requires graduation from an ABA-accredited law school.¹⁰⁵ Although Rule 203 offers one option, it has a significant five-year delay, requiring Petitioner to practice law out of state in another jurisdiction for five years to retake the same bar exam he already passed according to Pennsylvania standards.¹⁰⁶ As there are “no refunds or transfers of applications and/or fees,”¹⁰⁷

¹⁰⁴ 204 Pa. Code 71 r. 206.

¹⁰⁵ 204 Pa. Code 71 r. 204.

¹⁰⁶ 204 Pa. Code 71 r. 203(a)(2)(ii).

¹⁰⁷ *There are no refunds or transfers of applications and/or fees*, Pa. Bd. of Law Exam'r, https://www.pabarexam.org/non_bar_exam_admission/otherfees.htm (last visited June 10, 2025).

and an obvious lack of immediate options available, it would be illogical for Petitioner to waste an expensive application fee to the Board only to have the application rejected.

Under the current rules, Petitioner would not even be eligible to enter the bar through the path of a foreign bar graduate, as outlined in Rule 205 Admission of Foreign Attorneys, since PG Law is located within the United States.¹⁰⁸ In a note in *Murphy*, the U.S. District Court for the Eastern District of Pennsylvania wrote that Pennsylvania Bar Admission Rules seemed unfair to graduates and attorneys of other states who attended American law schools unaccredited by the ABA, as the judicial system provided more preferential treatment toward foreign institutions than American ones, which seemed “odd” while potentially lacking wisdom and constitutional support.¹⁰⁹

V. ARGUMENT

A. This Court has legal authority to provide extraordinary relief to Petitioner utilizing general powers and King’s Bench jurisdiction.

This Court is vested with general powers and continuing King’s Bench authority to exercise “every judicial power that the people of the Commonwealth can bestow under the Constitution of the United States.”¹¹⁰ This Court’s holdings have rejected narrow interpretations of the authority and “described the King’s

¹⁰⁸ 204 Pa. Code 71 r. 205.

¹⁰⁹ *Murphy*, 498 F.Supp. at 243 n. 2.

¹¹⁰ *Bruno*, 627 Pa. at 557 (quoting *Stander v. Kelley*, 433 Pa. 406, 250 A.2d 474, 487 (1969)).

Bench power in the broadest of terms.”¹¹¹ 210 Pa. Code Rule 3309(a) recognizes this authority that is appropriate for executing powers from both extraordinary jurisdiction referencing 42 Pa.C.S. § 726 for matters of immediate public importance, and those reserved to this Court in “Section 1 of the Schedule to the Judiciary Article,” which includes review of the constitutionality of judicial administration matters of bar admission as in PA. CONST. art. V, § 1, 2, & 10(c).

This Court has jurisdiction particularly suited to this case pursuant to its constitutional authority as the highest court of the Commonwealth’s unified judicial system and supreme judicial power under 42 Pa.C.S. § 502 to govern judicial administration.¹¹² This authority includes the “power to prescribe general rules governing practice, procedure, ... admission to the bar and to practice law,” and to evaluate the constitutionality of those judicial administration rules.¹¹³ As in *Williams*, even when a single inmate’s constitutional rights regarding the ability to receive the governor’s reprieve for his criminal sentence are at issue, constitutional challenges to bar admissions rules presented by Petitioner in this case are appropriate for adjudication and relief.¹¹⁴ Accordingly, this Court must use its King’s Bench judicial administrative powers to decide this application and order the requested relief from Pennsylvania Bar Admission Rules that violate the rights

¹¹¹ *Id.* at 579.

¹¹² *Kartorie*, 486 Pa. at 505, 406 A.2d at 749.

¹¹³ PA. CONST. art. V, § 10(c).

¹¹⁴ *See Commonwealth v. Williams*, 634 Pa. 290, 303, 129 A.3d 1199, 1207 (2015).

of Petitioner and similarly situated Pennsylvania residents based on the associated constitutional challenges raised.¹¹⁵

Although Petitioner made written contact and received initial email introductions from this Court’s Chief Counsel of the Rules Committee and the PBLE Executive Director when seeking support regarding similar issues raised in this petition on April 4, 2025, no other response has been received. Furthermore, Petitioner does not seek this Court’s jurisdictional authority according to 42 Pa.C.S.A. § 725(4) regarding PBLE appeals because of the board’s direct and explicit inability to approve the following requests for relief against the existing Pennsylvania Bar Admissions Rules that are unconstitutional violations of Petitioner’s rights, warning that it is unable to waive its rules or requirements.¹¹⁶ As this Court indicated in *Stilp*, although there is a lack of a developed judicial system or administrative record on this matter, purely legal and significant constitutional challenges remain, which are properly set before this Court and require review.¹¹⁷

Finally, this Court has jurisdiction under its King’s Bench authority to decide this application and order the requested relief to cause right and justice to be done in this matter involving “an issue of immediate public importance” according

¹¹⁵ See *Friends of Danny DeVito v. Wolf*, 658 Pa. 165, 186, 227 A.3d 872, 884–85 (2020).

¹¹⁶ Pa. Bd. of Law Exam’r, *Waiver Statement*, *supra* n. 68.

¹¹⁷ *Stilp v. Commonwealth*, 588 Pa. 539, 550–51, 905 A.2d 918, 924 (2006) (citing 42 Pa.C.S.A. § 726).

to 42 Pa.C.S.A. § 726. Annually, the severe access to justice issue has resulted in hundreds of thousands of Pennsylvanians lacking support for their legal matters. Experts have estimated that over 72% of legal issues from those who cannot afford support go unresolved, which has an immediate impact on low-income families across the Commonwealth. Although the Pennsylvania legislature and judicial branches have conducted multiple studies on the matter and attempted various remedies, the problem continues to plague Pennsylvania residents lacking severely needed legal assistance. As the majority of their legal issues concern life or family-altering problems, timely resolution of these access to justice issues is essential to alleviating this matter and preventing the problem from continuing to deteriorate, providing another solid basis for King’s Bench jurisdiction.¹¹⁸

This Court’s exercise of its King’s Bench power is appropriate in this matter because it concerns Pennsylvania residents and the unconstitutional denial of their fundamental right to work, along with the associated benefits to the public of removing the discriminatory ABA monopoly on bar admissions to provide additional opportunities for legal support that would help improve the access to justice crisis in Pennsylvania.

The significant power of King’s Bench authority comes with great responsibility to ensure that this Court’s “principal obligations are to

¹¹⁸ See *Friends of Danny DeVito*, 658 Pa. at 185–86 (citing *Williams*, 129 A3d at 1205-6).

conscientiously guard the fairness and probity of the judicial process and the dignity, integrity, and authority of the judicial system, all for the protection of the citizens of this Commonwealth.”¹¹⁹ Petitioner’s constitutional challenges to the racially discriminatory bar admission rules in the Pennsylvania justice system that improperly limit the fundamental right to work plainly fall within this Court’s King’s Bench authority. The urgency to respond to this constitutional issue and support options to help resolve Pennsylvania’s access to justice crisis cannot be understated.

B. Generally applicable limitations on the fundamental right to work outside of historical factors for determining an individual’s qualifications are unconstitutional.

In determining whether a right is fundamental, the Supreme Court held that when a right is not explicitly mentioned in the Constitution or Bill of Rights the question is whether the “right is ‘deeply rooted in [our] history and tradition’ and whether it is essential to this Nation’s ‘scheme of ordered liberty.’”¹²⁰ Although the right to work or choose one’s occupation is not explicitly mentioned in the Constitution, the long history, from before America’s founding to the present,

¹¹⁹ *Williams*, 634 Pa. at 302-3 (citing *Bruno*, 101 A.3d at 675).

¹²⁰ *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 237, 142 S.Ct. 2228, 2246 (2022) (citing *Timbs v. Indiana*, 139 S.Ct. 682, 686 (2019); *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 767, 130 S.Ct. 3020 (2010); *Washington v. Glucksberg*, 521 U.S. 702, 721, 117 S.Ct. 2258 (1997)).

demonstrates its inextricable link to the liberty and property interests protected by the Fifth and Fourteenth Amendments.¹²¹

Our founders “established and declared one of the inalienable rights of freemen, which our ancestors brought with them to this country. The right to follow any one of the common occupations of life is an inalienable right.”¹²²

Without this fundamental right to work, our citizens would be unable to function economically, maintain property, or be free, as previously discussed in Federalist 10, the Declaration of Independence, *Dent*, and other Supreme Court decisions that have bound this right to the foundations of our Constitution and liberty.

The Supreme Court has already held that denying one’s admission to a state bar is justiciable and requires satisfying procedural due process before the state is permitted to deprive an individual of that right. “A claim of a present right to admission to the bar of a state and a denial of that right is a controversy.”¹²³

Furthermore, the court held in *Willner*, citing *Schwartz*, that

the requirements of procedural due process must be met before a state can exclude a person from practicing law. A state cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.¹²⁴

¹²¹ U.S. CONST. amends. V, XIV.

¹²² *Butchers’ Union Slaughter-House*, 111 U.S. at 765–66, 4 S.Ct. at 659.

¹²³ *Willner v. Comm. on Character & Fitness*, 373 U.S. 96, 102, 83 S.Ct. 1175, 1179–80 (1963) (citing *In re Summers*, 325 U.S. 561, 568, 65 S.Ct. 1307, 1312 (1945)); See U.S. CONST. amends. V, XIV.

¹²⁴ *Id.* (citing *Schwartz v. Bd. of Bar Exam’r*, 353 U.S. 232, 238—239, 77 S.Ct. 752, 756 (1957)).

As the Supreme Court held in firearms licensing cases, which adjudicated licensing impediments to Second Amendment rights in *Heller*, *McDonald*, and *Bruen*, the Fourteenth Amendment applies selected fundamental rights that are controlling upon the states, including those in the Fifth Amendment’s Due Process Clause.¹²⁵ As Madison indicated, the explicitly mentioned constitutional protections of liberty and property would not exist without the historically implied fundamental right to work. The Supreme Court reiterated in *Lowe* that every citizen has a fundamental right to follow any lawful profession, but that there was no deprivation of right where the individual did not comply with a state’s conditions imposed for the protection of society to practice that profession.¹²⁶ As a result, the court determined that state restrictions on professions must be rationally related to advancing a legitimate state interest.¹²⁷ A specific requirement for the constitutionality of professional licensing rules is that they must “have a rational connection with the applicant’s fitness or capacity to practice the profession.”¹²⁸ A state must not bar an applicant from admission when there is no basis for

¹²⁵ See *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 142 S.Ct. 2111, 2125 (2022) (citing *District of Columbia v. Heller*, 554 U.S. 570 (2008); *McDonald*, 561 U.S. 742 (2010)).

¹²⁶ *Lowe v. SEC*, 472, U.S. 181, 227 (1985) (White, J., Burger, C.J., Rehnquist, J, concurring citing *Dent*, 129 U.S. 114).

¹²⁷ *Massachusetts Bd. of Ret. v. Murgia*, 96 S.Ct. 2562, 2566 (1976).

¹²⁸ *Id.* (citing *Schwabe*, 353 U.S. at 353).

determining a failure to meet these standards or when the action is invidiously discriminatory.¹²⁹

However, as the court held in *Bruen*, the incorporated right to work represents a “central component” of those Bill of Rights’ protections, which was similarly “the very product of an interest balancing by the people ... It is this balance—struck by the traditions of the American people—that demands our unqualified deference.”¹³⁰ As in *Heller*, the fundamental right to carry a handgun for self-defense in the home was not explicitly enumerated in the Second Amendment. Yet, the court understood from the history of the Second Amendment that the right was implied as a “core protection,”¹³¹ exactly like the fundamental right to work was within enumerated liberty and property rights of the Fifth and Fourteenth Amendments.¹³² Furthermore, the court reiterated in *Bruen* (citing *Konigsberg v. State Bar of Cal.*) that only if the government’s regulation is “consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside” the constitutional protections granted.¹³³ While a regulation burdening a fundamental right need not be a “historical twin,” under

¹²⁹ *Schwabe*, 353 U.S. at 238–39, 77 S.Ct. at 756 (citing *Yick Wo v. Hopkins*, 118 U.S. 356, 6 S.Ct. 1064 (1886)).

¹³⁰ *Id.* at 2131.

¹³¹ *Heller*, 554 U.S. at 634, 128 S.Ct. at 2821.

¹³² U.S. CONST. amends. V, XIV.

¹³³ *Bruen*, 142 S.Ct. at 2126 (citing *Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 50, n. 10, 81 S.Ct. 997 (1961)).

the “historical analogue” precedent in *Rahimi*, burdens must be “consistent with the principles that underpin our regulatory tradition.”¹³⁴

It follows that rational basis cannot apply to illegitimate and nontraditional restrictions as indicated by Supreme Court precedents in similar First, Second, Fifth, and Sixth Amendment cases.¹³⁵ Therefore, state licensing burdens on fundamental rights, even with an important state interest, that occur outside the narrow category of limitations within the “Nation’s historical tradition” of protecting the public from specific harms of the unlicensed practice of professions are unconstitutional.¹³⁶

The Supreme Court in *Douglas* described the boundaries and basis for determining professional licensing qualifications. In light of the centuries-long history of state licensure of professions discussed previously, the court held that a legislature may, if consistent with the state constitution, confer upon an administrative board the power to determine whether an applicant possesses the qualifications that the legislature declared reasonably necessary to practice.¹³⁷ However, the court determined that if a legislature acts outside of the Fourteenth Amendment to “[c]onfer arbitrary discretion to withhold a license, or to impose

¹³⁴ *United States v. Rahimi*, 144 S.Ct. 1889, 1905, 219 L.Ed.2d 351, 371 (2024) (citing *Bruen*, 597 U.S. at 26-31).

¹³⁵ *Heller*, 554 U.S. at 628 n.27, 128 S.Ct. at 2818.

¹³⁶ *See, Id.* at 2125-6.

¹³⁷ *Douglas v. Noble*, 261 U.S. 165, 167, 43 S.Ct. 303, 304 (1923).

conditions which have no relation to the applicant’s qualifications to practice,” the law would violate due process.¹³⁸

Most importantly, the court has already determined the specific inquiry and delegable activities concerning professional licensing that would satisfy the due process required. The court indicated that legislatures are permitted to determine a clear and “general standard of fitness and the character and scope of the examination.” Once that standard was set, the administrative licensing boards of government could examine an applicant’s background for compliance as

[w]hether the applicant possesses the qualifications inherent in that standard is a question of fact ... The decision of that fact involves ordinarily the determination of two subsidiary questions of fact: The first, what the knowledge and skill is which fits one to practice the profession; the second, whether the applicant possesses that knowledge and skill. The latter finding is necessarily an individual one. The former is ordinarily one of general application.¹³⁹

The Supreme Court held that standards of general application to enter a profession within the statute’s “reputable” college education requirement were limited to encompassing specific factors of the “subjects of which one must have knowledge, ... the extent of knowledge in each subject, the degree of skill requisite, and the procedure to be followed in conducting the examination – these are matters appropriately committed to an administrative [licensing] board.”¹⁴⁰

¹³⁸ *Id.* at 168.

¹³⁹ *Id.* at 169.

¹⁴⁰ *Id.* at 169-170 (citing *Mut. Film Corp. v. Indus. Comm’n of Ohio*, 236 U.S. 230, 245-6, 35 S.Ct. 387, 392 (1915), *overruled in part by Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952)).

Therefore, as the “practice of law is not a matter of grace, but of right for one who is qualified by his learning and his moral character,”¹⁴¹ states burdening this right to work are strictly limited to creating generally applicable licensing requirements encompassing legitimate historical qualification factors, as in the Second Amendment firearms licensing cases, and must assess individual compliance with those appropriate qualifications before withholding professional licenses.

C. ABA-accredited law school attendance is not a legitimate historical qualification, but only one of many methods to achieve professional legal qualifications.

Historical fundamental right to work limitations were specific to an individual’s qualifications and an examination, as all fundamental rights originating from the Constitution are “enshrined with the scope they were understood to have when the people adopted them.”¹⁴² Throughout the relevant history of codifying this right, licensing limitations were not based on attending a particular school or schools accredited by a single entity.

During colonial times, training in the law and most other occupations began with apprenticeships or clerkships, highlighting the importance of practical

¹⁴¹ *Baird v. State Bar of Ariz.*, 401 U.S. 1, 8 (1971) (citing *see generally Schware*, 353 U.S. at 232; *Ex parte Garland*, 4 Wall. 333 (1867)); *See Supreme Court of N.H. v. Piper*, 470 U.S. 274, 281 (1985) (“Like the occupations considered in our earlier cases, the practice of law is important to the national economy ... the opportunity to practice law should be considered a fundamental right.”).

¹⁴² *See Bruen*, 142 S.Ct. at 2136 (citing *Heller*, 554 U.S. at 634-5, 128 S.Ct. at 2783).

experience in understanding the law and how the legal system functioned.¹⁴³

Admission to the bar in most states depended on a few years to nearly a decade's length of experience, depending on an individual's prior education and abilities.¹⁴⁴

Bar admission experience requirements decreased throughout the late 1700s until the 1850s, supporting a system of lawyers that mostly entered the bar through experiential learning ("EL") or self-study.¹⁴⁵ Even with these changes, licensing restrictions on the right to work were historically well understood and documented before America's independence, when our founders ratified the Bill of Rights in 1791, and during the ratification of the Fourteenth Amendment in the 1860s. Until the late 1920s, no states required law school graduation, and most states did not require an undergraduate degree for admission to the bar.¹⁴⁶

When the founders understood liberty and property rights, including the fundamental right to work, they were familiar with restrictions on the right to work but based them on the experience and knowledge of the individual. Education outside of experience was not required from colonial times until the mid-1900s, when racial and discriminatory influences clouded the process. In the Supreme Court's *Douglas* decision, the understanding of professional licensing limitations

¹⁴³ Kiefer, *The History of the U.S. Bar Exam*, *supra*, n. 18 (citing Susan Katcher, *Legal Training in the United States: A Brief History*, 24 Wis. L. Rev. 335, 339 (2006), <https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2012/02/katcher.pdf>).

¹⁴⁴ Katcher, *supra* n. 144, at 340.

¹⁴⁵ *Id.* at 351.

¹⁴⁶ Shepherd, *supra* n. 26, at 112.

remained learning method agnostic and focused on an individual's skill, knowledge, and ability.¹⁴⁷ This traditional concept of licensing qualifications, as expressly held in *Douglas* (1923), coincided with the ascendance of the AALS and ABA in the early part of the century and the approval of the first group of schools to receive ABA-accreditation in the same year.¹⁴⁸

Both modern classroom-based and EL methods enhance individuals' professional and scientific knowledge, skills, and abilities. A variety of EL methods have improved learning experiences compared to classroom learning,¹⁴⁹ and a meta-analysis of 90 studies on EL documented that students achieved substantial gains from EL methodologies compared to their modern academic courses.¹⁵⁰ Many EL methods, like apprenticeships and internships, are also reported to provide better outcomes in preparation for professional schooling and within professional programs in postgraduate education.¹⁵¹

¹⁴⁷ *Douglas*, 261 U.S. at 169.

¹⁴⁸ *ABA-Approved Law Schools by Year Approved*, A.B.A., https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/by_year_approved/ (last visited June 12, 2025).

¹⁴⁹ Michelle Arnot, Jinhee Kim, Michelle French, Sonia Y. Lin, Charlotte Pashley, & Rebecca R. Laposa, *Students Perceive Similar Gains in Collaboration, Communication and Professional Skills in Two Distinct Experiential Learning Courses*, 13 PHARMACOLOGY RES. & PERSP. 1, 7 (2025) (citing ALICE Y. KOLB & DAVID A. KOLB, *Experiential Learning Theory: A Dynamic, Holistic Approach to Management Learning, Education and Development*, in THE SAGE HANDBOOK OF MANAGEMENT LEARNING, EDUCATION AND DEVELOPMENT, 42–68 (SAGE 2009)).

¹⁵⁰ *Id.* at 7.

¹⁵¹ *Id.* at 8.

These methods have been documented over time to such an extent that even ABA-accreditation guidelines include traditional EL methods in Standard 302, which emphasizes understanding professional responsibilities and skills, as well as Standard 304, which incorporates attendance in experiential courses, clinics, or field placements.¹⁵² Therefore, as both methods of learning are very effective, completely excluding bar applicants who have gained knowledge through EL or education from other accredited institutions outside of the ABA monopoly must have been motivated by an alternative and unrelated purpose, like racial, gender, or minority discrimination.

Adding traditional methods of instruction to achieve knowledge, skills, and abilities through EL, self-study, or non-ABA-accredited law schools does not tarnish modern learning methods. However, the ABA-accreditation monopoly must not be permitted to deprive all who acquire equivalent qualifications with alternative methods of their right to practice a profession. Although Petitioner would not argue that the older system of apprenticeship, clerkship, or reading the law on one's own was better than our current system for educating lawyers en masse, methods of EL and self-study have been proven effective learning methods for millennia and should not be discounted because of the ongoing discriminatory ABA monopoly in legal education.

¹⁵² A.B.A., *Chapter 3, supra* n. 53, at 22-23.

Current Pennsylvania Bar Admission Rules 203, 204, and 206, along with the associated definitions in Rule 102, strictly require applicants to have graduated from an ABA-accredited law program before admission to the bar is possible.¹⁵³ The single option for non-ABA law graduate residents to gain access to the bar is unequal and unreasonable as it is likely to force qualified applicants to move out of state, practice law for five of seven years, and then return only to retake the bar examination to gain admission under Rule 203(a)(2)(ii).¹⁵⁴ Pennsylvania Supreme Court Justice Manderino’s dissenting opinion in *Ferriman*, with Justices Larsen and Flaherty joining, resounded these ABA monopoly concerns when they stated, “[t]he inequities of such an unconstitutional rule continue not only to deprive citizens the opportunity to practice in Pennsylvania but also deprive Pennsylvania consumers of competent legal services.”¹⁵⁵

Instead of assessing an individual’s qualifications based on knowledge, skills, and abilities, current rules discourage and irrationally prevent or significantly delay qualified applicants from applying and becoming members of the bar. While the ABA-accreditation method is one option to obtain those qualifications, the ABA pathway does not constitute a legitimate licensing qualification as understood during historically relevant times when liberty and

¹⁵³ 204 Pa. Code 71 r. 206.

¹⁵⁴ 204 Pa. Code 71 r. 203(a)(2)(ii).

¹⁵⁵ *Appeal of Ferriman*, 487 Pa. 45, 47, 408 A.2d 844, 844–45 (1979) (Manderino, J., dissenting opinion joined by Larsen and Flaherty, JJ.).

property due process rights were codified. The educational monopoly created by this rule lacks support from any “relevantly similar” burdens in history,¹⁵⁶ which, on the contrary, permitted diverse providers and methods of experiential training and self-learning. Therefore, the associated Pennsylvania Bar Admission Rules, which restrict access to licensing based on the method of acquiring qualifications and require graduation from an ABA-accredited law school, are unconstitutional.

D. Current rules invidiously discriminate against minorities and impede their entry into the legal profession by preserving the ABA-accreditation monopoly in bar admission qualifications.

A fundamental right is one “deeply rooted in this Nation’s history and tradition” that is “implicit in the concept of ordered liberty.”¹⁵⁷ When a right is fundamental, the Equal Protection Clause prevents government interference unless the action is “narrowly tailored to serve a compelling state interest.”¹⁵⁸ As in *Washington v. Davis*, race-based discrimination is analyzed under the same standard for facially neutral laws that serve other valid government purposes.¹⁵⁹ These laws are invalid under the Equal Protection Clause of the Fifth and Fourteenth Amendments and are subject to strict scrutiny if it can be shown that

¹⁵⁶ See *Rahimi*, 144 S.Ct at 1901, 219 L.Ed.2d at 367 (citing *Bruen*, 597 U.S. at 29).

¹⁵⁷ *Glucksberg*, 117 S.Ct. at 2268.

¹⁵⁸ *Id.*; U.S. CONST. amends. V, XIV.

¹⁵⁹ *Washington v. Davis*, 426 U.S. 229, 242-245 (1976).

they have a disproportionate impact and if their purpose or motivation was racially discriminatory.¹⁶⁰

The rule's discriminatory impact on the Black population and other minorities has been well understood from the founding of the ABA and AALS, which included three of the seven Pennsylvania law schools and three more before the civil rights movement in the 1960s.¹⁶¹ Pennsylvania's legal educators were long-time members of the ABA during its most overtly discriminatory founding, when it explicitly excluded Black members from 1878 until 1943. When overt discrimination could no longer be tolerated, the ABA switched to covert tactics, which resulted in additional requirements that further impeded Black advancement. The organization's advocacy requiring attendance in more expensive and discriminatory ABA-accredited law schools, combined with additional LSAT testing, made it more difficult for Black students to enter law school and ultimately the profession.

At the AALS meeting in 1969, the Black Caucus of Law Teachers strongly opposed the LSAT and classified it as "a device to exclude blacks from law schools, and encourage[d] the use of relevant alternative admission criteria."¹⁶² The impact of these discriminatory regulations resulted in most ABA-accredited law

¹⁶⁰ *Id.*

¹⁶¹ *Member Schools*. AALS, <https://www.aals.org/member-schools/> (last visited May 22, 2025).

¹⁶² AALS, *Proceedings of the Annual Meeting*, *supra* n. 35, at 147.

schools not admitting a single black student until the early 1970s.¹⁶³ In 1970, Pennsylvania was one of four states outside of the South to have over 1 million Blacks, yet the state only had approximately 140 Black lawyers, which was considered “scandalous,” according to a Philadelphia Bar Association committee.¹⁶⁴

Even now, the comparison of Black lawyers to the national population remains staggeringly disproportionate. The ABA’s recent demographic survey indicated that “the number of Black lawyers is unchanged over the past decade ... Black lawyers were 5% of the profession in 2014 and 5% in 2024. That’s far less than the percentage of Black people in the U.S. population (13.7%).”¹⁶⁵ This coincides with California being the state with the greatest acceptance of non-ABA-accredited law schools, having multiple metropolitan areas with the highest diversity of law partners in the country, compared to Pennsylvania cities, like Pittsburgh, with the lowest minority percentages at only 2%. The fruits of over a hundred years of ABA’s continued discrimination against Blacks have resulted in a 64% disparity in the number of Black lawyers nationwide, demonstrating the discriminatory impact ABA’s policies and the current Pennsylvania Bar Admissions Rules have on Petitioner and other Pennsylvania residents.

¹⁶³ Kidder, *The Struggle for Access*, *supra* n. 29, at 5.

¹⁶⁴ *Id.* at 8.

¹⁶⁵ A.B.A., *Profile of the Legal Profession 2024*, *supra* n. 40.

ABA policies have specifically limited Petitioner from attending their schools due to their limited locations, expensive tuition, and exclusion of fully online teaching methods. Petitioner has only two ABA law schools near him that are over 30 miles away, which would have required uprooting his family to move to those locations or frequently commuting a significant distance. These changes would have removed him farther from his family's support and made it harder to work full-time and help his wife raise their five children.

As the average ABA law school costs nearly three times that of PG Law, this would have placed a significant financial burden on his family, which would have been untenable in both the short and long term. The ABA's limitations on the percentage of remote learning methods prevented Petitioner from attending their law schools in 2021. PG Law offered a fully online program that Petitioner could reasonably attend without making drastic changes that would harm his current work or the support he provided to his community and local family members. Therefore, by limiting bar admission to only ABA-accredited law school graduates, this Court has currently discriminated against Petitioner and similar minorities who gained comparable qualifications yet lacked the ability or desire to uproot their entire families and accept a significant amount of debt to attend ABA-accredited law schools.

As the rule requiring ABA law school attendance is facially neutral, a discriminatory purpose or motivation can be shown to qualify for a violation of Equal Protection rights. The Supreme Court held in *Village of Arlington Heights* that although a justified purpose could be found in laws with multiple motivations, when any discriminatory motivation exists in a law's intent, the law cannot stand,¹⁶⁶ stating,

Davis does not require a plaintiff to prove that the challenged action rested solely on racially discriminatory purposes. Rarely can it be said that a legislature or administrative body operating under a broad mandate made a decision motivated solely by a single concern, or even that a particular purpose was the 'dominant' or 'primary' one ... But racial discrimination is not just another competing consideration. When there is a proof that a discriminatory purpose has been a motivating factor in the decision, this judicial deference is no longer justified.¹⁶⁷

Discriminatory intent is often inferred from the circumstances surrounding historical events rather than being based on subjective intent. "Frequently the most probative evidence of intent will be objective evidence of what actually happened, rather than evidence describing the subjective state of mind of the actor. For, normally, the actor is presumed to have intended the natural consequences of his deeds."¹⁶⁸ The Supreme Court's decision in *Village of Arlington Heights* clarified that racially discriminatory intent can be shown by factors like 1) disproportionate

¹⁶⁶ *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–66, 97 S.Ct. 555, 563 (1977).

¹⁶⁷ *Id.*

¹⁶⁸ *Davis*, 426 U.S. at 253.

impact, 2) historical background of the state action, 3) specific prior events, 4) departure from normal or reasonable procedures, or 5) contemporary statements of decisionmakers.¹⁶⁹

While the disproportionate impact on the Black community, preceding events, and historical background of the state's action have already been discussed, it is important to note the Court's departure from normal or reasonable actions to achieve the purported results. Before the ABA monopoly, this Court had already utilized qualification assessments through education, experience, the written bar examination, and a character and fitness review to ensure lawyer competency and prevent lawyers from defrauding the public. If the Court desired to increase the competency of attorneys by demanding greater qualifications, it could have used the most direct option by increasing the actual knowledge, skills, or abilities required in the bar admission rules, or making the examination more difficult for all bar applicants. Instead, the Court chose the most expensive and difficult path for Blacks, women, and other minorities to enter the profession by forcing the monopoly of ABA-accredited law school education as a requirement before the bar examination, the test of an individual's qualifications, was even possible.

This Court's requirement for graduation from an ABA law school before bar admission prevents alternative law school routes or other learning methods. These

¹⁶⁹ *Vill. of Arlington Heights*, 429 U.S. at 266-268 (citing *Davis*, 426 U.S. at 242).

actions have caused racial discrimination and disproportionate impacts on Petitioner and other minorities. Although the rule appears neutral on its face, the monopoly it establishes in education is not. Neither is the history of the ABA's discriminatory tactics (both overt and covert) that led to this Court's adoption of the rule, nor the departure from the implementation of normal or reasonable measures. These targeted deviations from historical practices of professional licensing limitations demonstrate a discriminatory purpose and motive behind the ABA-accreditation rule and cannot serve a compelling state interest.

Along with violating the Equal Protection Clause due to fundamental right violations and racially discriminatory tactics, the current rules also violate Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII"), and the PHRA, 43 P.S. § 951 et seq. As in *Ricci*, Title VII prohibits state action, including licensing boards, that discriminates based on race, color, religion, sex, or national origin in both intentional and disproportionately adverse (disparate impact) situations.¹⁷⁰ PHRA prohibits similar discrimination and includes in its definition of "employer" the Commonwealth of Pennsylvania and any political subdivision or board, like the PBLE.¹⁷¹

¹⁷⁰ See *Ricci v. Destefano*, 129 S.Ct. 2658, 174 L.Ed.2d 490, 557 U.S. 557, 577 (2009).

¹⁷¹ 43 P.S. Labor § 954.

This Court’s bar admission rules must not employ discriminatory practices in licensing that unnecessarily limit access to the profession. “What Congress has commanded is that any tests used must measure the person for the job and not the person in the abstract.”¹⁷² The bar licensing requirement of graduating from an ABA-accredited law school is unrelated to the specific measure of an individual’s qualifications. In remedying this discrimination tactic, this Court should remove unnecessary professional barriers by requiring PBLE to examine individuals, not just their class or ability to afford and attend a high-priced ABA law school, when substantially equivalent alternatives exist. Therefore, this Court must eliminate the racially discriminatory and not reasonably necessary ABA-accreditation mandate as a violation of the Equal Protection Clause of the Fifth and Fourteenth Amendments, and for the same reasons, Title VII and PHRA 43 P.S. § 951 et seq.

In addition to the violations above, the rule requiring an ABA monopoly that blocks all other methods of individual qualification lacks rational basis justification within the Equal Protection Clause. In the Supreme Court’s decision in *Moreno*, a statute classified households based on related or unrelated persons but proposed to reduce fraud with the assumption that unrelated households would not be as fraudulent.¹⁷³ The law included multiple provisions to prevent fraud and even

¹⁷² *Griggs v. Duke Power Co.*, 401 U.S. 424, 436, 91 S.Ct. 849, 856 (1971); See Civil Rights Act of 1964, 42 U.S.C.A. §§ 2000e et seq., 2000e–2(a)(2), (h).

¹⁷³ *U.S. Dep’t of Agric. v. Moreno*, 413 U.S. 528, 535, 93 S.Ct. 2821, 2826 (1973).

criminalized similar actions in some instances.¹⁷⁴ The law also harmed people who could not alter their living arrangements, but it likely would permit those who could work around those constraints to continue reaping its benefits.¹⁷⁵

As in *Moreno*, this Court's rule barring those who cannot accommodate or afford ABA law schools was purported to reduce fraud and raise the status of the profession. However, like in *Moreno*, the Court's past rules already included provisions to prevent fraud and ensure competency, including experience, education, background checks, and the bar examination. Most importantly, the new rules also impeded those racial and other minorities who would have the most difficulty in being admitted to law school and attending from accessing the bar. These new restrictions would not significantly impact the White upper-class, who would be less likely to need to work during law school to support their families or pay for separate tutoring for the LSAT, additional living expenses, or higher tuition costs.

Ultimately, this Court's adoption of the ABA monopoly in accrediting law schools does not align with the historical traditions of professional licensing limitations, nor can it be demonstrated that it is rationally related to preventing fraud or enhancing competency in the profession. Throughout the 1900s, private

¹⁷⁴ *Id.* at 537.

¹⁷⁵ *Id.* at 537-538.

law schools that accepted Black students but ultimately failed to survive these discriminatory tactics employed learning methods similar to ABA standards. Today, PG Law has already been recognized by at least five state boards of law examiners or supreme courts as having a similarly qualifying or equivalent legal program for JD applicants. Some state supreme courts also investigated the ethical behavior of ABA and non-ABA graduate attorneys, finding no significant difference in their professional conduct or discipline. Therefore, there is no rational reason why forcing an expensive and discriminatory ABA-accreditation monopoly on bar applicants would further the purposes of professional licensing. While legitimate justifications behind licensing were to reduce fraud and improve competency, the ABA's teaching method was not significantly different from alternative methods used by more diverse law schools and experiential or self-study programs, making the imposition of an ABA monopoly invidiously discriminatory.

E. Although this Court may preapprove methods of satisfying professional licensing qualifications, due process requires the evaluation of legitimate individual qualifications before depriving applicants of their ability to practice law.

Independent from the previous arguments, maintaining the ABA's accreditation monopoly as a barrier to entry for the Pennsylvania bar violates the Due Process Clause of the Fifth Amendment as applied through the Fourteenth Amendment because it infringes on procedural due process, as established in

Eldridge. As in *Willner*, procedural due process requirements must be met before a state deprives a person of the ability to practice law, which is a liberty and property interest.¹⁷⁶ Under the *Eldridge* holding, the three factors a court must assess are: 1) the private interest affected by the state's action, 2) the risk of an erroneous deprivation through the procedures used and the likely additional value of alternative safeguards, and 3) the state's interest or burdens of alternative safeguards.¹⁷⁷

Petitioner maintains a significant private interest in his right to liberty and property, including the fundamental right of being able to work in his chosen profession as an attorney. Pennsylvania also maintains procedures and a mandatory bar admission requirement for practicing law within the state. Petitioner has invested considerable time over the past four and a half years apart from his family and friends to earn his JD from PG Law. Furthermore, he has spent tens of thousands of dollars, taken out significant loans, and taken time off from work for exams, major assignments, and to study for the bar examination in Connecticut to become an attorney only to continue to experience unconstitutional discrimination in his home state where he went to high school, attended college, and is currently domiciled.

¹⁷⁶ See *Willner*, 373 U.S. at 102.; *Appeal of Icardi*, 436 Pa. 364, 368–69, 260 A.2d 782, 784 (1970).

¹⁷⁷ *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (citing *Goldberg v. Kelly*, 397 U.S. 254, 263–271 (1970)).

The risk of erroneous deprivation in the current state action stems from the PBLE's lack of proper consideration of alternative learning programs outside of ABA-accredited law schools that satisfy the education qualification requirement. Although this Court has approved equivalency options for an undergraduate degree from an accredited college in Rule 203(a)(1),¹⁷⁸ the current rules prevent admission to the bar in every aspect that Petitioner could utilize to gain access to the bar for a general license to practice law. Petitioner has significantly exceeded this Court's requirements for UBE and MPRE passing scores by likely qualifying in the 98th percentile of all examinees from all law schools for the UBE and earning a score in the 93rd percentile for the MPRE. While his performance on these examinations would otherwise qualify him to transfer his scores for admission to the bar under Rule 206, the current rules block him from immediate admission only because he did not attend an ABA-accredited law school.

The current rules risk erroneous deprivation because, as described earlier, the rule violates the history and traditions of professional licensing limitations by creating a monopoly in obtaining legal education, rather than establishing legitimate qualifications concerning the knowledge, skills, and abilities that an individual must possess. Even if historical principles are not violated, applicants, like Petitioner, are completely barred from qualifying for immediate admission

¹⁷⁸ 204 Pa. Code 71 r. 203.

despite having obtained substantially similar knowledge, skills, and abilities through alternative means of education outside of an ABA-accredited school.

Petitioner graduated with highest honors from PG Law, which employs faculty and deans who, in the substantial majority, have graduated from ABA-accredited law schools. Several states' supreme courts or boards of law examiners have determined that PG Law maintains a substantial equivalency or sufficient quality in its education methods and legal pedagogy compared to ABA standards regarding scope, duration, ethical behavior, and bar passage rates. Furthermore, as the ABA openly refuses to accredit fully online institutions, its refusal to evaluate PG Law and similar law schools prevents potential applicants from applying and perpetuates unfair discrimination against these schools and their graduates.

Pennsylvania is not only at risk of erroneous deprivation, this Court has already effectively and erroneously denied admission to Petitioner and other qualified applicants through the current rules that create a monopoly in legal education, favoring the ABA and excluding all other learning providers.

While it may have been more difficult to evaluate the quality of an individual's education earlier, in modern times, as in *Douglas*, evaluating individual learning methods is a task well-suited for an administrative board, such as the PBLE. Alternative education methods to acquire the same knowledge, skills, and abilities could include similar education programs, EL, self-study, or other

alternatives like Artificial Intelligence (“AI”)-assisted learning. The PBLE could develop guidelines and procedures for submitting evidence to demonstrate a program’s sufficient quality, meeting the educational requirements for admission to the bar. Alternative education methods might also have different requirements for proof depending on the method of learning and supervision. If an individual chooses to attend these programs, they could be required to provide supporting documentation and evidence to convince the board that the learning method’s pedagogy is satisfactory. The risk of admitting unqualified attorneys would also be unlikely through the opening of alternative learning methods, as an applicant’s legal competence and ability would still be tested through the standard bar examination, and their understanding of professional responsibility and ethics would be assessed through the MPRE.

The burden on the PBLE would be low as the board could utilize existing third-party evaluations or develop guidelines for applicants to follow based on alternative learning methods. Non-ABA-accredited JD programs are likely the easiest to evaluate, as many, like PG Law, have already been evaluated by third-party accrediting agencies, including state bars or accreditors of post-secondary institutions. Furthermore, the PBLE already evaluates the equivalency of an undergraduate degree, which may include multiple majors or specialties. Evaluating standard legal programs for quality would likely be similar, with

considerable publicly available information quickly accessible regarding the program's scope, duration, faculty, bar performance, and third-party accreditation status.

Although similar law school programs might be easier to evaluate, this Court should not discount experiential or self-study methods that could also provide an equivalent legal education for bar applicants. Unlike the reasoning this Court gave in *Kartorie* about lacking resources for individual assessments,¹⁷⁹ the PBLE could recreate basic standards and guidelines for evaluating the quality of these alternative programs, as it did over the years and in the 1920s when the Pennsylvania bar approved admission qualifications based on one's formal education and EL through registered and preceptored clerkships, or a combination of both.¹⁸⁰ The PBLE could also require additional documentation and resources from an applicant choosing this method, as it might involve conducting more frequent evaluations through internal or third-party assessments, while still utilizing existing tests to measure individual competence and ethical understanding.

¹⁷⁹ *Kartorie*, 486 Pa. at 504, 406 A.2d at 748 (deflecting from the rights of the applicant and constitutionality of the requirement to “the resources of this Court and its Board of Law Examiners are neither sufficient nor suited to the task of ‘accrediting any particular law school’”).

¹⁸⁰ Walter C. Douglas, Jr., *Pennsylvania's New Requirements for Bar Admission*, 14 A.B.A. J. 669, 672-3 (1928).

While standards and guidelines could be established for experiential or self-study methods, this Court should also consider removing educational qualifications from bar admission requirements. The PBLE claims that it raised eligibility standards in 1971 because it was necessary to maintain competent attorneys, considering other states had increased their requirements in the previous decade.¹⁸¹ On the surface, this argument appears constitutional and suggests a rational relation to the legitimate state interest in maintaining high standards to ensure competent attorneys were practicing law. However, the bar already had eligibility requirements that required good moral character and a written bar examination that tested the applicant’s competence to practice law.¹⁸² The PBLE expressly maintains that the “modern bar examination is designed to ensure that the standards accurately reflect the level of minimum competency necessary to practice law.”¹⁸³

The PBLE and this Court adopted the NCBE’s UBE, a well-researched and peer-reviewed exam that utilizes a scientific approach to test legal knowledge and the ability to practice law based on questions and practical examinations.¹⁸⁴ As the PBLE has a proven scientific method for assessing one’s knowledge of the law and

¹⁸¹ Pa. Bd. of Law Exam’r, *Modern Bar Examination*, *supra* n. 38.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Bar Exam Fundamentals for Legal Educators*, NCBE, 4-8 (July 15, 2024), https://thebarexaminer.ncbex.org/wp-content/uploads/NCBE_Bar_Exam_Fundamentals_071524_Online.pdf.

ability to practice through the bar examination, it should not be reasonably necessary to evaluate the quality of one's education separately or that one graduated from an ABA-accredited law school. Furthermore, it is unclear what this Court is looking for beyond the generally accepted legal knowledge and abilities that one should possess after graduating from an ABA-accredited school, which are not included in non-ABA law school programs or alternative learning methods. This Court should not permit any other irrational, religious, or non-scientific requirement that limits access to the profession, like discriminatorily mandating the ABA-accreditation monopoly on education before bar admission.

The PBLE already utilizes a separate ethics examination that tests the requirements for professional responsibility for lawyers through the MPRE. As in other states, courts have held that states have a legitimate interest in regulating bar admissions through the bar examination, which tests for competency.¹⁸⁵ As the bar examination accurately tests for lawyer competency, this additional ABA requirement must logically have been implemented for some different or secondary purpose outside the nation's historical standards and those set in *Douglas*, which were viewed as necessary to protect society and rationally connected with the fitness or capacity to practice law.¹⁸⁶ Therefore, unless the ABA-accredited

¹⁸⁵ *Scariano v. Justs. of Supreme Ct. of State of Ind.*, 38 F.3d 920, 925 (7th Cir. 1994).

¹⁸⁶ *Schware*, 77 S.Ct. at 756.

programs are associated with some indoctrination of a kind of beliefs, religious understandings, or alternative legal principles that cannot be tested by the current scientific bar examination conducted by the NCBE, this requirement mandating a monopoly of ABA-accreditation cannot be rationally related to the professional licensing requirements for entry to the state's bar.

Additional support for this argument is found in the logical issues raised from circular ABA standards and Pennsylvania's bar examination requirements. The past managing director of the ABA's Accreditation and Legal Education unit indicated, "[h]ow well a school's graduates perform on the bar exam is a very important accreditation tool to assess the school's program of legal education."¹⁸⁷ This Court's bar admission rules permit only ABA-accredited graduates to take the bar examination to measure competency, while the ABA requires in Standard 316 that law schools maintain a minimum of at least a 75% bar passage rate within two years of graduation to evaluate a law school's competency and justify ABA accreditation. These circular requirements demonstrate that the logical reasoning behind the mandatory requirement of ABA-accreditation is not independent from the bar examination process, which already determines an individual's legal competency. While critics might argue that it is not completely self-contradictory,

¹⁸⁷ *Statement from Barry Currier, A.B.A.* (May 17, 2019), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_t_o_the_bar/may-17-2019-barry-currier-statement-on-standard-316.pdf.

the logical flaws should raise serious questions about the fairness of the bar admission system and related conflict of interest issues as supreme courts and boards of bar examiners across the country continue to lower their bar cut scores.¹⁸⁸

Coupled with the discriminatory history of the ABA and AALS, these structural flaws in the current Pennsylvania bar admissions process are not merely accidental or intended to benefit the public. The current bar admission rules must be changed to remove irrational, discriminatory, and unnecessary parts that have nothing to do with regulating the legal profession to protect the public from incompetent or unethical lawyers and only serve to create barriers to entry because of racial and other forms of discrimination against minorities and the lower-income class. The state's lack of a legitimate individual qualifications assessment creates unwarranted and unnecessary violations of Petitioner's procedural due process rights, which cannot serve any interests of the state.¹⁸⁹

Petitioner's private interest in being able to pursue his fundamental right to work in his chosen profession of law in Pennsylvania is substantial, especially when accounting for the time and money spent learning an equivalent curriculum at PG Law. The risk of erroneous deprivation of the private right to practice law

¹⁸⁸ Julianne Hill, *Lowered bar pass scores better bar pass rates in 4 of 5 states*, A.B.A. J. (May 7, 2024), <https://www.abajournal.com/web/article/lowered-bar-pass-scores-better-bar-pass-rates-in-4-of-5-states/>.

¹⁸⁹ See *Goss v. Lopez*, 419 U.S. 565, 579, 95 S.Ct. 729, 739 (1975).

for those with similarly qualifying knowledge, skills, and abilities is already occurring, which is actually injuring Petitioner and similarly situated Pennsylvania residents. The cost and burden of assessing already independently evaluated non-ABA law school programs are extremely low compared to the private interest lost, and even more unnecessary and irrational given the existing scientifically proven tests for competency and ethics that this Court has already adopted.

In addition to these arguments, as in *Murphy*, there is no reason why this Court offers more preferential treatment to foreign law school graduates than it does to American students who study the law in a non-ABA-accredited manner, but finish their programs with the same knowledge, skills, and abilities.

Pennsylvania residents' fundamental due process rights require this Court to change the Bar Admission Rules to either force the PBLE to conduct individualized assessments of legitimate qualifications for equivalent or sufficient qualities of education, or in the alternative, remove the education requirement altogether, while still utilizing the generally applied examinations and background investigations already in place to provide non-discriminatory and historically supported professional licensing requirements.

VI. CONCLUSION

This Court must unchain the attorney licensing system in Pennsylvania by removing barriers to bar admissions for minorities and those who choose to attend

independent schools or gain their knowledge through alternative learning methods. Removing the ABA-accreditation monopoly would enable fairer access to the Pennsylvania bar for minorities and provide an opportunity for thousands of existing attorneys to join the bar without unnecessary impediments, thereby increasing access to justice for state residents who desperately need legal assistance.

This right is a large ingredient in the civil liberty of the citizen. To deny it to all but a few favored individuals by investing the latter with a monopoly is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but, as I think, to the express words of the Constitution.¹⁹⁰

This Court must correct the bar admission ABA-monopoly that it created in the past against the history and tradition of professional licensing, which has invidiously discriminated against racial minorities, repeatedly prevented qualified applicants from bar admission on technicalities instead of legitimate individual qualifications, and ultimately limited Pennsylvanians' access to justice.

For the foregoing reasons, this Court should exercise its general powers and King's Bench jurisdiction to address this issue of immediate public importance that threatens the integrity of the Commonwealth's judicial system and the constitutional rights of Petitioner and citizens statewide. These extraordinary

¹⁹⁰ *Butchers' Union Slaughter-House*, 111 U.S. at 762 (Bradley, J. with Harlan and Woods, JJ., concurring).

circumstances demand this Court's swift intervention to help restore public confidence in the judiciary and eliminate discrimination in bar admissions.

Petitioner urges this Court to provide the following relief:

- 1) If this Court views the education requirement still necessary:
 - a. Direct the PBLE to recreate and utilize an individual education qualifications assessment process that is teaching method and accreditation organization agnostic, which addresses the legal knowledge, skills, and abilities required for bar applicants based on *Douglas* and historical professional licensing qualifications for approval by this Court;
 - b. Eliminate the ABA-accreditation monopoly specifically referenced or listed in Rules 102, 203, 206, or utilized by any other bar admission rule, by permitting JD or equivalent graduates of ABA and other third-party state, regional, or national fully or provisionally accredited institutions that satisfy the individual education qualifications mentioned above to take the Pennsylvania bar exam or transfer their UBE score immediately after graduation or examination;
 - c. Eliminate the ABA-accreditation monopoly from Rule 204 reciprocity requirements permitting non-ABA law school applicants who satisfy the individual education qualifications above and have five years of

experience practicing or teaching law to qualify for reciprocity without having to retake the bar examination from reciprocal states as in Rule 203(a)(2)(ii); and

- d. Direct the PBLE to publish an annual list of approved legal education programs, including ABA-accredited and other third-party accredited JD programs, including PG Law, that provide satisfactory educational qualifications for public awareness to support encouragement, openness, and competition in legal education through alternative teaching methods.
- 2) If this Court determines the education requirement unnecessary because of existing professional license testing and assessments already utilized, the Court should direct the PBLE to eliminate the education requirement from the Pennsylvania Bar Admissions Rules.
 - 3) Direct the PBLE to provide this Court with a list of individuals with known denials of their Pennsylvania bar application based on the lack of ABA law school attendance, like in *Kartorie* and *Ferriman*, and direct the PBLE to provide this Court with a comprehensive plan on remedying and recognizing those past wrongs to those individuals or their surviving relatives.
 - 4) Direct the PBLE to grant Petitioner admission to the Pennsylvania bar.

Respectfully submitted,

Dated: June 27, 2025

/s/ Alexander D. Keely

Alexander D. Keely
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CERTIFICATE OF WORD COUNT

I hereby certify that the above brief contains 13,688 words, as determined by the word-count feature of Microsoft Word, the word-processing program used to prepare this petition, and excluding the portions of the petition exempted by Pa.R.A.P. 2135(b).

Respectfully submitted,

Dated: June 27, 2025

/s/ Alexander D. Keely

Alexander D. Keely
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From: [Sean Hipworth](#)
To: [Bar Admissions Workgroup](#)
Subject: ABA's role in Bar admission requirements
Date: Tuesday, July 1, 2025 1:02:59 PM

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Dear Sir or Madam,

I recently read an article in the Florida Bar News (July 2025) regarding a proposal to do away with the requirement that an attorney sitting to take the Florida Bar Exam have a degree from an ABA-accredited law school. The proposed change would do irreparable harm to our profession and to the public needing legal services. I am a board-certified (construction law) attorney in my tenth year of practice in Gainesville, after passing the Bar Exam in 2015.

Without ABA-accreditation there is no regulation of the curriculum for law school. Our compulsory education on ethical and professional responsibility is of paramount importance. Letting anyone skilled enough to study, memorize black letter law, and pass the Bar Exam, without demonstrating proficiency and knowledge in legal analysis, writing, and ethical behavior, would lessen the esteem of our profession and lead to the demise of the Bar. I would not be confident in an attorney who (for whatever reason) did not attend law school, any more than I would trust a surgeon who had not gone to medical school.

I am sympathetic to those highlighted in the article, including Ms. Sattler, who attended an online law school without ABA-accreditation. However, Ms. Sattler knew those rules would apply to her and chose to attend a non-accredited school so she could continue to profit from the operation of her business. I did not work or earn money while I went to law school, and taking out a six-figure student loan was a sacrifice I chose to make to become a lawyer. Ms. Sattler apparently decline to make a similar choice. Likewise, Mr. Phillipson, a litigation consultant, apparently spent 30 years adjacent to an industry he now longs to join, but does not want to do what every other lawyer before him did.

Being a lawyer is more than going through the forms and is not just a performative role. As we are frequently reminded, being a member of the Florida Bar is not a right, it's a privilege. Safeguarding our own profession is a unique responsibility among lawyers and it should not be abdicated. I take no position on the various initiatives of the ABA but their role in legal education and the status quo should be maintained. Thank you for your attention.

Regards,

Sean G. Hipworth, Esq.

Board Certified Specialist, Construction Law

[Warner, Sechrest & Butts, P.A.](#)

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July 2, 2025

Ricky Polston, Esq.

Chair

Workgroup on the Role of the American Bar Association in Bar Admission Requirements

BarAdmissionWorkgroup@flcourts.org

Re: Workgroup on the Role of the American Bar Association in Bar Admission Requirements, Fla. Admin. Order No. A0SC25-15 (Mar. 12, 2025)

Dear Mr. Polston:

The National Association for Law Placement (NALP) seeks to provide the following comments to the Workgroup on the Role of the American Bar Association in Bar Admissions Requirements created by the Florida Supreme Court.

NALP is the preeminent association of law schools and legal employers throughout North America and beyond, focused on supporting and advancing the careers of law students and lawyers. NALP is widely recognized as the leading authority on the legal job market and the career paths of lawyers. For over 50 years, NALP has published the most comprehensive report in the industry on the employment outcomes of new law school graduates and has studied the trajectory of their careers over subsequent years. This research, combined with NALP's deep understanding of what drives the legal job market, uniquely positions NALP to comment on the potential impact to the careers of Florida law school graduates should the Florida Supreme Court alter the current Rules of the Supreme Court Relating to Admissions to the Bar.



As a preliminary matter, it is essential to distinguish between *eliminating* the American Bar Association Council of the Section of Legal Education and Admissions to the Bar (ABA Council) as the accreditor of Florida law schools and *providing an alternative* to it, as is currently done in California. While the latter raises concerns, it still maintains the option of participating in a national accreditation scheme. By contrast, it is NALP's position that outright eliminating the ABA Council as a recognized accreditor of Florida law schools would be catastrophic to the careers of future Florida graduates. We therefore write to briefly explain this position.

The Modern Legal Job Market Requires Portability

To understand the impact of weakening the national ABA accreditation system, it is important to understand that legal careers have changed profoundly since the Great Recession. While just a decade ago it was commonplace for lawyers to have lifelong legal careers in a single state, today's graduates face a much more fluid, competitive legal industry. Indeed, mobility — both geographic and professional — has become the defining feature of successful modern legal careers.

The importance of mobility, particularly in the early stages of a lawyer's career, is underscored by longitudinal studies conducted by NALP and the NALP Foundation that examine the employment status of law school graduates three years after graduation. This research shows an exceptionally high degree of mobility among early-stage lawyers with upwards of 70% of graduates from recent law school classes having held two or more jobs within their first three years of practice. Further, on average one in five of those job changes involve relocation, whether it's due to new professional opportunities or personal circumstances.

Given these facts, the portability of a law license is critical to the success and longevity of legal careers today. As bar eligibility in most states is directly tied to ABA accreditation, weakening the national ABA accreditation system would make it significantly more difficult for lawyers to relocate or adapt as their careers evolve. Practically speaking, JD degrees from non-ABA-accredited law schools functionally limit where the degree holder can practice law and their employment prospects, ultimately decreasing the value of that degree and resulting in such individuals prematurely exiting the profession, if they ever practice law at all.

National Accreditation is Critical for Graduate Mobility and Employment

Maintaining a national accreditor is particularly critical for graduate mobility and employment immediately following law school. Currently, all twelve of Florida law schools

are ABA-accredited or provisionally accredited, producing about 2,000 graduates annually. These students come from across the country, with those schools that disclose demographic data publicly reporting out-of-state enrollment figures ranging anywhere from 11% to 44% for the Class of 2027 (the most recently enrolled law school class). The fact that Florida's law schools are currently accredited by the ABA Council — which is the only national accreditor for law schools — provides these out-of-state students with the assurance that they can attend a Florida law school and return home after graduation and still be eligible to practice law. Eliminating ABA accreditation removes that assurance and forces these students to choose between either remaining in Florida for practice or going elsewhere for law school.

Moreover, the negative impact of eliminating ABA accreditation goes beyond just out-of-state students. NALP data shows that on average 16% of all Florida law graduates will obtain a job in another jurisdiction following graduation — about 320 students each year. Without ABA accreditation, many of these graduates would not be eligible to be licensed in another state or would face severe hurdles in becoming so. In fact, for the past ten years, the top three jurisdictions for Florida graduates who obtain a job outside of Florida have been New York, the District of Columbia, and Georgia. Should the Court eliminate ABA accreditation, Florida graduates would no longer be eligible for admissions to any of these jurisdictions immediately following graduation. *See* N.Y. Ct. App. R. 520.5 (imposing a five-year practice requirement on graduates from non-ABA-accredited law schools); D.C. Ct. App. R. 46 (imposing an additional study requirement on graduates from non-ABA-accredited law schools); GA Rules Governing Admission to the Practice of Law, Section 5 (a graduate of a non-ABA accredited law school is only eligible for admission after seeking a waiver from the educational requirements of Section 4(b), which requires the graduate to establish by clear and convincing evidence that good cause exists for the waiver).

The lack of ABA accreditation will also negatively impact the job opportunities of Florida graduates — whether they are staying in-state or going out-of-state. Mid to large-sized law firms, which collectively account for nearly 30% of all entry-level legal jobs, overwhelmingly prefer or require that applicants hold degrees from ABA-accredited schools. Likewise, many government and public interest employers have similar preferences. For example, the Department of Defense's prestigious Honors Attorney Program requires candidates to have graduated from an ABA-accredited law school. *See* Dept. of Defense, Office of Gen. Counsel, OGC Honors Attorney Program, <https://ogc.osd.mil/Careers/Honors-Program/> (accessed Jun. 10, 2025).

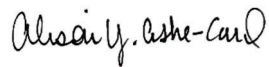
In short, a national accreditor is critical for graduate mobility and employment following law school. Eliminating ABA accreditation for Florida law schools will limit the jurisdictions

graduates can practice in, outright exclude them from many employment opportunities, and harm their overall job prospects.

Conclusion

For the foregoing reasons, the National Association for Law Placement encourages the Supreme Court of Florida to maintain ABA accreditation as a component of Florida bar admission requirements. While alternatives like California's model should be studied carefully, eliminating reliance on the ABA Council as the accreditor for Florida' law schools would severely harm its graduates and lawyers and undermine the national accreditation scheme that is vital for an increasingly mobile profession.

Respectfully submitted on behalf of the National Association for Law Placement,



Alison Ashe-Card, President



Nikia Gray, Executive Director



Comments on Law School Accreditation Component of Florida's Bar Admission Requirements

July 9, 2025

AccessLex is grateful for the opportunity to offer comments to aid the workgroup's consideration of the current requirement in the Florida Supreme Court's rule that require graduation from a law school accredited by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar (the "Council") as a prerequisite to taking the Bar exam. . AccessLex is a nonprofit organization with a mission to "empower the next generation of lawyers." We fulfill this mission by working to maximize legal education access, affordability, and value, seeking to help talented, purpose-driven students find their path from aspiring lawyer to fulfilled professional.

Our comments are focused on the value that a national accreditor dedicated solely to accrediting law schools brings to the State of Florida and its citizens. Currently, the Council of the American Bar Association's Section of Legal Education and Admissions to the Bar fulfills this role.

For the reasons stated below, we encourage the Supreme Court of Texas to maintain its use of a dedicated, national accreditor as it relates to its bar admissions requirements.

With respect to the Council, its oversight of law schools dates back more than a century to the emergence and dispersion of the dominant structure of legal education. The inextricable tie between the Council and conventional legal education is exemplified by the universal recognition of Council accreditation across jurisdictions. This alignment is no coincidence; it resulted from the increasing embrace of the Council's vision of legal education by state supreme courts and the other important stakeholders: law schools and students. The Council's central role in prescribing the structure of legal education invariably renders it a sound, even if imperfect, oversight body.

The universal recognition of Council accreditation enhances the portability of the law degree. Graduates of Council-approved schools can seek bar admission nationwide, maximizing their options for employment and career advancement. As a result, aspiring law students can seek out their best law school options, less hindered by geography. The benefits of these market efficiencies are captured by data.



In 2024, more than 10% of graduates from seven of the 10 Florida law schools we analyzed took the bar exam elsewhere.¹ At three schools the proportion exceeded 20%, including the University of Florida, which saw one-third of its graduates take another jurisdiction’s bar exam. Moreover, ten or more jurisdictions other than Florida were represented among bar takers from all but three schools.² These trends suggest that Florida law schools are attracting significant numbers of students from other states. The proportion of out-of-state students exceeded 10% at each of the state’s four public law schools, with the University of Florida topping out at 32%.³

Student residency data for the state’s private schools is not publicly available, but practically every school touts characteristics like the number of states represented among its students.⁴ Schools celebrate the inflow of students from other places because their presence likely enhances the educational experience and contributes to the school’s fiscal bottom line. The inflow can also reflect and foster prestige that transcends borders.

A law degree from a Council-accredited school is a requirement of bar admission in all but a few jurisdictions. Therefore, rescinding the Council’s authority would greatly diminish the functionality and value of degrees from Florida law schools. The impacts would be felt by Florida

¹ We omitted two schools—Cooley and Jacksonville—from our analyses. Cooley has two campuses, located in Florida and Michigan. The public data does not differentiate between the two campuses, making it impossible to localize the behaviors of Florida campus graduates. Jacksonville did not have any data to report, given its newness. The following are the proportions of 2024 graduates who took the bar exam elsewhere by school: Ave Maria: 21%, Barry: 14%, Florida: 32%, Florida A&M: 11%, Florida International: 6%, Florida State: 13%, Miami: 21%, Nova: 5%, St. Thomas: 5%, Stetson: 13%. Am. Bar Ass’n, Section of Legal Educ. & Admissions to the Bar, *Bar Passage/Admission Report*, STANDARD 509 DISCLOSURES, <https://www.abarequireddisclosures.org/barPassageOutcomes> (last visited June 23, 2025).

² The following are the number of jurisdictions other than Florida represented among 2024 bar takers: Ave Maria: 11, Barry: 15, Florida: 22, Florida A&M: 3, Florida International: 8, Florida State: 15, Miami: 20, Nova: 7, St. Thomas: 10, Stetson: 15. *Id.*

³ The following are the proportion of out-of-state students at the four public law schools in Florida: Florida: 31.5%, Florida A&M: 13%, Florida International: 11%, Florida State: 16%. *University of Florida (Levin)*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/university-of-florida-03037> (last visited June 23, 2025); *Florida State University*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/florida-state-university-03034> (last visited June 23, 2025); *Florida International University*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/florida-international-university-03190> (last visited June 23, 2025); FLA. A&M UNIV. COLL. OF L., FALL 2023 CLASS STUDENT PROFILE, https://law.famu.edu/about-us/2023_FactSheet1.pdf.

⁴ For example, on its “Fast Facts” webpage, Miami highlights that students in its most recent entering class came from 29 states and the District of Columbia as well as 21 countries. *Miami Law Fast Facts*, UNIV. OF MIAMI SCH. OF L. (Aug. 14, 2024), <https://admissions.law.miami.edu/about/fast-facts/>. In its most recent viewbook, Florida State touts: “Our current students represent 31 U.S. states, 40 countries, and 125 colleges and universities.” FLA. STATE UNIV. COLL. OF L., 2024/2025 VIEWBOOK, <https://law.fsu.edu/sites/g/files/upcbnu1581/files/Admissions/Docs/FSULAW%20Viewbook%202024-25%20V3.pdf>.



Page 3 of 3

residents who attend law school in-state but want to consider opportunities in other jurisdictions. The legal profession in Florida would be harmed as well. There are countless examples of people moving to Florida for law school and remaining after graduation, becoming members of the Bar. Many of these lawyers represent Floridians, broadening access to competent and ethical legal services.

Portability could be partially addressed through reciprocity agreements with other jurisdictions. The resulting framework, however, would likely be counterproductive. The jurisdictional comity fostered by universal recognition of Council accreditation took decades to form. Departure from this alignment would yield systems of disjointed bar admission rules and accreditation standards. Moreover, Florida law schools, in many or even most cases, would likely continue to seek Council approval in order to preserve the portability and value of their degrees. But the process of complying with different sets of accreditation standards would be at once redundant, competing, and probably contradictory.

AccessLex, therefore, recommends that the Florida Supreme Court maintain the use of a dedicated national accreditor for its law schools that provides access to aspiring lawyers to sit for the bar in all jurisdictions, something the only the Council offers at this time and for the foreseeable future.

Thank you for your time and attention.

-###-

From: [Maggie Abdo-Gomez](#)
To: [Bar Admissions Workgroup](#)
Subject: Accreditation
Date: Tuesday, July 8, 2025 6:26:22 PM

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This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I write to address the ABA accreditation issue for Florida law schools and those eligible for the bar exam. I strongly believe that ABA accreditation for our law schools should remain and that those sitting for the bar exam be graduates of accredited law schools. I will try to be as brief as possible.

1. A uniform system of accreditation for all US law schools is a positive for law school graduates. Future employers of graduates can be assured that no matter which law school the graduate comes from, the school will have met standard criteria. It would not be good if Florida law school graduates are not marketable in other states, or could not sit for exams in other states, due to degrees from Florida law schools whose accreditation standards are not reliable.
2. The comment that anyone should be able to sit for the Bar exam based on their experience is not good for either our profession or the public. What experience is good enough to guarantee competent representation of clients and adequate knowledge of the law? The Florida Bar should not be placed in a position to determine who has the appropriate experience. This will lead to arbitrariness, and lack of uniformity. There is good reason for uniform standards applicable to all future attorneys.
3. The issue, as other commentators have stated, is not one of simply having "the ability to pass the bar exam". Almost anyone can study for the exam for a period of time and pass the exam. Practicing law is much more than that. Attending an accredited law school, a rigorous course of study, and interaction with professors and law students are beneficial and necessary components to the ultimate practice of law. Practicing law and representing clients has nothing to do with "passing a bar exam". It is the education that comes before that prepares someone to be an attorney.
4. Other commentators talk about alternatives to law schools arguing that online law schools are cheaper alternatives. The pandemic clearly showed that online education is not sufficient or the ideal solution. As an adjunct professor with over 20 years of experience, who went through the pandemic, I speak from experience when I state that teaching online was not ideal and the students themselves were not happy with it. Students much preferred in person education. "Cheaper" does not necessarily mean better and cheapness should not be the determining factor regarding a legal education and/or becoming an attorney.
5. When I became an attorney, the legal profession held a certain degree of honor and respect. It was not easy to become an attorney There seem to be too many

these days who seem to think that anyone should be able to be an attorney...knowledge, education and moral character do not seem to be important. Instead of this view, it is high time that we return honor and respect to the legal profession. Rigorous accreditation standards, and education requirements as set out by the ABA should be maintained, and in some cases tightened. There are way too many law schools in Florida pumping out less than ideal candidates.

6. The sudden desire to do away with ABA accreditation oversight strikes more as a political stand than anything else.

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From: [Lyle Platt](#)
To: [Bar Admissions Workgroup](#)
Subject: Bar exam without law school
Date: Friday, July 11, 2025 5:00:45 PM

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Allowing individuals to sit for the Florida Bar examination without attending, completing and graduating from an accredited law school would be a very grave error. This would potentially vastly increase the number of lawyers that already are practicing in Florida. Florida has too many lawyers as it presently stands and further diluting this pool of lawyers would make earning a decent living extremely difficult.

Moreover, it would be patently unfair to every lawyer presently practicing in Florida who did attend and graduated law school

Lyle Platt

From: [Derrick Cole](#)
To: [Bar Admissions Workgroup](#)
Subject: Public Comment on ABA
Date: Monday, July 14, 2025 8:14:31 AM

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To whom it may concern,

I'm writing in support of removing the requirement that only graduates of ABA-accredited law schools may sit for the Florida Bar Exam.

While the ABA has historically helped define legal education standards, it has increasingly pushed ideological requirements that are in no way related to legal education. These policies often prioritize social politics over legal preparation, and I believe they unfairly limit access to the legal profession.

The ABA's recent suspension of its DEI mandates only after political pushback raises serious questions about its consistency and motivations. This, along with the high cost of ABA programs, suggests that maintaining control may be more important to the ABA than truly supporting students or the profession.

Florida doesn't need to eliminate the ABA, but it should create its own path that allows state-accredited schools to prove their value. Florida should however stop relying on the ABA as the golden standard and sole authority of legal education. Most successful attorneys didn't succeed because of the ABA, but because they worked hard, passed the bar, and committed themselves to the practice of law.

Thank you for your consideration and your leadership.

Sincerely,
Derrick Cole

From: [The Migrant Alliance](#)
To: [Bar Admissions Workgroup](#)
Subject: Alternative Pathways to Legal Credentials in Florida - Public Comment
Date: Friday, July 18, 2025 12:28:10 PM

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Public Comment to the Florida Bar

To the Florida Bar Workgroup:

My name is Augusto J. Martinez, Director of *The Migrant Alliance*, a 501(c)(3) nonprofit dedicated to promoting access to justice for immigrant and low-income communities.

I write in strong support of establishing *alternative pathways to legal credentials* in Florida. The current reliance on the rigid ABA accreditation system is outdated and exclusionary. It continues to hinder promising future legal professionals—especially those from working-class, non-traditional, or marginalized backgrounds—by prioritizing profit and prestige over innovation and accessibility.

ABA-accredited law schools remain prohibitively expensive and largely inflexible. Most are not fully online, making it difficult for working adults, caregivers, and people living in rural areas to access legal education. This outdated model does not reflect the evolving realities of our society or the modern tools now available. The rise of AI and online learning platforms has dramatically changed the landscape of education and legal services. These innovations can and should be harnessed to reduce the cost of legal training and expand access to underserved communities.

States like California and Washington have taken steps to open the legal profession by allowing non-ABA paths such as law office study and community-based training programs. These alternatives should not be dismissed; they promote affordability, diversity, and innovation. In contrast, the ABA's model functions increasingly like a protectionist cartel—preserving privilege and limiting entry to the legal field for those without financial or institutional advantages.

I urge the Florida Bar to:

- **Eliminate the ABA accreditation requirement** for licensure.
- **Investigate discriminatory barriers** such as burdensome character and fitness processes that disproportionately affect low-income, minority, and first-generation professionals.
- **Support flexible, affordable, and community-based education models** that foster inclusion and promote access to justice.

The legal profession must evolve to reflect the communities it serves. We need more accessible, innovative, and affordable entry points—not gatekeeping disguised as quality control. Justice should never be limited by financial means or elitist systems.

Sincerely,

Augusto J. Martinez

Director, The Migrant Alliance (501(c)(3))

themigrantalliance@gmail.com

Augusto J Martinez, Director

The Migrant Alliance

1505 George Dieter Dr

El Paso TX 79936

Tel. 818-272-6336

themigrantalliance@gmail.com

From: [Gwandine C. Thurmond](#)
To: [Bar Admissions Workgroup](#)
Subject: Florida Bar Should Eliminate the ABA Requirement
Date: Friday, July 18, 2025 1:31:40 PM

>>> CAUTION <<<

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To whom it may concern:

It is my belief that the Florida Bar should eliminate the ABA requirement for those who desire to sit for the Florida Bar exam and that includes those who never attended any law school. I have been working as a paralegal for years in Florida drafting and filing pleadings in the Florida State, Federal, Appellate, and County Court systems and would like the opportunity to sit for the Florida Bar just from my years of legal experience including the years I have spent and still do apply the Florida Rules of Civil Procedure when working on legal cases. I have a degree and a Certificate in Paralegal Studies.

Sincerely,

Gwandine Thurmond
Phone: 904-588-3344
E-mail: gwandine@yahoo.com

From: [charles stambaugh](#)
To: [Bar Admissions Workgroup](#)
Subject: ABA's role in Bar requirements
Date: Saturday, July 19, 2025 7:19:44 AM

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The ABA's impact can be found in the activism of a majority of jurists on today's benches. Recommend inviting equal input from the Federalist Society. Also, some type of revolving input from 1L, 2L, and 3L students of state law schools, whose curricula and administration often lacks any consideration of original intent or textualism.

Charles Stambaugh, Esq., retired

From: [Murray, Mark](#)
To: [Bar Admissions Workgroup](#)
Subject: Comment from the Law School Admission Council on Accreditation
Date: Wednesday, July 23, 2025 7:26:52 PM
Attachments: [LSAC Comment to Florida Supreme Court Workgroup 250723.pdf](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Bar Admission Workgroup –

Thank you for the opportunity to provide comment on the workgroup’s consideration of the role of the American Bar Association in the accreditation of Florida law schools.

LSAC is a nonprofit organization that has served legal education for over 70 years. We administer the Law School Admission Test (LSAT), facilitate the application process for prospective students, support prelaw programs to help broaden access to legal education, and assist more than 200 law schools with the processing of the applications they receive. In the course of our work, we interact with more than 100,000 prospective law students each year.

We hope that the attached comment is helpful in your work.

Please let us know if you have any questions.

Thank you.

Mark

MARK MURRAY
Public Affairs Liaison
MarkMurray@lsac.org
425.922.4306 - mobile

LSAC
662 Penn Street
Newtown, PA 18940
LSAC.org



Law School Admission Council
662 Penn Street, Newtown PA 18940-0040
P: 215.968.1101 • M: 215.555.1234

July 23, 2025

Comment of the Law School Admission Council to the Florida Supreme Court Workgroup on the Role of the American Bar Association in Bar Admission Requirements

The Law School Admission Council (LSAC) appreciates the opportunity to provide information related to the critical question of law school accreditation requirements for bar admission in Florida. LSAC is a nonprofit organization that has served legal education for over 70 years. We administer the Law School Admission Test (LSAT), facilitate the application process for prospective students, support prelaw programs to help broaden access to legal education, and assist more than 200 law schools with the processing of the applications they receive. In the course of our work, we interact with more than 100,000 prospective law students each year. Through in-person regional fairs and national online forums for prospective students, consumer information tools, educational resources, and a wide range of other services, we help them determine whether a career in law is right for them, with full information and realistic expectations.

We recognize that for each of these students, law school represents an enormous investment of time, energy, and money. As such, we all have an obligation to ensure that those who pursue legal education do so on an informed basis and ultimately graduate with a valuable credential. An effective law school accreditation system serves several fundamental goals that are essential to individual students, law schools, the broader legal profession, and any person or organization that calls on a lawyer to represent them:

- Accreditation must provide consumer protection for prospective students, ensuring that programs of legal education represent good value for their substantial investment, and that applicants have access to comprehensive and accurate information when applying to and choosing among law schools.
- Accreditation should, in concert with licensure, provide consumer protection for the public by ensuring that new lawyers will competently practice law across different sectors and jurisdictions.
- Accreditation should make legal markets more efficient and reduce transactional and administrative costs across state boundaries, ensuring the interstate mobility of legal talent and competition among law schools.

Many of the current national accreditation standards and processes, developed and periodically reviewed and updated by the Council of the Section of Legal Education and Admissions to the Bar, a separate body of the American Bar Association, fulfill these key objectives of consumer protection and ensure a baseline quality of education. For example, **Standard 509** requires law schools to disclose key consumer information in a consistent manner, including bar passage rates, employment

outcomes, tuition, and financial aid details. **Standards 501 and 503** govern law school admissions, requiring schools to admit only students who appear capable of completing the program and passing the bar exam, and to do so with the aid of a valid and reliable assessment. **Standard 315** mandates ongoing evaluation of a law school's educational program to ensure effectiveness in achieving learning outcomes.

These and other standards create a framework that helps ensure transparency, accountability, and consumer protection without unnecessarily limiting the flexibility law schools need to innovate and serve their unique missions. Additionally, the current accreditation framework includes the opportunity to seek variances to encourage experimentation and innovation by individual schools.

Given LSAC's unique role in supporting prospective students in their journey from prelaw to law school, we want to stress the critical importance of a consistent national accreditation system. Students rely on national accreditation standards to ensure that their educational investment will provide them with maximum career flexibility and opportunities to practice in the widest variety of legal fields across the nation. The current nationwide accreditation regime ensures that a student who graduates from an ABA-accredited law school in Florida will be allowed to sit for the bar exam in any state of the union, and vice versa. A fragmented approach to accreditation, where different states apply varying standards or recognize different accrediting bodies, would create both uncertainty and difficulty for students related to the portability and recognition of their legal education credentials.

As the Workgroup and the Court consider potential changes, additions, or alternatives in accreditation, we urge you to bear in mind the critical elements of transparency, accountability, consumer protection, and portability for law students. Thank you for this opportunity to provide comments; we welcome the opportunity to provide additional data or information that may be helpful in your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Sudha Setty".

Sudha Setty
President and CEO
LSAC

From: [M.L. Smith](#)
To: [Bar Admissions Workgroup](#)
Subject: Submission of Public Comment on Proposed Bar Admission Rule Changes
Date: Monday, July 28, 2025 2:07:16 PM
Attachments: [Aethos Public Comment Florida Supreme Court.docx](#)
[Smith,M.L..vcf](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Bar Admission Workgroup,
Please find attached a formal public comment submitted on behalf of Aethos Publishing & Creative Design, Inc. and Aethos Mobile Identity & Notarial Services (AMINS), in response to the Florida Supreme Court's proposal to revise the Rules of Court Relating to Bar Admissions.

This comment reflects our support for a more inclusive, competency-based approach to licensure, including recognition of non-ABA legal education pathways, supervised apprenticeships, and limited licensure options to serve unmet legal needs in Florida. We believe these reforms are essential to expanding access to justice and modernizing the legal profession in our state.

We respectfully request that this comment be included in the official public record. Should you require any further information or clarification, we would be happy to provide it.

Sincerely,

Michelle Smith

Executive Juris Doctor Candidate
Aethos Publishing & Creative Design, Inc.
liora-apcd@aethospublishingcreative.org
386-297-3826

Jefree Colpetzer

Florida RON Notary
Aethos Publishing & Creative Design, Inc.
orin@aethospublishingcreative.org
386-266-3907

Clerk of the Court
Supreme Court of Florida
500 South Duval Street
Tallahassee, FL 32399

July 21, 2025

Re: Public Comment on Proposed Admission Rules

I. INTRODUCTION

This comment is submitted in response to the Florida Supreme Court’s proposal to revise the Rule of Court Relating to Admissions to the Bar to move beyond reliance on an American Bar Association (ABA) – approved law degree. The undersigned, representing Aethos Publishing & Creative Design, Inc. (APCD) and Aethos Mobile Identity & Notarial Services (AMINS) (collectively, “Aethos”), join a growing community of educators, legal innovators, and advocates who seek to broaden access to the legal professions.

Florida’s current bar admission framework, which privileges graduates from (ABA-approved) law schools to the exclusion of virtually everyone else, no longer reflects the realities of modern legal education or the state’s diverse legal needs. Emerging state-accredited, online, and hybrid legal programs provide rigorous, competency – based pathways that prepare capable professionals ready to serve Florida’s communities.

Moreover, Florida’s demographic complexity and pressing social issues demand a more inclusive, flexible, and innovation-friendly licensure system.

We respectfully propose that the Florida Supreme Court permit licensure for: (1) graduates of certain non-ABA-accredited JD programs, and (2) non-JD legal professionals with appropriate certification and supervision in defined areas of legal service.

II. CONTEXT AND CALL FOR REFORM

Allow us to first provide some brief background on Aethos. Aethos serves as a civic innovation hub, educational publisher, and legal empowerment platform. Our initiatives include Remote Online Notary (RON) training and Online Dispute Resolution (ODR) projects. Our community includes EJD graduates, certified mediators, and public benefit professionals trained to serve underrepresented populations.

The purpose of this comment is to advocate for equitable and constitutionally sound reforms to the Florida Bar admission rules. Modern licensure must recognize rigorous yet alternative legal education models, such as Executive Juris Doctor (EJD) degrees from institutions like Purdue Global Law School, ⁵ state – approved hybrid or fully law programs. These educational models support working adults, caregivers, and rural residents in overcoming access barriers while maintaining quality and competency.

Traditional reliance on ABA – accredited institutions limit the diversity of legal professionals. The current ABA – only regime means that, for the most part, only those who can afford the time and money to attend law school full-time at a brick-and-mortar campus shortly after graduating from college get to become legal professionals. But the high price tag of ABA-law school tuition and the necessity of being able to move to and attend a campus full time shut out many non-traditional students – the very people who would be more likely to represent those who currently have trouble finding or affording legal services.

Many states have already adopted inclusive licensure pathways, offering both public protection and flexibility through supervised practice, apprenticeships, and targeted legal certifications.³⁴

Florida can and should follow suit.

III. FLORIDA’S DEMOGRAPHIC AND LEGAL LANDSCAPE DEMANDS A DIVERSIFIED PIPELINE

Florida’s rapid population growth, cultural diversity, and aging population demand a broader legal talent pipeline. By 2030, the state’s senior population is expected to exceed 7.1 million, increasing the need for elder law specialists. Meanwhile, many rural and inland counties suffer from acute attorney shortages – so called “legal deserts” – leaving residents without adequate access to legal representation, especially immigrant communities, veterans, and low-income tenants.

In addition, homelessness crisis, the proliferation of unregulated sober living homes, and regulatory reforms in cannabis law all require specialized legal support. Florida’s current bar admission framework restricts the pipeline of legal professionals able to serve these needs. Reforms must expand licensure eligibility and include diverse legal education models.

IV. CONSTITUTIONAL AUTHORITY FOR STATE-REGULATED BAR ADMISSIONS

The authority to regulate the admission and practice of law lies squarely with individual states, as affirmed by the U.S. Supreme Court.¹²¹³ States may impose licensing requirements rationally related to public protection, competence, and ethical fitness. Several states – such as California, Washington, and Virginia – have implemented hybrid models that incorporate online programs, state-accredited institutions, and supervised apprenticeships.³⁴ These models uphold competency standards while reducing unnecessary barriers.

V. ACCESS TO JUSTICE AND THE ROLE OF LEGAL INNOVATORS

Over 60% of low-income Floridians report facing legal problems without access to affordable support.⁶ This lack of access disproportionately affects vulnerable populations such as seniors, disabled individuals, and tenants. Technology, mediation, and limited-scope services represent critical pathways for addressing the justice gap.

Potential providers of legal services exist, but they are constrained by current rules in what types of services they can provide. Aethos initiatives empower self-represent litigants, enable remote notarizations, and support mediation in underserved communities. Yet many certified professionals remain barred from Florida's licensed attorney ranks. Reform must include eligibility tracks for qualified non-JDs working in supervised, defined capacities.

VI. EXECUTIVE JURIS DOCTOR (EJD) PROGRAMS AND PUBLIC BENEFIT PROFESSIONALS

EJD programs, such as those at Purdue Global Law School,⁵ offer advanced legal education in compliance, mediation, elder law, and policy, among other subjects. These programs are designed for working professionals who do not intend to take the bar exam but provide legal support across public service domains. Florida should explore supervised licensure tracks that integrate these professionals into the legal ecosystem without compromising standards.

VII. RECOMMEND POLICY CHANGES

To meet Florida's evolving legal needs, we propose the following reforms:

1. Recognition of Non-ABA Degrees: Accept graduates of state-accredited, state-approved, or California-registered professionals law degree programs, including Executive Juris Doctor (EJD) degree programs,⁵ as eligible to sit for the Florida Bar exam, contingent on experimental training and proven competence.

2. **Supervised Apprenticeship Track:** Establish a formal apprenticeship or law office study pathway, modeled on successful programs in Washington⁴ and Virginia, to provide Floridians a path to become attorneys without necessarily attending law school.¹³ This would include structured mentorship, casework documentation, and evaluation by supervising attorneys.
3. **Limited Licenses for Public Interest Practice:** Pilot limited license for non-JD professionals in areas of defined legal need – such as elder law, housing, mediation, and community advocacy – under ethical oversight and scope of practice standards.
4. **Integration of Technology Certifications:** Incorporate credentials such as Remote Online Notary (RON) and Online Dispute Resolution (ODR) into licensure or registry tracks to expand service delivery in remote and underserved communities.
5. **Support for Legal Incubators and Fellowships:** Offer provisional licensure or bar exam waivers for participants in recognized legal incubators, social justice fellowships, or nonprofit law-tech clinics serving low-income Floridians.
6. **Address Homelessness, Sober Homes, and Cannabis Reform:** Develop targeted licensing tracks to support attorneys and certified professionals trained to work on issues related to housing instability, elder abuse, and cannabis-related expungement services.

VIII. CONCLUSION

Florida stands at a pivotal moment for modernizing legal licensure. As unmet legal needs grow, comprehensive reform must reflect the realities of today's legal profession – including those trained through state-approved, competency-based, or other alternative pathways. We thank you for your consideration of this comment and welcome the opportunity to provide further information or clarification upon request.

Respectfully submitted,

/s/ Michelle Smith

Michelle Smith

Executive Juris Doctor Candidate

Aethos Publishing & Creative Design, Inc.

/s/ Jefree Colpetzer

Jefree Colpetzer

Florida RON

Aethos Publishing & Creative Design, Inc.

Respectfully submitted,

/s/ Michelle Smith

Michelle Smith

Executive Juris Doctor Candidate

Aethos Publishing & Creative Design Inc.

lira-apcd@aethospublishingcreative.org

386-297-3826

July 21, 2025

/s/ Jefree Colpetzer

Jefree Colpetzer

Florida RON – Notary

Aethos Publishing & Creative Design Inc.

orin@aethospublishingcreative.org

386-266-3907

July 21, 2025

¹ *Leis v. Flynt*, 439 U.S. 438 (1979). ¹³ *Supreme Court of Virginia v. Friedman*, 487 U.S. 59 (1988). ³ California State Bar – Law Office Study Program (LOSP): <https://www.calbar.ca.gov/Admissions/Requirements/Education/Legal-Education/Study-in-a-Law-Office-or-Judge's-Chambers> ⁴ Washington State LLLT Program: <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians> ⁵ Purdue Global Law School – Executive Juris Doctor (EJD): <https://www.purdueglobal.edu/degree-programs/legal-studies/executive-juris-doctor/> ⁶ Florida Access to Civil Justice Commission, Final Report (2019): <https://www.flaccessjustice.org/> ⁷ ABA 2022 Profile of the Legal Profession: <https://www.americanbar.org/content/dam/aba/administrative/news/2022/potlp2022.pdf> ⁸ Florida OPPAGA – Barriers to Licensure (if available). ⁹ Distance Education Accrediting Commission (DEAC): <https://www.deac.org/> ⁺ AccessLex Institute: <https://www.accesslex.org/> ⁻ Florida Department of Elder Affairs: <https://elderaffairs.org/> ⁼ National Center for State Courts (NCSC): <https://www.ncsc.org/>

From: [Ricky L. Polston](#)
To: [Bar Admissions Workgroup](#)
Subject: Fwd: Workgroup on ABA Impact on Bar Admissions
Date: Tuesday, July 29, 2025 5:00:45 PM

CAUTION

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Begin forwarded message:

From: Brook Rainflower <brookrainflower@yahoo.com>
Date: July 29, 2025 at 4:54:32 PM EDT
To: "Ricky L. Polston" <RPolston@shutts.com>
Subject: Workgroup on ABA Impact on Bar Admissions
Reply-To: Brook Rainflower <brookrainflower@yahoo.com>

EXTERNAL: This email originated from outside of the SHUTTS email system. Do not respond, click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Mr. Polston,

I have been following the news of this workgroup with great interest. Will the report be released on Sept. 30?

TLDR: I have a personal situation that makes it just about impossible for me to attend law school in person. An alternative path to being allowed to take the Florida bar exam would be helpful to me.

I am interested because of my own situation. I live in Florida, and am an older student who has been admitted to several ABA-approved law schools, all of which are in-person programs. I am ALSO a single mom whose youngest son is severe special needs, who is nonverbal and requires help with everything, all activities of daily life. I am his full-time (unpaid) caregiver. My son is also built like a football linebacker at 17 years old, almost 6 feet tall and 240 pounds, and sometimes becomes aggressive when apprehensive or confused. Due to all of this I cannot find care for him near the law schools where I have been accepted. However, I have plenty of time to study while caring for him. An alternative path to being allowed to take the Florida bar exam would be of great benefit to me.

I hope that such an alternative pathway to taking the Florida Bar Exam will one day be implemented, even if it is restricted to people like me, who have such limiting situations.

I look forward to the workgroup's upcoming report. Thank you for reading my comments.

Sincerely,
Brook Rainflower, MBA, MSBA (Business Analytics)
brookrainflower@yahoo.com

From: [Jeffrey DeSousa](#)
To: [Bar Admissions Workgroup](#)
Cc: [David Dewhirst](#); [Nathan Forrester](#); [Jason Muehlhoff](#); [Jeremy Redfern](#)
Subject: Attorney General Workgroup Comment
Date: Wednesday, July 30, 2025 3:33:09 PM
Attachments: [image001.png](#)
[ABA Comment 7-30 final.pdf](#)

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find attached the Attorney General's comment to the ABA Workgroup. Thank you for your consideration.

Kind regards,



Jeffrey DeSousa
Acting Solicitor General
OFFICE OF ATTORNEY GENERAL JAMES UTHMEIER
850-414-3830



JAMES UTHMEIER
ATTORNEY GENERAL
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July 30, 2025

Mr. Adam M. Foslid
Ms. Erin O'Hara O'Connor
Mr. Ricky L. Polston
Mr. John M. Stewart
Mr. John F. Stinneford
Honorable Allen C. Winsor

VIA E-MAIL

Re: Public Comment to Working Group No. AOSC25-15, "Workgroup on the Role of the American Bar Association in Bar Admission Requirements."

I. Introduction.

Attorney General James Uthmeier submits this comment regarding the role of the American Bar Association's Council on Legal Education in the State's bar admission requirements.¹ As the State's chief legal officer, the Attorney General has a significant interest in legal education and admission to the Florida Bar—including whether attorneys seeking to practice law in Florida must first graduate from an ABA approved law school.

That answer should be no. In imposing the requirement that all members of the Florida Bar first graduate from an ABA approved law school, Florida, wittingly or

¹ The ABA's accrediting body is the Council on Legal Education and Admissions to the Bar, which operates within the Section of Legal Education. Although it is "more accurate to say that law schools are 'ABA-Council Accredited' rather than 'ABA-Accredited[.]'" for ease of reference, this comment will refer to the ABA rather than "the ABA Council." See Alexandra Diana Graves, *What Is the Role of the ABA Section of Legal Education?* ABA (June 10, 2025), <https://tinyurl.com/2sxcpx89>. Note that the ABA itself describes its work accrediting law schools as something "the ABA" accomplishes. See Defendant's Mot. to Dismiss at 2, *American Alliance for Equal Rights v. ABA*, No. 1:25-cv-03980 (N.D. Ill. April 12, 2025) ("The ABA also develops model uniform standards for the legal profession . . . and accredits law schools.").

not, vested enormous power in the ABA. In effect, the ABA can destroy any law school in Florida as it can unilaterally withhold accreditation and thus prevent that law school's graduates from becoming members of the Florida Bar. Even under the best of circumstances, this is almost certainly too much authority to vest in a non-governmental agency that is totally unaccountable to the public. Unfortunately, the ABA has demonstrated that it is unworthy of the immense public trust that has been placed in it. If the ABA ever existed as an important non-partisan organization that could be entrusted to ensure technical excellence in American legal education, those days have sadly long since passed. The ABA is now a brazenly political operation that seeks to impose its woke ideology on aspiring lawyers.

These concerns are not new, yet the ABA refuses to correct course. So the Attorney General recommends that the Florida Supreme Court amend its rules to eliminate the requirement that applicants for membership in the Florida Bar graduate from an ABA-accredited law school before they can sit for the Florida Bar Exam. Such action is necessary to free Florida from the improper influence the ABA wields over legal education in this state.

Additionally, the Court should consider forming a standing committee that would recognize alternative agencies to accredit law schools for purposes of bar admission. The ABA's status as the sole accreditor for most States admittedly makes it more difficult for any one State to enact accreditation reform on its own because students who attend non-ABA-accredited schools in Florida would be significantly limited in which States they could later practice. But Florida's rule changes would be a crucial first step towards helping counteract the ABA's monopoly on law school accreditation nationwide and can serve as a model for other States to follow. And reciprocity among the States in this regard—*i.e.*, allowing students who graduate from non-ABA-accredited schools in one State to take the Bar Exam in another State—could offer a long-term solution moving forward.

II. The ABA forces law schools to engage in illegal racial discrimination.

There are many concerns with the ABA operating as the sole accrediting agency for law schools, but most worrisome is the fact that the ABA demands that law schools racially discriminate in student admissions and faculty hiring as a condition of accreditation.²

ABA Standard 206 outlines this demand. It requires law schools to “demonstrate by concrete action a commitment to diversity and inclusion” in two ways.³ First, schools must discriminate in the student-admissions process by taking “concrete action” to ensure “full opportunities for the study of law and entry into the profession

² Standards & Rules of Pro. For Approval of L. Schs. Standard 206 (Am. Bar Ass'n 2004).

³ *Id.*

by members of underrepresented groups, *particularly racial and ethnic minorities*.”⁴ That entails, as further set out by Standard 206, a “commitment to having a student body that is diverse with respect to gender, race, and ethnicity.”⁵ Second, the ABA requires law schools to discriminate in the hiring of faculty. To obtain accreditation, a school must take “concrete action” to show its “commitment to diversity and inclusion by having a faculty and staff that *are diverse with respect to gender, race, and ethnicity*.”⁶ Neither of those requirements, of course, can be satisfied without a school’s adoption of affirmative-action policies that discriminate based on race.

Such blatant racial discrimination is immoral and illegal. The Supreme Court confirmed as much in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023), where it rejected Harvard’s and the University of North Carolina’s policy of “[c]lassifying” university applicants and students “based on their race.” *Id.* at 207. It also dismissed those universities’ purported interest in “better educating its students through diversity” and in fostering “cross-racial understanding” as insufficient to justify the practice. *Id.* at 214. As the Court neatly summarized, “[e]liminating racial discrimination means eliminating all of it.” *Id.* at 206 (cleaned up). The Supreme Court, in other words, has condemned precisely the sort of racial discrimination required by ABA Standard 206.

Yet the ABA has dragged its feet in the wake of *Students for Fair Admissions*. Despite repeated warnings by government officials that its policies violate that decision⁷—and despite the fact that *Students for Fair Admissions* was decided a full two years ago—the ABA has just recently “suspended” enforcement of Standard 206 until August 2026, pending its review of what changes to its policies the decision necessitates.⁸ To date, it has offered no justification for its failure to simply withdraw Standard 206 entirely.

So too has the ABA refused to withdraw Interpretation 206-1, which states: “The requirement of a constitutional provision or statute that purports to prohibit

⁴ *Id.* (emphasis added).

⁵ *Id.*

⁶ *Id.* (emphasis added).

⁷ See, e.g., Letter from Jonathan Skrmetti, Tenn. Att’y Gen., to ABA Section of Legal Educ. and Admissions to the Bar (June 3, 2024) (on file at <https://tinyurl.com/yck4cj9x>); Exec. Order No. 14,173, 90 Fed. Reg. 8633, 8633 (Jan. 21, 2025) (“Ending Illegal Discrimination and Restoring Merit-Based Opportunity.”); Letter from U.S. Dep’t of Educ., Off. for Civ. Rts. (Feb. 14, 2025) (on file at <https://tinyurl.com/mvd2neyu>); Letter from Pam Bondi, Att’y Gen. to David A. Brennan, Council Chair of the ABA (Feb. 28, 2025) (on file at <https://tinyurl.com/3fctx6w5>); Letter from David A. Brennan, Council Chair of the ABA to Pam Biondi, Att’y Gen. (Mar. 10, 2025) (on file at <https://tinyurl.com/29t4ttma>); Memorandum from the Att’y Gen. to All U.S. L. Schs. Deans & Admissions Officers 2 (Mar. 26, 2025) (on file at <https://tinyurl.com/bdz26uvp>).

⁸ *Council of the ABA Section of Legal Education extends Standard 206 suspension to 2026*, ABA, (May 9, 2025), <https://tinyurl.com/2d5w2hsa> (last visited July 3, 2025).

consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206." Rather, "[a] law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions."⁹

Said another way, the ABA asks schools to skirt (or ignore) the animating principles behind equal protection and *Students for Fair Admissions* if doing so arguably complies with any existing gray areas around the letter of the law. Putting this into practice, the ABA launched a four-part series of workshops titled "The Path Forward: Discussions and Strategies in Ensuring Diversity, Equity, and Inclusion post-*SFFA v. Harvard*,"¹⁰ and its House of Delegates endorsed the New York State Bar Association's Report and Recommendations for law schools and other entities to "advanc[e] their respective DEI efforts" after *Students for Fair Admissions*. The Report and Recommendations include advising law schools to maintain an institutional goal of "diversity in education" and assign weight to that goal in its admissions process; consider "place-based" admissions policies, which apparently means preferring applicants from South Chicago over applicants from Western Appalachia; train "key personnel" in admissions procedures "to ensure a holistic effort;"¹¹ design application materials to collect "demographic data;" and reexamine criteria for evaluating merit including the use of standardized tests—long believed by some to disadvantage minority test-takers¹²—all for the express purpose of making applicants of certain races more competitive against other applicants in the admissions process.¹³

⁹ Standards & Rules of Pro. For Approval of L. Schs. Standard 206, Interpretation 206-1 (Am. Bar Ass'n 2004).

¹⁰ *The Path Forward: Discussions and Strategies in Ensuring Diversity, Equity and Inclusion post-SFFA v. Harvard Webinar Series*, ABA, <https://tinyurl.com/2jp92cbr> (last visited July 3, 2025).

¹¹ See e.g., Sara Harberson, *Op-Ed: The truth about 'holistic' college admissions*, LOS ANGELES TIMES (June 9, 2015) <https://tinyurl.com/39wk53ju> ("But has holistic admissions become a guise for allowing cultural and even racial biases to dictate the admissions process? To some degree, yes.")

¹² See, e.g., John Rosales and Tim Walker, *The Racist Beginnings of Standardized Testing*, NEAToday (Mar. 20, 2021), <https://tinyurl.com/4s35wxzt>.

¹³ The ABA has invented new, creative ways to sidestep certain nondiscrimination requirements in its scholarship programs as well. For example, in April 2025, the ABA suddenly pivoted regarding its use of racial preferences in its programs, mere days before law students sued the ABA alleging that its race-based scholarship program illegally excluded them based solely on their race in violation of 42 U.S.C. § 1981. See Defendant's Mot. to Dismiss at 3 n.6, *American Alliance for Equal Rights v. ABA*, No. 1:25-cv-03980 (N.D. Ill. April 12, 2025). Rather than end the years-long discriminatory program and admit it had been wrong to exclude people of certain races from its program, the ABA created a new requirement for the old program. See *ABA Board of Governors passes diversity resolution*, ABA, <https://tinyurl.com/5n6n3se6>. The scholarship program for years offered funds only to "member[s] of an underrepresented racial . . . minority," see Verified Am. Compl., ¶ 47, but the ABA now states it is

Yet *Students for Fair Admissions* is clear: “[U]niversities may not simply establish through . . . other means the regime we hold unlawful today.” 600 U.S. at 230. “[W]hat cannot be done directly cannot be done indirectly,” and “the prohibition against racial discrimination” in the Constitution “is ‘levelled at the thing, not the name.’” *Id.* The ABA refuses to listen.

The ABA’s insistence on racial discrimination alone is disqualifying. Florida lawyers are “officer[s] of the legal system” and are obligated to “demonstrate respect for the legal system and for those who serve it.”¹⁴ Yet the accrediting agency requires law schools—entities tasked with instilling these duties in future members of the Bar—to ignore the Constitution in the name of a radical racial ideology.

The ABA is a hopelessly captured institution; captured by those committed to racial discrimination—a practice which offends the constitution and degrades the integrity of the legal profession. The ABA’s core commitments are antithetical to Florida’s, so Florida should no longer trust it to serve as a credible authority on the quality of bar applicants’ academic credentials.

III. The ABA is demonstrably partisan and cannot be expected to act as a neutral gatekeeper for law school accreditation.

The ABA claims it “is for everyone”¹⁵ and that it operates as a “non-partisan . . . organization.”¹⁶ Those claims are demonstrably false. Every facet of the ABA actively advances a progressive agenda, and an overtly dishonest and ideological organization should not continue to receive sole, state-sanctioned market power over law school accreditation. Academic accreditors should be neutral; they serve students of all political persuasions and ideologies and must be receptive to different political ideas. Given its record, the ABA should no more be responsible for accrediting law schools than the American Civil Liberties Union.

“in the process of reviewing its programs” to implement its new eligibility standard requiring a person to instead “demonstrate[] commitment” to “eliminating bias and enhancing diversity” rather than awarding funds based on a person’s adherence to “particular group identities.” Defendant’s Mot. to Dismiss at 3 n.6. Conveniently, the ABA expects that this new standard will likely moot the lawsuit. *See* Defendant’s Mot. to Dismiss at 3 n.6. But the students contend that “only a court order” will ensure that the ABA will actually refrain from preferring certain races when selecting scholarship winners, especially given that the ABA preferred certain races in its program for “many years,” designed and created the scholarship specifically for students of certain races, and demonstrated a long “history of practicing and defending racial preferences.” Verified Am. Compl., ¶ 47. For similar reasons, we hesitate to trust that the ABA will actually abide by the law in its interpretations—and enforcement—of Standard 206.

¹⁴ Rules Regulating the Florida Bar Chapter 4 preamble, <https://tinyurl.com/49xup66b>.

¹⁵ ABA, <https://tinyurl.com/z73pepy4> (last visited June 27, 2025).

¹⁶ *About Us*, ABA, <https://tinyurl.com/uacz4nm> (last visited June 27, 2025).

a. Government lobbying to advance one-sided policy positions

The ABA's Governmental Affairs Office is a legislative juggernaut that arranges congressional testimony, submits documents and reports on its preferred positions, and lobbies Congress for support of its policies.¹⁷ So much so that it averages almost \$1 million in congressional lobbying expenditures annually.¹⁸ And it uses this lobbying machine to advance dozens of progressive policy positions across a host of contentious and consequential issues, including:

- Advancing legislation that would provide government subsidized abortions to low-income women;
- Opposing legislation that would permit Congress to override agency regulations;
- Exhorting all lawyers to devote at least 20 hours per year to work that promotes DEI;
- Promoting legal structures that consider race, national origin, and gender as factors in employment, student admissions, or government contracting;
- Supporting transgender athletes' ability to compete with students of the opposite sex;
- Advocating for national basic income as a human right;
- Urging all institutions to use preferred pronouns;
- Supporting the creation of a congressional committee to make recommendations on reparations for persons of African descent;
- Urging all courts to implement an affirmative action plan and to consider diversity in employment/appointment decisions;
- Supporting strong federal gun control;
- Decriminalizing marijuana;
- Repealing Stand Your Ground laws;
- Restoring voting rights to all criminal convicts; and
- Granting permanent legal residency status to all illegal aliens in the nation who have not been convicted of a crime.¹⁹

¹⁷ *Id.*

¹⁸ See *Financial Reports from the American Bar Association*, ABA, <https://tinyurl.com/4v42phvv> (last visited June 20, 2025). Total disclosures include: \$940,000 (2024), \$850,000 (2023), \$850,000 (2022), \$940,000 (2021). <https://tinyurl.com/2s3av86c>.

¹⁹ See *generally Legislative Policies of the ABA*, ABA, <https://tinyurl.com/mr2wk5h8> (updated Aug. 2019).

Worse than merely advocating for liberal policy positions, the ABA has taken the unserious position that the Equal Rights Amendment *is already* a valid part of the United States Constitution.²⁰ This radical claim means the organization that houses the accrediting agency for law schools holds to a different Constitution than everyone else.²¹ The absurdity is obvious.

No reasonable person would look at this list of positions and conclude the sponsoring party is anything but a progressive ideologue. And some of the ABA's positions—like the one on the ERA—also call into question its competence. It makes no difference that the ABA doesn't chime in on "party" politics—it is nakedly partisan. Any organization which demonstrates such unswerving fealty to the policies of the Left cannot remain the sole accreditation gatekeeper of this State's law schools.

b. Amicus briefs

The ABA's amicus brief practice forms another of its large advocacy arms. As with its lobbying efforts, the ABA boasts that it has "been a leading voice"—and incidentally has taken the leftward position—in "nearly every landmark discrimination case involving sex, sexual identity, or education over the past two decades."²² It submitted briefs in *Dobbs v. Jackson Women's Health* ("women have the right to decide . . . whether to continue a pregnancy"),²³ *Lawrence v. Texas* (banning sodomy "violate[s] constitutionally protected liberty and privacy interests"),²⁴ *Obergefell v. Hodges* ("the Fourteenth Amendment requires a state to license a marriage between two people of the same sex"),²⁵ *Masterpiece Cakeshop v. Colorado Civil Rights Commission* ("public accommodations laws" should not contain "a constitutional exemption" for First Amendment rights),²⁶ *Students for Fair Admissions v. Harvard University* (making admissions decisions based on race is "consistent with the principles" of American law, and an "important tool" for the

²⁰ See Statement from President Joe Biden on the Equal Rights Amendment, (Jan. 17, 2025) <https://tinyurl.com/44cu7jby> ("I agree with the ABA and with leading legal constitutional scholars that the Equal Rights Amendment has become part of our Constitution.").

²¹ Indeed, even liberal jurists have long rejected such an outlandish claim. See, e.g., Russell Berman, *Ruth Bader Ginsburg Versus the Equal Rights Amendment*, THE ATLANTIC (Feb. 15, 2020) <https://tinyurl.com/4p345wa2> (noting Justice Ginsburg's opposition to this position).

²² Brief for ABA as Amicus Curiae supporting Respondents at *2–4, *Gloucester Cnty. School Board v. G. G.*, 2017 WL 894897 (U.S., 2017).

²³ Brief for ABA as Amicus Curiae supporting Respondents at *4, *Dobbs v. Jackson Women's Health Org.*, 2021 WL 4441203 (U.S., 2022).

²⁴ Brief for ABA as Amicus Curiae supporting Petitioners at *4, *Lawrence v. Texas*, 2003 WL 164108 (U.S., 2003).

²⁵ Brief for ABA as Amicus Curiae supporting Petitioners at *1, *Deboer v. Snyder*, 2015 WL 1045422 (U.S., 2015).

²⁶ Brief for ABA as Amicus Curiae supporting Respondents at *4, *Masterpiece Cakeshop v. Colorado C.R. Comm'n*, 2017 WL 5152968 (U.S., 2017).

profession),²⁷ and *District of Columbia v. Heller* (the Second Amendment does not enshrine an individual right to keep and bear arms).²⁸ An advocacy organization is certainly entitled to express its views—like the ACLU or Planned Parenthood routinely do. But it should never be entrusted with state-endowed regulatory power, the very position Florida currently affords it.

c. Rating Judicial Nominees

Finally, the ABA’s federal judicial ratings systematically favor left-leaning nominees. A 2012 study concluded that the ABA was 15% more likely to give “well-qualified” ratings to candidates nominated by a democrat president.²⁹ According to the study, simply being nominated by a democrat is a greater predictor of a high ABA rating than 10 years of district judge experience or previous service as a federal appellate clerk.³⁰ This trend has continued with President Trump’s and President Biden’s judicial nominations.³¹ And as is a pattern with the ABA, it denies any claim of bias despite the mountain of evidence to the contrary.³²

Unsurprisingly, these reckless actions by the ABA have led to a loss of formal vetting responsibilities across a host of contexts. The new chair of the Federal Trade Commission, Andrew N. Ferguson, announced that political appointees employed by the Commission can no longer be members, hold leadership positions, or attend events of the ABA.³³ Chairman Ferguson explained that “[w]ere the ABA a nonpartisan association,” his prohibitions “would not be necessary.”³⁴ But because the ABA is an “insistent and outspoken political organization” that has rebuffed conservatives’ efforts “for years” to work within the organization to “make it more balanced,” the FTC’s leaders “should not lend a patina of nonpartisan legitimacy” to the ABA by participating in its programs.³⁵ Separately, Attorney General Bondi cited the ABA’s lack of independence and neutrality as reason to withdraw the ABA’s

²⁷ Brief for ABA as Amicus Curiae supporting Respondents at *7, *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 2022 WL 3108796 (U.S., 2023).

²⁸ Brief for ABA as Amicus Curiae supporting Petitioners at *2–3, *District of Columbia v. Heller*, 2008 WL 136349 (U.S., 2008).

²⁹ Susan N. Smelcer, et al., *Bias and the Bar: Evaluating the ABA Ratings of Federal Judicial Nominees*, 65 Pol. Rsch. Q. 827–40, 832 (2012).

³⁰ *Id.* at 832–33.

³¹ See, e.g., Letter from U.S. Senators to William Bay, President, ABA (Mar. 7, 2025) <https://tinyurl.com/4kfethpc>.

³² Letter from William Bay, President, ABA, to Att’y Gen. Pam Bondi, (June 10, 2025) <https://tinyurl.com/mr49tfb3>.

³³ Letter from Andrew N. Ferguson, Chairman, Fed. Trade Comm’n to Fed. Trade Comm’n Staff (Feb. 14, 2025) (on file at <https://tinyurl.com/533wvjku>).

³⁴ *Id.* at 2–3.

³⁵ *Id.* at 3.

special access to nominees to federal judgeships.³⁶ And the Texas Supreme Court recently announced that it is rethinking the ABA's role as that State's sole law school accreditor as well as its current requirements that permits only those persons who graduated from an ABA-accredited law school to be eligible for admission to the Texas bar.³⁷

That recognition extends to Florida officials as well. Chief Justice Muñiz recently sent a letter to the Florida Bar directing it to immediately cease making appointments to the ABA House of Delegates, withdraw any existing appointments, and amend the Florida Bar's policies to implement the directive.³⁸

IV. The ABA's monopolistic control stifles competition and diminishes the quality of legal education nationwide.

The ABA's aggressive leftward bias would be less worrisome if it was only one of multiple actors in the accreditation space. Yet the ABA is a monopoly. Stand-alone law schools must receive ABA accreditation to receive federal student loan funds, and the ABA is the sole law school accreditor recognized by the U.S. Department of Education and most states.³⁹ That control enables the ABA to fix prices, punish outsiders, raise barriers to entry, and stifle innovation. None of those things are good for the quality of legal education in Florida or the nation.

Other government actors have similarly concluded that the ABA is a monopoly. So much so that the DOJ sued the ABA for antitrust violations after discovering that the ABA was fixing faculty salaries, refusing to accredit schools simply because they were for-profit, and refusing to allow ABA-accredited law schools to accept credit for classes at schools that were state-accredited. That suit resulted in a 10-year consent decree with the Department of Justice in 1995 to end a federal antitrust lawsuit, which included self-reporting and monitoring over the ABA's accreditation

³⁶ Letter from Pam Bondi, Att'y Gen. to William Bay, President of the ABA (May 29, 2025) (on file at <https://tinyurl.com/2pcrzsr>).

³⁷ Order Inviting Comments on the Law School Accreditation Component of Texas's Bar Admission Requirement at 1–2, (Tex. 2025) (Misc. Docket No. 25-9018), <https://tinyurl.com/45hpdabv>.

³⁸ Letter from Hon. Carlos G. Muñiz, Chief Justice of the Supreme Ct. of Fla., to Joshua Doyle, Exec. Dir. of the Fla. Bar (June 12, 2025) (on file at <https://tinyurl.com/3w39h9ju>).

³⁹ For law schools that are attached to an undergraduate institution that is already accredited by one of the institutional accreditors recognized by the U.S. Education Department, that "institutional accreditation provides access to the loan programs to students in all degree programs at the institution, including the J.D. program." Barry Currier, *Should the Council Withdraw from the U.S. Department of Education Accreditation System?*, LEGAL EDUCATION MATTERS, (May 30, 2025), <https://tinyurl.com/bdey7f42>. Thus, those law schools would be able to receive federal funds even if they lost ABA accreditation. Only seven of the approximately 200 ABA-approved law schools rely on ABA accreditation so that its students can access the federal student loan program. *Id.*

practices.⁴⁰ The ABA later admitted it violated that consent decree and paid a \$185,000 fine.⁴¹

Despite that suit, the ABA remains an “accreditation cartel.”⁴² It oversees the massive and profitable business of higher legal education and permits law schools to “[h]id[e] behind [its] accreditation power” while fixing prices, punishing those outside the cartel, and erecting significant barriers for other schools to enter the market.⁴³ Moreover, many ABA accreditation requirements discourage innovation. As just one example, Standard 106 imposes numerous requirements on law schools wishing to offer an additional location, including full-time faculty, library resources, and physical facilities,⁴⁴ making it difficult for any school wanting to offer in-person classes to an underreached region of a city. The result is a stagnation in the law school model.

V. Alternatives to the ABA’s monopoly in law school accreditation.

The ABA’s brazen ideological commitments and its established monopolistic practices demonstrate the need for a new law school accreditation framework. The Attorney General therefore offers two recommendations for the Workgroup’s consideration: (1) amending its rules requiring applicants to graduate from an ABA-accredited law school before sitting for the Florida Bar Exam and (2) forming a permanent committee that would approve and oversee additional agencies that can accredit law schools for purposes of bar admission.

Florida Bar Admissions Rule 4-12 requires anyone wishing to practice law in the State to first pass the Florida Bar Exam.⁴⁵ But to take “any portion” of the bar exam, applicants must “complete the requirements for graduation . . . from an accredited law school,” which means a school “approved” by the ABA. Rule 4-13.

For all the reasons previously described, Florida should end its requirement that a student graduate from an ABA-accredited school to sit for the Florida Bar Exam.

⁴⁰ Complaint at 12–13, *United States v. ABA*, 934 F. Supp. 435 (D.D.C. 1996) (No. 95 Civ. 1211), <https://tinyurl.com/muakku9v>; *see also* Press Release, U. S. Dep’t of Just., Justice Department Asks Court to Hold American Bar Association in Civil Contempt (June 23, 2006) (available at <https://tinyurl.com/mrxnkn3s>).

⁴¹ Press Release, U.S. Dep’t of Just., Justice Department Asks Court to Hold American Bar Association in Civil Contempt (June 23, 2006) (available at <https://tinyurl.com/mrxnkn3s>).

⁴² Josh Wright, *The ABA & the Accreditation Cartel: A Worthy Target for the Trump Antitrust Enforcers*, COMPETITION ON THE MERITS (Feb. 20, 2025), <https://tinyurl.com/33hwrba>.

⁴³ *Id.*

⁴⁴ STANDARDS & RULES OF PRO. FOR APPROVAL OF L. SCHS. Standard 106 (AM. BAR. ASS’N 2004), <https://tinyurl.com/yvbw8f>.

⁴⁵ Fla. Bar Admiss. R. 4-12.

In addition, the Florida Supreme Court could form a standing committee that would approve and oversee other agencies that can accredit law schools for purposes of bar admission in the State.⁴⁶ The committee would develop criteria for such agencies, which could track the U.S. Education Department's requirements for the accrediting agencies it oversees. Such requirements include demonstrating that the agency has standards for accreditation that are "sufficiently rigorous," and that set forth clear expectations for:

- "Student achievement" (including bar passage and job placement rates);
- Curricula;
- Faculty;
- Facilities;
- Financial and administrative capacity;
- Student support services;
- Record of student complaints received by the agency, and
- Record of compliance with the institution's program responsibilities under Title IV.⁴⁷

Alternatively, the standing committee could establish its own requirements for agencies wishing to accredit law schools for bar admission in Florida. Those requirements could include the following:

- The commitment that each law school will not discriminate based on the protected classes recognized by Florida or federal law;
- Student achievement standards, such as a 75% bar passage rate within 2 years of graduation; and
- Other neutral criteria, including financial and administrative capacity, faculty criteria, and others.

Whatever course of action the Court takes, it should acknowledge that the ABA's monopoly is entrenched. It is the only law school accreditor recognized by the U.S. Department of Education and most of the States and therefore complicates any State's attempt at reform. And currently only Texas and Florida are publicly reconsidering their law school accreditation rules. Thus, any student attending law school in Florida who may one day want or need to move out of the State to practice

⁴⁶ One such accrediting agency could be the newly-created Commission for Public Higher Education, which is comprised of six state public university systems and offers a "new accreditation model," if that agency were willing to also accredit law schools. Press Release, Governor Ron DeSantis Announces First-of-its-Kind Alternative University Accreditor (June 26, 2025) (available at <https://tinyurl.com/mz5btmkw>).

⁴⁷ U.S. DEP'T OF EDUC. OFF. OF POSTSECONDARY EDUC. ACCREDITATION GRP., ACCREDITATION HANDBOOK, 13–14 (2022), available at, <https://tinyurl.com/39dehepc>.

law will still need to have graduated from an ABA-accredited law school to take the bar exam and practice law in that State. This means any solution will likely require a multistate agreement, and Florida should not shy away from reaching out to other States and encouraging similar reform.⁴⁸

VI. Conclusion

The ABA is unworthy of the power and influence it has been given. Nor has it conducted itself in a manner consistent with its unique role in law school accreditation. Something must be done, but as a modest start, the Florida Supreme Court ought to amend its rules requiring applicants to graduate from an ABA-accredited law school before they can sit for the Florida Bar Exam, and it should consider creating a committee to oversee new agencies to accredit law schools within the State.

Sincerely,



James Uthmeier
Attorney General

⁴⁸ Florida is already facilitating such multistate agreements regarding undergraduate accreditation with Texas, Georgia, North Carolina, South Carolina, and Tennessee. See *Southern states join forces to break free from 'woke accreditation cartels,'* FOX NEWS (June 27, 2025), <https://tinyurl.com/nhcfy8e7>.

From: [Vanessa Flores Dey](#)
To: [Bar Admissions Workgroup](#)
Subject: Florida Bar admissions workgroup
Date: Wednesday, August 27, 2025 8:22:50 AM

CAUTION

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Hope this email finds your team well. First, thank you very much for taking the time to evaluate the need for the ABA to be the sole authority in accrediting law schools in the state of Florida and allowing individuals to sit for the Florida Bar exam.

Nearly 20 years ago, I was a top student at a paralegal studies program in Florida (please see attached letters of recommendation). However, due to financial responsibilities (married with family obligations, which included helping parents and siblings after a family medical emergency), I could not afford an ABA accredited law school education. Therefore, I had no choice but to abandon my dreams and the legal career field altogether.

Over the years, I have enjoyed using my limited paralegal knowledge to help others find attorneys and navigate requirements for legal matters as a volunteer (friends, family and non-profits). However, more recently, having helped a neighbor avoid foreclosure, made me realize that even if I am a middle-aged woman, I can't give up on my lifelong dream of becoming an attorney, as I am passionate about helping others.

My husband (love of my life and best friend) and I decided that at this time, attending a California accredited online law school (non-ABA accredited) would be the only way for me to afford becoming an attorney. Leaving Florida is not something we ever plan on doing, especially in our 40s (both sides of our families have always lived in Florida), so we always accepted that I would try to use my legal education to maybe work for a non-profit in a non-legal capacity.

I would be forever grateful if there were alternate paths to becoming an attorney in the state of Florida, as not everyone can afford to attend an ABA law school. I believe that there are a lot of good Floridians out there wanting to help fellow Floridians with legal matters, but have never been given the opportunity to do so.

I am wholeheartedly thankful to your entire team for taking the time to review our emails and conduct this research.

With sincere gratitude,

Vanessa



May 4, 2007

Re: Ms. Vanessa Flores

To Whom It May Concern:

I am writing to recommend Vanessa Flores for employment. She is one of my best and brightest students in the University of Miami's Paralegal Program. Having taught at the University of Miami's Law School and its Paralegal Program for many years, I can say without hesitation that Ms. Flores is very intelligent and diligent. Ms. Flores received an *A* in my Torts class and is currently receiving high grades in my Essential Skills class.

If you have any questions regarding Ms. Flores's qualifications, please do not hesitate to contact me at 305-375-1309. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric K. Gressman". The signature is stylized with a large, looped initial "E" and a long, sweeping underline.

Eric K. Gressman
Lecturer



CIRCUIT COURT
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
OFFICE OF THE GENERAL MAGISTRATE

DEBORAH MAGID
General Magistrate

COURTHOUSE CENTER
175 N.W. 1st AVENUE
SUITE 1600
MIAMI, FLORIDA 33128
TELEPHONE: (305) 349-5688
FAX: (305) 349-6030

July 6, 2007

Re: Vanessa Flores

To Whom it May Concern:

I am writing on behalf of Ms. Vanessa Flores in support of her application for a paralegal position. Ms. Flores was one of my students during the Spring 2007 University of Miami Paralegal Studies Program. I have been very pleased with her work product. She received an "A" in my Florida Practices course.

In addition to my teaching position with the University of Miami, I have taught at St. Thomas Law School, provided training for Circuit Court Magistrates, and provided training for interns and new attorneys at the State Attorney's Office. Based upon my past experience working with the judiciary, law students, legal interns, paralegals and new attorneys; I am certain that Ms. Flores is capable of success in the legal profession as a paralegal and I recommend her for any responsible position.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Magid".

From: [James Wing](#)
To: [Bar Admissions Workgroup](#)
Subject: Comments
Date: Wednesday, September 10, 2025 10:14:19 AM

>>> CAUTION <<<

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Friends: I have practiced commercial and particularly international litigation for more than 55 years, over 50 of them in Florida. I have practiced in Florida most of those years as a partner at prominent Florida law firms, including Carlton Fields Tampa; Fine, Jacobson, Schwartz, Nash, Block, and England Miami; and Holland & Knight Miami. I received my law degree in 1969 from the University of Chicago Law School. My faculty advisor was Grant Gilmore, formerly the right hand of Prof. Corbin at Yale. Prof. Gilmore became the principal draftsman of Article IX of the Uniform Commercial Code and the comments to Article III on negotiable instruments.

I understand that ABA accreditation is separate and independent of political influence from the ABA, is performed in conjunction with the American Association of Law Schools, and proceeds as much as it can on objective standards. Anything that states adopt that renders the awarding of a law degree dependent on political attitudes or standards will devalue the degree of whatever law school issues it.

I have a high-achieving grandchild who has scored high on the LSAT and is considering going to law school. She is a Florida resident. She is greatly concerned about the portability of any degree she might obtain from the UF law school. She considers "portability" not only in the technical sense of that term, but in the sense that prospective employers in the marketplace may view her degree and the law school that issues it as less than first class because its curriculum and professorial appointments may be influenced by standards other than objective academic measurements. She sees this strictly as a matter of perception. Removing the objectivity of the Council because it is loosely affiliated with the ABA that in other areas espouses policies with which others politically disagree, will be a mistake.

Respectfully,

James D. Wing, Attorney
Windermere, Fl.
786-302-3939
jwing@jdwinglaw.com

From: [Donald L](#)
To: [Bar Admissions Workgroup](#)
Subject: Comments for the Work Group on the Role of the American Bar Association in Bar Admission Requirements
Date: Sunday, September 14, 2025 10:15:11 AM
Attachments: [Workgroup on the Role of the American Bar Association in Bar Admission Requirements-09-13-25.pdf](#)

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This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Work Group on the Role of the American Bar Association in Bar Admission Requirements

Attached is my submission to the Work Group on the Role of the American Bar Association in Bar Admission Requirements. I hope my perspective will be helpful as the Work Group carries out its important charge.

Donald Lively

September 13, 2025

To: Workgroup on the Role of the American Bar Association in Bar Admission Requirements

From: Donald Lively, Founding Dean, Florida Coastal School of Law

Re: Comments on the Role of the American Bar Association in Bar Admission Requirements

I write as the primary founder of Florida Coastal School of Law (“Florida Coastal”) and as a former law school dean, holder of endowed chairs at two American Bar Association (“ABA”) approved law schools, widely published scholar, and recipient of the Florida Supreme Court Professionalism Award (Faculty).

My comments are written in response to the invitation for public input to the Florida Supreme Court’s Workgroup on the Role of the ABA in Bar Admission Requirements (“Work Group”), which has been asked to study accreditation in light of the Court’s goals of promoting excellence in the profession; not hindering law schools from providing high-quality, cost-effective, and innovative education in a nondiscriminatory setting; and protecting the public and meeting Floridians’ interest in quality legal education and legal services.

With legal education and the legal profession being in the early stages of AI-driven transformation, the Work Group’s task could not come at a more opportune time. Based upon my years of experience with and observations of the ABA, and its history of protectionism and obstructing or slow walking change, I harbor serious doubts about whether it is a good fit for the times.

The history of Florida Coastal and two related institutions provides a cautionary case study that discloses some of the risks of continuing to delegate to the ABA Section of Legal Education full responsibility for the accreditation of Florida law schools.

1. Speaking from Experience

My background in law primarily is in legal education and was preceded by several years of both public and private practice. It is somewhat ironic, given my current view of the ABA, that my interest in founding a new law school was prompted by an ABA task force report documenting the widening gap between legal education and the legal profession.

Being unable to find a mainstream university that was interested in creating such an institution, I was able to raise the necessary capital from a group of small investors. Coming as I was from legal education and seeing that change was unlikely to happen from within, my focus was on mission (contrary to uninformed critics whose assumptions were that the proprietary model invariably was about money). From my first exposure to the ABA, it was that, despite a consent decree with the U.S. Department of Justice requiring the ABA to give up its long-standing rule against proprietary schools, bias and ideology would be a persistent strain influencing the accreditation process.

Against this backdrop nonetheless, Florida Coastal was founded with a clear commitment to providing student-centered, practice-readying learning experiences at a time when many schools prioritized national rankings and other priorities over relevance to the profession and market realities for students. Florida Coastal’s mission aligned closely with the goals set forth by the Court to the Work Group, which include:

- **Excellence:** Florida Coastal consistently achieved bar passage rates rivaling or exceeding peer institutions and not infrequently the state’s more prestigious schools, maintained a low student loan default rate, consistently enabled students to outperform traditional incoming quality indicators, and achieved strong employment outcomes. Bar passage rates were particularly notable, as the school consistently lost its best students (as much as 25% of its first year classes) to higher ranked schools that would not accept them initially but would poach them after they demonstrated success at Coastal.
- **Innovation and Access:** The school pioneered practice-readying curricula, developed innovative admissions programs that enabled it to identify students who would outperform traditional indicators like the LSAT, established robust academic support programs that contributed to student success, introduced long-term contracts as a tenure alternative, and maintained nationally recognized moot court and trial advocacy programs.
- **Nondiscrimination:** Florida Coastal became a national leader in diversity, not through mandates but because of its inherent DNA, authenticity and culture grounded in shared interests, respect, and purpose.
- **Service to the Profession and Public:** Consistent with its founding purpose, the school was deeply engaged with the legal profession, attracted significant leaders from legal education, the judiciary, and the profession, and was a valuable community resource. Its numerous awards included recognition by the ABA Standing Committee on Professionalism for innovation and professionalism.

2. Concerns with the ABA Accreditation Process and Practices

Despite these achievements, its purpose, and the significance of its mission, Florida Coastal and schools that later joined it in the InfiLaw Consortium, faced persistent negativism, skepticism, and frequent hostility from the ABA. Some examples include:

- **Subjectivism, Protectionism, and Resistance to Innovation:** When Florida Coastal first proposed long-term renewable contracts as an alternative to tenure, a site team warned that implementing them would be grounds for denying accreditation. This admonition was rendered despite the fact the accreditation standards do not require tenure. The school relented, but eventually long-term contracts were allowed albeit as an option for faculty who chose to focus primarily on teaching rather than scholarship.
- **Disparagement:** A site team chair characterized Charlotte School of Law as an example of “Gresham’s Law,” implying that proprietary schools were inherently suspect. This sentiment was not uncommon in ABA circles, although not typically vocalized so openly. However, it was not unusual to hear comparable comments filtered back to the school via third parties.

- **Selective Application and Enforcement:** Although Arizona Summit Law School met the objective standard for bar examination performance, the Section dismissed it as only “technical compliance.” This gloss was not only an invention but a significant overreach of authority. Describing the school’s purported noncompliance as “persistent” distorted the meaning of the term, especially in the context of the ABA’s historical tolerance of schools with actual persistently low bar passage rates.
- **Protectionism:** For decades, critics have noted the ABA’s tendency to limit innovation and engage in protectionism. The ABA’s accreditation practices historically have reflected protectionist tendencies favoring established institutions and constraining innovation. Its insistence on tenure or equivalent status, coupled with pressures to maintain faculty salaries at certain levels, raised barriers for alternative models. Needed change historically has come grudgingly. Costly library and facility requirements persisted long after legal research shifted online, diverting resources from educational priorities. Rigid student-faculty ratio mandates ignored advances in pedagogy and technology. The ABA was also slow to recognize online and hybrid education, a disposition that does not bode well as legal education and the legal profession move into the AI era. Finally, its longstanding bias against proprietary institutions, regardless of outcomes, value proposition, or utility, has reinforced the perception that accreditation decisions are often driven more by ideology than by principle.

3. Media and Department of Education Pressure

The ABA’s actions were influenced by significant external and political pressures. A widely publicized and inflammatory article, based on flawed comparisons with unaccredited California schools, pronounced that most Florida Coastal students were highly unlikely to pass the bar exam. This particular narrative, by a controversial law professor whose works have been vigorously criticized and disputed by other authorities, proved inaccurate as evidenced by subsequent data. Nonetheless, the article was extremely damaging, as it fed confirmation bias, reinforced stereotypes, played to ideological perceptions, gained traction in legal and regulatory circles, triggered an avalanche of one-sided media coverage, and galvanized anti-for-profit sentiment against the law schools.

Thereafter, the Department of Education (“ED”), without prior notice or opportunity to be heard, precipitously cut off Title VII funding for Charlotte School of Law, leaving many students literally in the street. I have reason to believe the ED was exerting pressure on the ABA to withdraw accreditation from and that the latter was operating in an environment in which self-preservation competed against reasoned judgment.

It is worth noting that, contrary to the imagery propounded by its detractors, the InfiLaw schools maintained spotless records in their consumer and recruiting practices, maintained very low student loan default rates, and engaged in none of the predatory and fraudulent practices that characterized other for-profit institutions. Formal investigations prompted by regulators, media, and others were costly and, in each instance, resulted in findings that the schools operated at the highest levels of ethics and integrity. Actions, decisions, and behaviors remained consistent with

a founding grounded in mission, even as the schools' detractors engaged in tawdry behavior such as invading student Facebook groups in an effort to generate unrest.

4. Consequences for Florida

The closure of Coastal damaged Florida's interest in an institution that was a leader in innovation, broadened access to legal education, effectively prepared students for practice, and served as a valuable resource for the profession and community. But for its proprietary status and resultant collision with ideology, rigid preconceived notions, double standards, and selective enforcement, I have no doubt the institution still would be playing a valuable role in the legal education universe.

5. Anticipated Objection

A potential objection to reverting accreditation authority to the state is that it could affect graduates' ability to sit for the bar in other states. Currently, ABA approval enables nationwide portability for bar test takers. However, this concern should not preclude reform.

Similar to how many jurisdictions admit foreign-educated lawyers on a 'substantial equivalency' basis, Florida could adopt standards demonstrably equal or superior to those of the ABA, backed by transparent metrics on bar performance and other key outcomes. Judicial oversight would be less vulnerable to arbitrary decision-making, more adaptable to realities of the AI era, and aligned with the public interest.

A transitional period, during which schools maintain concurrent ABA approval and understandings are reached with other states, would safeguard students while exerting constructive pressure on the ABA to elevate its own processes. Such a framework would safeguard portability, minimize the risks inherent in ABA processes, preserve the opportunity to maintain the ABA's role dependent upon process improvements, reflect the impartiality and wisdom of the Florida Supreme Court rather than the self-interest of a professional association, and place the state in the forefront of long overdue reform.

My sense is that this type of response is precisely what would motivate the ABA to take the reformist steps necessary to regain the Florida Supreme Court's, bar, and public's confidence.

6. Conclusion

The loss of Coastal and the broader InfiLaw system underscores the risks of entrusting Florida's legal education system entirely to an association prone to inconsistency, ideology, agenda, protectionism, and overreach -- and vulnerable to external pressures and conflicting interests.

Given today's disruptive times due to the emergence of AI, the Work Group's assessment of the current accreditation process could not come at a more critical time. Based on the ABA's demonstrated tendencies, I have little confidence in the association's ability to guide legal education through the uncertainties, challenges, opportunities, and transformations affecting legal education and the legal profession.

Reasserting state authority would ensure that accreditation processes are principled, consistent, unbiased, and aligned with Florida's best interests. The Florida Supreme Court is uniquely positioned to provide this oversight, thereby securing a legal education system that serves students, the profession, and the public with rigor, fairness, and the principles inherent in the judicial process.

I hope this input is helpful and, in the event of any questions, please feel free to contact me.

From: [Blaise Trettis](#)
To: [Bar Admissions Workgroup](#)
Subject: Law school accreditation comment from Public Defender Blaise Trettis
Date: Wednesday, September 17, 2025 4:14:35 PM
Attachments: [image001.png](#)
[Law School Accreditation Letter.pdf](#)

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Dear Workgroup:

Please see my comment attached.

Sincerely,



Blaise Trettis

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BLAISE TRETTIS
PUBLIC DEFENDER

September 17, 2025

Dear members of the Judicial Management Council's Workgroup on the Role of the American Bar Association in Bar Admission Requirements:

I recommend that the workgroup recommend to the Supreme Court that the Court end the requirement that takers of the Florida Bar Examination must have graduated from an American Bar Association (ABA) accredited law school. The Court should end ABA accreditation for many reasons, but the primary reason, I submit, is because of the ABA's refusal to eliminate the ABA accreditation requirement that law schools participate in racial discrimination in law school admissions as mandated by the decision of the United States Supreme Court in *Students for Fair Admissions, Inc. v. Fellows of Harvard College (SFFA)*, 600 U.S. 181 (2023). Rather than describe how the ABA has refused to follow the law as enunciated in the SFFA decision, I refer the workgroup to the attached letter signed by 21 State Attorney Generals who rebuke the ABA for receding from the ABA's initial decision to follow the holding of the SFFA decision by deleting race and ethnicity from the accreditation standards for law schools.

Undersigned counsel would like to elaborate on the Attorney Generals' criticism of the ABA by discussing how the ABA's proposed revision to Standard 206 worsens discrimination in law school admissions, and in law school faculty hiring, even more than the current standard. The ABA'S current Standard 206 unconstitutionally requires law schools to discriminate based on race and ethnicity. The proposed ABA revision to Standard 206 increases the number of identity groups which law schools must unconstitutionally discriminate in favor of by adding these identity groups to the standard: color, religion, national origin, gender, gender identity, gender expression, sexual orientation, military status, Native American tribal citizenship.

The ABA's proposed revision to Standard 206, which mandates "concrete actions" to favor the "identity characteristics" of gender identity and gender expression, is confounding for a few reasons. The ABA has not explained why law schools must take concrete action to have transsexuals admitted to law school and admitted to the law profession. The ABA's focus on transgender law school applicants disregards the fact that transgenderism was considered by the psychiatric profession, until 2013, to be a mental illness called gender identity disorder that psychiatrists should try to cure. See Diagnostic Statistical Manual on Mental Disorders III

published in 1980 which listed transsexualism (later called transgenderism) as a mental disorder, i.e., mental illness. It was not until 2013, with the publication of DSM-5, that the psychiatric profession re-labeled the mental illness as “gender dysphoria” for which the psychiatric profession should try to ameliorate the distress in people caused by the incongruence between the person’s claimed gender identity and their “assigned sex” by helping the “transgender person” transition socially by wearing clothes of the opposite sex, wearing makeup and hair style and clothing of the opposite sex, prescribing puberty blocking hormones to children, and recommending “gender affirming” surgery to mutilate healthy female breasts through mastectomy and surgically mutilate the genitalia of both men and women.

ABA’s proposed revision of Standard 206 requiring law schools to take real, actual, affirmative steps, i.e., concrete actions, to admit transgenders to law school defies public safety and violates the privacy rights of normal law students and normal faculty and normal visitors to law schools.

It follows from the ABA’s proposed admission standards for transgender applicants that the ABA, as part of its accreditation of law schools, expects law students and law school faculty to engage in the make-believe falsehood that a man becomes a woman because the man says that they identify as a woman and must be referred to by feminine pronouns, be called a first name that is not their legal name, must be allowed to use the women’s toilet and women’s showers and women’s locker rooms if these facilities are on campus.

Law school must be a place where law students strive to learn the truth, know the truth, think and speak the truth. By forcing law students and faculty to disregard the truth, and instead engage in make believe falsehood, law schools fail at their most basic function.

Florida statutes make the ABA’s proposed Standard 206 on transgenders in law school impossible to comply with. Section 553.865 Fla. Stat. (2024), titled, “Private spaces,” codifies Florida’s policy on use of toilets, which are called water closets in the statute. The law specifically applies to postsecondary educational institutions, like law schools. Pursuant to this law, law schools must have a toilet that is designated for exclusive use by females and a toilet that is designated for exclusive use by males or a unisex toilet. The word “or” is used in the statute, which means that law schools can have separate toilets for males and females and does not have to have a unisex toilet. The same rule applies for changing facilities pursuant to the statute.

According to s. 553.865(9)(a), a law school must include in its code of student conduct disciplinary procedures for any student who willfully enters a toilet or changing facility designated for the opposite sex. Under s. 553.865, administrative personnel, faculty, security personnel, commit a violation of the Principles of Professional Conduct for the Education Profession and are to be disciplined under s. 1012.795 Fla. Stat. if they use the toilet of the opposite sex. For employees of law schools which are part of the state university system, the toilet or changing room violation is to be disciplined by the State Board of Education or the

Governor's regulation. People who are not students or an employee who use the toilet or changing facility of the opposite sex commit a second-degree misdemeanor criminal law violation pursuant to 553.865(9)(a)2(e) Fla. Stat.

Florida law makes the attendance of transgenders at law schools impossible because a transgender student cannot realistically attend law school without using the toilet at the law school. Despite this impossibility of transgender students attending law school in Florida because of section 553.865 Fla. Stat., revised ABA Standard 206 mandates that law schools take "concrete actions" to admit transgender applicants.

I recommend that the workgroup recommend to the Supreme Court that ABA accreditation of Florida law schools be replaced by accreditation by The Florida Supreme Court through the Court's appointment of members to a Supreme Court-created Florida Bar Law School Accreditation Council. The State of California does not require ABA accreditation of California law schools for a graduate to take the California Bar Examination, known as one of the most difficult exams in the nation. In addition to ABA accredited law schools in California, the California State Bar's Committee of Bar Examiners accredits other law schools in California. The students who graduate from California Bar accredited law schools can take the California Bar examination. I submit that the Florida Supreme Court, through The Florida Bar Association, should become the sole accreditor of Florida law schools. Doing this would effectively eliminate the political agenda and far left, progressive, woke policy that is forced on Florida law schools through the ABA's accreditation. The far-left political agenda of the ABA is explained in the attached March 7, 2025, to ABA president William R. Bay, which is signed by six United States Senators.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Blaise Trettis".

Blaise Trettis
Public Defender for the Eighteenth Judicial Circuit for Brevard and Seminole Counties

STATE OF TENNESSEE

Office of the Attorney General



JONATHAN SKRMETTI
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June 3, 2024

Council of the American Bar Association
Section of Legal Education and Admissions to the Bar
321 North Clark Street
Chicago, IL 60654

Dear Council Members:

The Supreme Court's decision last term in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College (SFFA)*, 600 U.S. 181 (2023), changed the constitutional landscape when it comes to the consideration of race in higher education. We the Attorneys General of Tennessee, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Texas, Utah, and Virginia write because that decision requires significant adjustments to your current Standards and Rules of Procedure for Approval of Law Schools. See ABA, *Standards and Rules of Procedure for Approval of Law Schools 2023–2024* (2023), <https://perma.cc/6XF5-SN8L> [hereinafter *ABA Standards*]. One standard in particular—Standard 206, Diversity and Inclusion—fails to account for *SFFA* and, by all appearances, directs law-school administrators to violate both the Constitution and Title VII. We understand that the Council is considering revisions to that Standard in light of *SFFA*. While we support the Council's willingness to modify Standard 206, the proposed revisions reemphasize Standard 206's problematic requirement that law schools engage in race-based admissions and hiring. We urge the Council to modify its standards in a way that comports with federal law and with the ABA's purported commitment to set the legal and ethical foundation for the nation.

1. The Supreme Court's Decision in *SFFA*

In *SFFA*, the Supreme Court held that Harvard's and the University of North Carolina's use of race in the admissions process violated the Fourteenth Amendment's Equal Protection Clause. The Court rooted its holding in a fundamental principle: "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." *SFFA*, 600 U.S. at 208 (quotations omitted). That being so, *all* racial classifications—benign or malevolent—face the "daunting" strict-scrutiny standard. *Id.* at 206. And race-based affirmative-action programs in higher education, the Court explained, simply cannot satisfy that standard. Programs of that sort "lack sufficiently focused and measurable objectives warranting the use of race, unavoidably employ race in a negative manner, [and] involve racial stereotyping." *Id.* at 230. It follows that educational institutions cannot "use race as a factor in affording educational opportunities." *Id.* at 204 (quotations omitted).

But the Court didn't stop there. Anticipating attempts to evade its holding, the Court stressed that "[w]hat cannot be done directly" under the Constitution likewise "cannot be done indirectly." *Id.* at 230 (quotations omitted). Strict scrutiny, the Court has long held, also governs "a classification that is ostensibly neutral but is a[] . . . pretext for racial discrimination." *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 272 (1979). As elsewhere, then, "facially neutral" admissions and hiring policies "warrant[] strict scrutiny" if undertaken with the aim to achieve particular racial outcomes. *Hunt v. Cromartie*, 526 U.S. 541, 546 (1999) (quotations omitted). Schools of course remain free to implement race-neutral policies that further other kinds of diversity (geographic, socioeconomic, etc.). But they cannot "simply establish through . . . other means"—even facially neutral ones—the sort of race-focused "regime" the Court held unlawful in *SFFA*. 600 U.S. at 230. In short, "[e]liminating racial discrimination means eliminating all of it." *Id.* at 206.

2. The Current ABA Standards

Standard 206 seemingly asks law schools to defy the Court's clear directive. In its current form, the Standard all but *compels* law schools to consider race in both the admissions and employment contexts. The Standard reads, in full:

- (a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.

- (b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.

ABA Standards at 15. Diversity is not without benefit, but the Constitution squarely rejects racial diversity as a legally sufficient justification for treating people differently because of the color of their skin. *SFFA*, 600 U.S. at 224. Standard 206’s express calls to calibrate classes and faculty based on race fly in the face of the Constitution.

Take section (a)’s requirement of “concrete action” showing “a commitment to diversity and inclusion.” That requirement seems reasonable standing alone, but the section then directs law schools to focus “particularly” on “racial and ethnic minorities” and show “a commitment to having a student body that is diverse with respect to . . . race[] and ethnicity.” *ABA Standards* at 15. What sort of “concrete action” does the ABA have in mind? Standard 206 and its accompanying “[i]nterpretation[s]” provide some clues. Law schools should give “special concern [to] determining the potential of [underrepresented] applicants through the admission process”; undertake “special recruitment efforts”; and develop “programs that assist in meeting the . . . financial needs” of students from underrepresented groups. *Id.* But the Standard and its interpretations say nothing about how schools can lawfully implement “concrete action[s]” to achieve racial ends without unlawfully using race-based means. Nor could the ABA walk that line: If race-based admissions cannot satisfy strict scrutiny, *see SFFA*, 600 U.S. at 230, then neither can racially motivated recruitment or financial aid. Changing where or when racial discrimination happens does not shield it from constitutional review.

Section (b), Standard 206’s employment provision, goes further still. While section (a) hints at a requirement of “achiev[ing]” diversity in some abstract sense, section (b) minces no words: It demands that law schools show their “commitment to diversity and inclusion” not simply by welcoming diversity, but by actually “*having* a faculty and staff that are diverse with respect to . . . race[] and ethnicity.” *ABA Standards* at 15 (emphasis added). That explicit demand to make hiring decisions based on race is irreconcilable with the Fourteenth Amendment’s command to “eliminate racial discrimination.” *McLaughlin v. Florida*, 379 U.S. 184, 192 (1964). Section (b)’s race-based regime also runs headlong into Title VII of the Civil Rights Act of 1964, which outlaws race-based decisionmaking in employment. *See* 42 U.S.C. § 2000e-2(a). That sort of decisionmaking is just as illegal today as it was when Title VII was enacted. *See, e.g.*, Kan. & Tenn. Att’y Gen. Ltr. to Fortune 100 CEOs (July 13, 2023), <https://perma.cc/88AY-QVDQ>. As the U.S. Solicitor General’s Office recently reaffirmed to the Supreme Court, “when an employment decision is made on the basis of race, that is [a] denial of equal treatment” and a violation of Title VII. Tr. of Oral Arg. at 46, *Muldrow v. City of St. Louis*, 144 S. Ct. 967 (2024) (No. 22-193).

The interpretations accompanying Standard 206's provisions only make matters worse. They double down on the Standard's obvious incompatibility with *SFFA* and Title VII, proclaiming that "[t]he requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is *not* a justification for a school's non-compliance with Standard 206." *ABA Standards* at 15 (emphasis added). The ABA—the accreditor of legal-education programs—thus directs law schools to consider race in a manner prohibited by the United States Constitution and federal and state law. The *American Bar Association*—an institution that publicly touts its commitment to setting the legal and ethical foundation for the American nation and celebrates its work advancing respect for the rule of law—tells law schools that if they follow the controlling law, they are not worthy of educating future lawyers. I cannot fathom how this anarchic language made its way into the standards for law-school accreditation. Its inclusion betrays a serious failure within the ABA. ABA standards do not carry get-out-of-federal-law-free status, nor does the ABA enjoy immunity from following the laws binding it as an accreditor. By requiring explicitly illegal consideration of race, the ABA is working hard to burden every law school in America with punitive civil-rights litigation. Further, if American legal culture internalizes the ABA's determination to ignore unwanted legal obligations, our profession, and our country, may never recover.

3. The Proposed Revisions

The proposed revisions to Standard 206 do little to solve these problems. As revised, the Standard would read:

- (a) A law school shall demonstrate by concrete actions a commitment to access to the study of law and entry into the profession to all persons, including those with identity characteristics that have led to disadvantages in or exclusion from the legal profession on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, gender expression, sexual orientation, age, disability, military status, Native American tribal citizenship, or socioeconomic background.
- (b) A law school shall demonstrate by concrete actions a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to race, color, ethnicity, religion, national origin, gender, gender identity, gender expression, sexual orientation, age, disability, military status, Native American tribal citizenship, and socioeconomic background.

ABA, Proposed Revisions to Standard 206 – Discussion Draft for February 2024 Meeting at 1–2 (Feb. 21, 2024), <https://perma.cc/FA64-4H2K> (cleaned up) [hereinafter *Proposed Revisions*]. Just like the current Standard, the proposed revisions require

law schools to take “concrete actions” based on race—among other preferred “identity characteristics”—in both the admissions and employment contexts. But bundling race with other permissibly considered characteristics does not somehow make Standard 206’s requirements any more constitutionally sound.

A narrow reading of the proposed revisions to 206(a) might suggest that the Standard simply prohibits discrimination against underrepresented groups, but revised Interpretation 206-1 makes clear that the Standard should be read broadly. The interpretation asserts that “[a]ny law that purports to prohibit consideration of any of the identity characteristics listed in Standard 206(a) and (b) in admissions or employment decisions is not a justification for a school’s non-compliance with Standard 206.” *Proposed Revisions* at 2. It appears that the ABA is once again telling law schools that if they comply with binding nondiscrimination law, their accreditation is in jeopardy. Law schools are required to work around “legal constraints” by finding “means other than those prohibited by law” to achieve the goal, *id.*, but this seems like an impossible order when race is both the first identity characteristic listed for consideration by the Standard and flatly prohibited from consideration by the law.

The revised interpretations, presumably anticipating pushback, also provide that “[c]ompliance with Standard 206(b)”—the employment provision—“does not require a law school to have faculty and staff members from every identity category listed in the Standard.” *Id.* But that language simply says that law schools need not meet certain quotas; it does nothing to relieve law schools from Standard 206’s requirement to consider race in the hiring process. And neither the Standard nor the interpretations suggest how many “identity” boxes a law school must check to comply with the Standard. The Council needs to make clear that the consideration of race in hiring or admissions violates the Constitution and federal law, and that a law school’s compliance with the Constitution and federal law will not adversely impact its accreditation.

4. The Need for Clarity

Standard 206, in both current and revised forms, forces law schools to play a high-stakes guessing game about how to pass ABA muster without violating the law. Even before *SFFA*, Standard 206’s inscrutable requirements—which expressly do not “specif[y]” how schools are to comply, *ABA Standards* at 15; *Proposed Revisions* at 2—prompted questions from administrators. See ABA J., *How can law schools comply with faculty diversity accreditation standards? Some deans have questions* (Apr. 10, 2023), <https://perma.cc/7Y48-M8V6>. In the wake of that decision, many more questions are sure to come. Answering them wrong could mean losing the Council’s approval—the sole route to accreditation for our nation’s law schools. That outcome, in turn, has steep costs for the schools and their students. And of course, those costs are nothing compared to the harms suffered by those deprived of

educational and employment opportunities solely because their skin is the wrong color.

Anyone with an interest in the legal profession and students' well-being should be concerned that accreditation rests—and seemingly will continue to rest—on a tightrope walk between federal law, on one hand, and Section 206's contrary demands on the other. These concerns are all the more justified because schools' balancing acts will be judged behind closed doors, according to uncertain criteria, *see ABA Standards* at 15 (alluding to a handful of actions that will “typically” show a “commitment” to diversity); *Proposed Revisions* at 2 (same), by a Council that has not been shy about enforcing Standard 206 in the past, *see, e.g., ABA, Notice of Finding of Significant Noncompliance with Standard 206* (Dec. 14, 2022), <https://perma.cc/U9M2-4RJY> (Hofstra University); *ABA, Notice of Finding of Significant Noncompliance with Standard 206* (Dec. 14, 2022), <https://perma.cc/G92D-B7SB> (University of Oregon).

* * *

The bottom line: Whatever the intent behind Standard 206 might be, it cannot lawfully be implemented in its current or revised forms. The Supreme Court has made clear that well-intentioned racial discrimination is just as illegal as invidious discrimination. The “argument that different rules should govern racial classifications designed to include rather than exclude is not new; it has been repeatedly pressed in the past, and has been repeatedly rejected.” *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 742 (2007) (citations omitted); *see also SFFA*, 600 U.S. at 213–14. We thus urge the Council to bring Standard 206 in line with federal law's prohibition of race-based admissions and hiring. Doing so will provide much-needed clarity for the law-school administrators who work hard to train future members of our profession.

Sincerely,



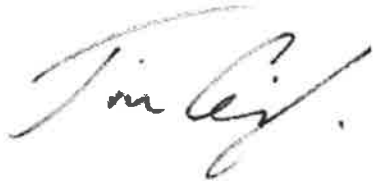
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Treg Taylor
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Ashley Moody
Florida Attorney General



Chris Carr
Georgia Attorney General



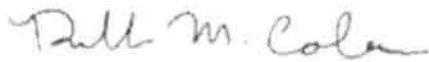
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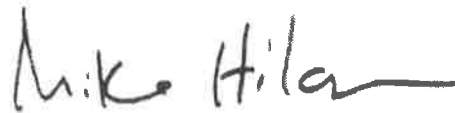
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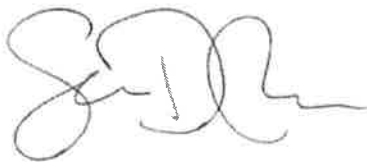
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United States Senate

WASHINGTON, DC 20510

March 7, 2025

Mr. William R. Bay
President
The American Bar Association
1050 Connecticut Ave. N.W.
Suite 400
Washington, D.C. 20036

Dear Mr. Bay,

We write to express our disappointment with your recent statements on “the rule of law”¹ and “the legal profession.”² Both lead us to conclude the American Bar Association (ABA) is a biased and ideologically captured institution. We call on our Senate colleagues to disregard the ABA’s recommendations, as well as ratings of judicial nominees and pending legislation. We also call upon President Trump and the Department of Justice to remove the ABA from the judicial nomination process entirely.

The ABA made inflammatory claims about the Trump Administration without citing legal reasoning for these arguments. Our leaders are acting within their constitutional purview. When genuine questions arise about novel actions, they are open questions which must be settled by due process of law, not media statements. And yet, the ABA, without legal basis, has declared many of the Trump Administration’s actions illegal. We would remind the ABA that “[i]t is emphatically the province and duty of the judicial department to say what the law is.”³ Chief Justice John Marshall did not attribute this duty to an unelected professional organization.

The ABA claims it “stands committed to its mission of defending liberty and pursuing justice.”⁴ It does so by explicitly decrying the dismantling of USAID, though it provides no legal argument as to why such dismantling is illegal. The ABA further fails to disclose that the ABA has received millions of dollars in funding from USAID.⁵ It is questionable whether the ABA is committed to defending liberty or its own sources of funding.

The ABA claims: “We have consistently urged the administrations of both parties to adhere to the rule of law.” This is obviously false. The ABA is engaged in a one-sided pressure campaign. The Biden Administration launched an all-out war on the highest court in our land, threatening to pack

¹ *The ABA supports the rule of law*, A.B.A. (Feb. 10, 2025), <https://www.americanbar.org/news/abanews/aba-news-archives/2025/02/aba-supports-the-rule-of-law/>.

² *The ABA rejects efforts to undermine the courts and the legal profession*, A.B.A. (Mar. 3, 2025), <https://www.americanbar.org/news/abanews/aba-news-archives/2025/03/aba-rejects-efforts-to-undermine-courts-and-legal-profession/>.

³ *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

⁴ *About Us*, A.B.A., https://www.americanbar.org/about_the_aba/.

⁵ *Recipient Profile: American Bar Association*, USASPENDING.GOV, <https://www.usaspending.gov/recipient/defaultd0f-b731-752c-7110-465ba924bf2f-C/latest>.

the Court,⁶ unconstitutionally binding a coequal branch of government,⁷ and put a target on Justices' backs.⁸ The ABA was silent, opting, instead, to cover for the Biden administration by targeting single judge divisions.⁹

If the ABA actually cared about the rule of law, it would have published a statement when President Biden explicitly defied the Supreme Court of the United States, stating: “The Supreme Court tried to block me from relieving student debt. But they didn’t stop me. I’ve relieved student debt for over 5 million Americans. I’m going to keep going.”¹⁰ The ABA would have called out the Biden Administration’s mass illegal immigration policies that resulted in it lawlessly refusing to enforce Congress’ explicit demands of the Executive Branch in the Immigration and Nationality Act.¹¹ Most significantly, the ABA would have condemned the unprecedented lawfare campaign the Biden Administration waged against its top political opponent, President Trump.¹²

If the ABA “reject[ed] the notion that the government can punish lawyers who represent certain clients,”¹³ then it would have stood up for the scores of attorneys who found themselves on the wrong side of the Biden Administration’s lawfare campaign against President Trump and anyone who dared defend him and advance his legal arguments in court.

The ABA states, “Americans expect better.” But President Trump won both the electoral and popular votes.¹⁴ It seems Americans expect—and want—the Trump Administration. The ABA disrespects the 77 million Americans who happily voted for President Trump by branding “Americans” as only those individuals who align with the ABA’s views. The ABA does not speak for a majority of Americans. Elected officials, including President Trump, are the people’s representatives, and their actions speak for the citizens of this country.

⁶ See The Editors, *Biden’s Assault on the Legal System*, NAT’L REV. (July 18, 2024), <https://www.nationalreview.com/2024/07/bidens-assault-on-the-legal-system/> (“The aim of both of these proposals is to accomplish the goal of Court-packing by other means — change the composition of the current Court by changing the system to force current justices off the bench.”).

⁷ See Hans A. von Spakovsky & Thomas Jipping, *Biden’s Attempt To Control the Supreme Court Is Unconstitutional*, HERITAGE FOUND. (Aug. 1, 2024), <https://www.heritage.org/courts/commentary/bidens-attempt-control-the-supreme-court-unconstitutional>.

⁸ See Houston Keene, *Biden remains silent on attempted Kavanaugh assassination*, FOXNEWS.COM (June 16, 2022), <https://www.foxnews.com/politics/biden-remains-silent-attempted-kavanaugh-assassination>.

⁹ See Josh Blackman, *ABA House of Delegates Adopts Resolution Opposing Single-Judge Divisions (Updated)*, Reason Magazine (Aug. 10, 2023), <https://reason.com/volokh/2023/08/10/aba-house-of-delegates-adopts-resolution-opposing-single-judge-divisions/>.

¹⁰ Joe Biden (@JoeBiden), X (May 29, 2024, 8:04 PM), <https://x.com/JoeBiden/status/1795969437595500905>.

¹¹ Lora Ries, *Supreme Court Is Latest To Strike Down Biden’s Immigration Policies*, HERITAGE FOUND. (Aug. 27, 2021), <https://www.heritage.org/courts/commentary/supreme-court-latest-strike-down-bidens-immigration-policies>.

¹² See Forbes Breaking News, *‘Worst Case of Lawfare We’ve Ever Seen’: Eric Schmitt Takes Aim at Biden DOJ at Pam Bondi Hearing*, YOUTUBE (Jan. 15, 2025), <https://www.youtube.com/watch?v=9MtM8EowEeU>.

¹³ *The ABA rejects efforts to undermine the courts and the legal profession*, A.B.A (Mar. 3, 2025), <https://www.americanbar.org/news/abanews/aba-news-archives/2025/03/aba-rejects-efforts-to-undermine-courts-and-legal-profession/>.

¹⁴ CNN, ELECTION 2024: PRESIDENTIAL RESULTS, <https://www.cnn.com/election/2024/results/president?election-data-id=2024-PG&election-painting-mode=projection-with-lead&filter-key-races=false&filter-flipped=false&filter-remaining=false>.

Beyond these letters, the ABA has embraced divisive, cultural Marxist DEI and woke initiatives: mandating DEI training at law schools,¹⁵ opposing anti-woke legislation,¹⁶ arguing that men should be allowed to use women's bathrooms,¹⁷ and pushing racial quotas in the clerkship hiring process.¹⁸ Beyond this, the ABA as an organization has filed amicus briefs supporting leftist policy outcomes in seemingly every major Supreme Court case of this century.¹⁹

We laud Federal Trade Commission Chairman Andrew Ferguson's prohibition of political appointees at the FTC from holding leadership roles in the ABA, participating in ABA events, or renewing their ABA memberships. We hope more administrative bodies follow suit.

For over 70 years, the ABA has played a role in rating judicial nominees, evaluating candidates as "Qualified or Not Qualified." That process has fallen susceptible to political, leftist bias as well.²⁰ As we saw during the Biden Administration, the ABA's ratings were little more than political endorsements for the most radical, left wing partisans. The ABA endorsed patently unqualified judicial nominees as "Qualified" or "Well Qualified" time and time again—including nominees that were so partisan that even the Democrat majority in the Senate could not confirm them.

Unfortunately, the ABA has shown itself to be an ideologically captured, leftist institution, as many warned in the first Trump Administration.²¹ It is a failed institution that is incapable of impartially rating nominees and making legislative recommendations. As such, we will not consider any ABA recommendations on pending legislation or nominees, and we call upon our colleagues to do the same.

Sincerely,

¹⁵ See W. Dyer Halpern, *How DEI is coming for lawyers*, N.Y. POST (June 30, 2024), <https://nypost.com/2024/06/30/opinion/dei-is-coming-for-lawyers/>. It should be noted that this requirement was "temporarily halted." See Chris Williams, *ABA Suspends DEI Accreditation Requirements For Law Schools*, ABOVEHELAW.COM (Feb. 24, 2025), <https://abovethelaw.com/2025/02/aba-suspends-dei-accreditation-requirements-for-law-schools/>.

¹⁶ See *ABA House votes opposition to state restrictions on teaching race, gender among new policies*, A.B.A. (Feb. 5, 2024), <https://www.americanbar.org/news/abanews/aba-news-archives/2024/02/midyear-meeting-hod-actions>.

¹⁷ See Brief for American Bar Association as Amicus Curiae Supporting Respondents, *Gloucester Cnty. School Board v. G. G.*, 2017 WL 894897, *cert. denied* (2017).

¹⁸ See e.g., Karen Sloan, *ABA strikes 'minority' and 'of color' from clerkship criteria amid lawsuit threat*, REUTERS (Oct. 8, 2024), <https://www.reuters.com/legal/government/aba-strikes-minority-of-color-clerkship-criteria-amid-lawsuit-threat-2024-10-08/>.

¹⁹ See e.g., See Brief for American Bar Association as Amicus Curiae Supporting Respondents, *Dobbs v. Jackson Whole Women's Health Organization*, 2021 WL 4441203 (2021).

²⁰ See Michael A. Fragoso, *Trump Must Shut Out the American Bar Association*, CITY. J. (Mar. 3, 2025), <https://www.city-journal.org/article/trump-american-bar-association-judicial-nominating-process>.

²¹ See Debra Cassens Weiss, *GOP senators clash over ABA during hearing for judicial nominee rated 'not qualified'*, A.B.A. J. (Sept. 26, 2019, 4:00 PM), <https://www.abajournal.com/news/article/gop-senators-criticize-aba-ratings-during-hearing-for-nominee-rated-not-qualified>.



Eric S. Schmitt
United States Senator



Michael S. Lee
United States Senator



Ted Cruz
United States Senator



Josh Hawley
United States Senator



Marsha Blackburn
United States Senator



Bernie Moreno
United States Senator

From: [Anand Desai](#)
To: [Bar Admissions Workgroup](#)
Subject: Here's my (Anand Desai) comment letter on the ABA's role in bar admission requirements
Date: Sunday, September 28, 2025 11:55:39 PM
Attachments: [Anand Desai's September 28, 2025 Letter Supporting Alternatives to ABA Accreditation in Bar Admission to Florida Supreme Court's Workgroup.pdf](#)

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Dear Sir or Madam,

Please find attached my PDF comment letter for the Florida Supreme Court's bar admission workgroup.

Best regards,
Anand Desai
703-888-8788

Free Florida From the ABA's Discriminatory, Expensive, Inexpedient, Abstruse Law School Clutches

Background

This letter responds to the May 2025 [call for public input](#) by the Florida Supreme Court's Workgroup on the Role of the American Bar Association in Bar Admission Requirements.

I've taken an interest first as a student, then a citizen concerned about access to justice, and now a parent looking out for kids' careers, in understanding and changing our system's expectations for expensive, time-consuming, and inaccessible-to-many schooling that often mostly just checks a box for permission to try for an often opaque and ideologically-larded system's next rung. I graduated from an ABA-accredited, US News-applauded law school about 20 years ago. I worked in large legal institutions ever since (largely to pay that off, even in the zero-interest era, and even after my parents covered college). I don't live in Florida, but your [school choice](#) program is very tempting.

Although I oppose several positions of the American Bar Association and a gatekeeping role for that private organization in access to the legal profession, I overall commend its public [Notice and Comment](#) process of soliciting *and posting* feedback on proposed accreditation rules. This may not be standard for [U.S. higher education accreditors](#). Similar practices – improved by explaining enforcement actions, too – would help ensure alternative law school accreditation and attorney-admissions regimes are reasonable, fair, and responsive. And the ABA should not in effect be punished for sharing its platform with critics.

The ABA's Only-Temporarily-Suspended "Access" Rule Follows Establishment Schools' Entrenched Abuse and Contempt for Our "Purported" Laws and Chills Equal-Opportunity Hiring and Admissions

Today's main hot-button law school accreditation issue appears to be the ABA's Standard 206, titled "Diversity and Inclusion" as [currently codified](#), renamed "Access to Legal Education and the Profession" as under [evaluation](#), and currently "suspended" until August 31, 2006. (Note this is distinct from the largely uncontroversial Standard 205, "Non-Discrimination and Equality of Opportunity" and Standard 208, "Academic Freedom and Freedom of Expression" rules.) This likely-unlawful and deeply chilling requirement is a good reason in itself to allow alternatives to ABA accreditation.

As [I wrote to them January](#), and previously, vague Standard 206, and its opaque and potentially extremely harsh enforcement mechanism – blacklisting all of the students a school fairly admits and well-roundedly teaches over failure to take an extra step that might be illegal reverse discrimination for another student or professor – conflict with anti-discrimination law, other good-governance principles, free speech and representation to vindicate other constitutional rights, fairness to potential applicants, and efficient service to as many of the public as possible. Even "suspended," that rule clouds expansion and hiring ([tenure](#) is generally required, and firing for later balance seems problematic).

Moreover, [currently-codified Interpretation 206-1](#)'s deprecation of "The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions" (emphasis added), and the Supreme Court's account of actions by [Harvard University](#), which has an extremely prestigious and influential legal community, discourage confidence that a private, establishment lawyers' association can be trusted to confidentially administer something like Standard 206 lawfully. (Colleges have periodically cheated on admissions and coursework for matters as seemingly trivial as actual and alleged sports, too.)

The ABA's Current Physical-Facility Mandate Multiplies Costs and Limits Access and Flexibility

The ABA has considered allowing fully online law schools, but doesn't currently. As I wrote to them in 2023 and [2024](#) (which links and summarizes prior material), and cited in my Standard-206 response, this option could improve access and practicality for *all*. It could particularly benefit your state's more rural areas and enable future potential judges (who as a practical matter have a hopefully restrained hand in making the law as well as interpreting and discovering it) to come from all over and bring a variety of life experiences to affordable, family-compatible online school. Making online law school an option could do wonders for affordable, representative access to careers and justice.

Bar Study and Exams Cost Little And Compare More Fairly Than Grades, So Allow Them Before Mandatory Training Time – And Allow Basing Hiring On Scores - To Prevent Wasted Degrees, Support Specialties, Assure Clients, And Mitigate the Wasteful, Often Conflicted Quest for an Elite Law School

So far as I'm aware, the ABA does not demand that its law schools *precede* the bar exam. A bar exam, including written portions checking more adaptive thinking, costs only days and hundreds of dollars (some of which may reflect background checks) and a popular commercial prep course a few months and thousands of dollars. (I mostly used a kindly foreign LL.M.'s outline.) California's "[baby bar](#)" beforehand pre-screens candidates in less traditional paths, which should reduce the volume of clearly underprepared-for full exams to grade, and the [Tax Court](#), pursuant to [26 USC 7452](#), provides for non-attorney admission to its bar through a very comprehensive written exam. Even without "rejecting" the ABA, Florida could make formal legal education more reliably viable and more usefully spent by some on basics and by others on specialties (which might for instance complement prior careers) by providing the option of testing out, *then* taking required practical courses or supervised practice.

Further, allowing students, employers, and clients to use bar-exam and standardized skills-and-knowledge scores for job decisions would greatly reduce the need for, and potential ideological conflicts with, *elite* law school admittance, which is much more unpredictable, distant, and expensive than law school admission generally. See, e.g., OPM's 2022 (Biden Administration) [memorandum](#) furthering Trump's E.O. 13932 "important, merit-based reforms that will increase the use of valid, competency-based assessments as an alternative to the reliance on education credentials in determining qualifications for Federal jobs."

California, New York and Texas Already Provide Critical Mass For Alternative Qualification Regimes

On September 26, [Texas](#) "is of the tentative opinion that the ABA should no longer have the final say on whether a law school's graduates are eligible to sit for the Texas bar exam and become licensed to practice law in Texas." Texas, [California](#), [New York](#), and Florida – America's diverse and dynamic four most populous States, with high bar-exam standards – would surely be sufficient critical mass for significant non-ABA paths to high-quality, credible paths to law practice. Please consider sharing experiences, coordinating information gathering, and possible reciprocal-recognition arrangements.

Anand Desai
September 28, 2025