

Hearing held on December 4, 2006 at 1:45 pm at the Madison
Lowes Hotel, 1177 15th Street, NW, Washington, D.C. 2005
before the U. S. Department of Education, Office of
Postsecondary Education, National Advisory Committee on
Institutional Quality and Integrity

**AMERICAN BAR ASSOCIATION, COUNCIL OF THE
LEGAL EDUCATION AND ADMISSION TO THE BAR**

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Honorable Pamela P. Willeford
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CHAIRPERSON D'AMICO: Thank you.

MR. COYNE: --vote against the ABA's continued recognition. I'd welcome any questions you have on this issue.

CHAIRPERSON D'AMICO: Thank you for your testimony.

MR. COYNE: Thank you for your time.

CHAIRPERSON D'AMICO: William Sumner Scott, Judicial Equality Foundation.

MR. SCOTT: My name is Bill Scott and I represent a public charity 501(c)(3). We're interested in low quality, affordable lawyers for the public. First of all, the standard that we're measuring the bar today is off target. How many of their lawyers graduate from law school are able to pass the bar exam is no more relevant than how many pass the CPA exam the first time.

It doesn't matter. What we need is quality undergraduate education, and we won't get that until, one, we have educators in charge of educating these guys. This is a labor union you're dealing with. They're interested in their hourly

rate. They're interested in how many lawyers can pay dues to them. They're interested in almost no standards on admission. They're not interested in what's going on to help the public.

If we're going to help the public, we're going to require lawyer student to take undergraduate history before they take constitutional law. If we're going to be interested in the public, if they're going to learn how to be a trial lawyer, they're going to take debate first, and we're going to have them have some requirements before they get into law school.

These people since 1950 have done nothing about that. I've been active in it since 1965. When I first got active, major law schools--let's take the pass rate in Illinois--it was 38 percent, and everybody was happy as clams. 38 percent on the first time taking.

One of the major law schools in this country had 17 percent passing the bar the first time. Passing the bar the first time. Take it ten times. It's not relevant. What's the quality of

your education and what are you delivering to the public? When I went to law school, there were two blacks out of 185 in my beginning class. That's abominable. It hasn't changed.

Now, what do we want to do about it? And you're the ones that have to lead the way. And I'll tell you something that's really critical. None of these lawyers has had one class on organized religion. They wouldn't be able to tell you what's motivating people to kill other people like Theo van Gogh, and we don't care in this country. We don't have any knowledge or level of this danger at all, and if we're going to stop this, it's going to have to be at the education level and the American Bar Association doesn't have a clue.

They're too political. This has to be done by people, who have tenure, by people who have an understanding of what education is really about. It's about teaching somebody how to think, not how to think a master exam on all topics that may or may not be relevant to you in your life. I mean

what difference does it make that every lawyer has a standard to pass the multiple bar exam that's a multiple choice, that by the way you can send a 12-year-old to pass. That's not relevant.

We should have in-depth legal education. And we don't have it in this country, and if we're going to get it, you're going to have to give it to them because they won't do it voluntarily. They've got the wagons circled. This is the most conflicted group in the United States.

They begin by telling you the LSAT test is going to get them into law school. Then they tell you what courses they're going to study and they set up with the judges what exam questions they're going to ask. So they begin and end the quality of legal education here.

If we want to represent the public, which I think you do, then these people have to go and educators have to come in their place. That means the Secretary then has to start a process of how are we going to accredit law schools.

In my opinion, it should be on a State-by-

State basis. That way, those of us engaged in the public sector can break ground in one State. For example, I don't care to get in on what you think about grateful dying, but because States have rights, Oregon can lead the way. As long as we have the American Bar Association, there will be no leading of the way at the law school level. They are all homogenized. They look like they're in a can and they're taught to obey. They're not taught to think and it's got to come to an end, and if it doesn't, we're all a bit hopeless, but thank you very much.

CHAIRPERSON D'AMICO: Thank you, Mr. Scott. Gail Heriot, Chair, National Association of Scholars, Section on Law.

MS. HERIOT: Okay. I've got five minutes here so I just want to hit the high points for you.

As the ABA admitted in its amicus curiae brief in *Grutter v. Bollinger*, racially preferential policies are necessary if a law school wants to achieve the kind of diversity that the ABA Council requires. The practical effect of the ABA