

Q & As Re Proposed Amendment to Indiana Bar Admission Rules

What is Purdue University seeking by its proposal?

Currently, Indiana will only allow a graduate of an American Bar Association (ABA) accredited law school to sit for its bar exam or become licensed to practice law. Purdue is proposing that Indiana's bar admission rules be amended so that licensure could also be available to a graduate of a non-ABA law school that is (1) accredited by another state, regional, or national law school accrediting body; (2) part of one of the seven public Indiana State Educational Institutions (as defined by the Education Code); and (3) approved to offer the juris doctor (JD) degree in Indiana by the state's Commission on Higher Education. Concord Law School at Purdue University Global, Purdue's online university for working adults, is currently the only law school that meets all of these criteria.

Why did Purdue propose this change to Indiana's bar admission rules?

Purdue wants to help address the justice gap, particularly in rural areas, and believes that its lower cost, fully online law school can help address that problem by making it easier for those living in underserved communities to remain there while they attend law school and provide legal services there upon graduation. In addition, because Concord's online format and reduced cost appeal to non-traditional students with jobs, families, military duties, or physical limitations, among others, Purdue believes that the rule change can help diversify the legal profession in Indiana.

Will this rule change result in too many lawyers and law schools in Indiana?

Indiana has one of the fewest lawyers per capita of any state, and the bulk of its lawyers are in Indianapolis, meaning the shortage of lawyers is even more acute in rural parts of the state. Nationwide, there is one law school for every 1.7 million people. With 6.8 million residents, Indiana would meet the national average with four law schools. But since Valparaiso Law School closed in 2018, Indiana has only had three law schools (including Notre Dame, whose graduates usually move elsewhere). Allowing Concord graduates to become licensed in Indiana would bring Indiana back in line with the national average.

What is Concord Law School's accreditation?

Concord is accredited by the Committee of Bar Examiners of the State Bar of California. Unlike the ABA (see below), the State Bar of California will accredit a fully online law school.

Why isn't Concord Law School accredited by the ABA?

The pandemic notwithstanding, the current ABA standards for accreditation do not allow a law school program to be more than one-third online. While a handful of campus-based ABA law

schools have gotten approval to offer online or hybrid programs, the ABA has never accredited a fully online law school like Concord.

Concord meets or exceeds most of the ABA's other accreditation criteria. But to be clear, the one-third online rule is not the only ABA accreditation standard Concord does not yet meet. Concord does not currently meet the ABA's bar passage standard (see below). The ABA requires a larger full-time faculty than Concord has, and requires that they be given tenure. And Concord's attrition rates are higher than what the ABA would allow.

What are Concord law school's bar pass rates?

Historically, Concord graduates' first-time pass rate on the California bar exam have been 34%, and their ultimate pass rate has been 56%. Pass rates have improved in recent years. In the last two years, first-time pass rates have been nearly 50%.

Currently, California's is the only bar exam that Concord graduates can sit for immediately upon graduation. (There are opportunities for subsequent licensure in about two-fifths of jurisdictions.) California requires one of the highest scores to pass of any state in the nation: First-time pass rates of ABA law school graduates on the California bar exam are typically in the 40s to 70s, whereas they are often in the 80s or 90s in other states. Statistical analysis has shown that on the Indiana bar exam (which requires a lower passing score than California), Concord's first-time pass rates would be 10 to 20 percentage points higher.

In addition, Concord's average student is in their 40s and is spending 40 to 50 hours per week on work or dependent care responsibilities, in addition to their studies. They are typically unable to study full-time for two months prior to the bar exam, as traditional students are. Studies have shown that working while studying for the bar is correlated with lower pass rates. Concord believes that the lower pass rates of its graduates who face these challenges does not reflect a lack of qualifications of its students or a weakness in its curriculum.

Critics have pointed out that Concord students have lower undergraduate GPAs than traditional ABA students. Does this mean Concord Law School admits unqualified applicants?

Because the average Concord applicant has been out of college for over 20 years, their undergraduate GPAs are less predictive of their success in law school than they may be for traditional students. Thus, Concord focuses more on applicants' scores on its admissions exam, which is similar to the Law School Admissions Test (LSAT) but is shorter and is free for applicants. Analysis has shown that the Concord's admissions exam is somewhat less predictive of law school success than the LSAT, but more predictive than the GRE (which is accepted by over a third of ABA law schools). Concord is planning to modify its admissions exam in hopes of making it as predictive as the LSAT.

Does Concord Law School provide student support and opportunities similar to traditional schools?

Concord strives to offer many of the benefits of a traditional law school, but in an online setting.

Careers and co-curriculars. Concord offers an externship program, fields a competitive moot court program, and participates in a legal incubator program to help graduates launch their own practices. It offers over two dozen electives targeted to graduates' professional paths, including both specialty courses like Cybersecurity Law, Employment Discrimination, Immigration Law, and Health Law, and practice-based courses such as Virtual Law Practice, Alternative Dispute Resolution and Technology, Trial Advocacy, Contract Drafting, and Rural Law Practice. Career development advisors help students and graduates with job searches, resume and cover letter writing, and interviews.

Academic and student support. Concord conducts an online orientation program called Fundamentals. At admission, each student is assigned an advisor from the Office of Student Support. Concord faculty host bi-weekly Academic Support Workshops, and an Academic Support Professor makes himself available for one-on-one consultations. Faculty hold regular office hours, as does the Assistant Dean of Students. Students have access both to the Academic Resource Center (a bank of professor-created supplemental study materials) and Purdue Global's Academic Support Center. Those struggling with mental health or other issues have access to a free and confidential Student Assistance Program. And Concord organizes a Wellness Week to promote mental health and work/life balance.

Social interaction. Concord's Student Bar Association members provide guidance to new students, and students are encouraged to, and often do, form study groups, much as in traditional schools. The school is rolling out a student social media platform, Get Set, to help students connect with each other. There are bi-monthly continuing legal education webinars, and the dean hosts a Distinguished Speaker Webinar Series, both of which are free to both students and alumni. The dean hosts a quarterly "Coffee with the Dean" for students and alumni, and faculty host "brown bag" sessions with smaller groups of students. Concord also hosts national and regional events where students, alumni, faculty and staff can meet in person.

If the proposal is approved, Concord will hire Indiana-based personnel to ensure that Indiana students are provided adequate support and opportunities both before and after graduation.

How can Concord offer a high quality education if it costs less than traditional schools?

The biggest expense for virtually any law school is its physical campus—a cost that Concord does not have to bear. In addition, Concord's terms run year round (rather than just fall and spring semesters), and its faculty are not as focused on research and publishing as at traditional law schools. As a result, Concord's full-time faculty teach twice as many courses per year as

traditional faculty. Concord's dean, a *magna cum laude* graduate of Harvard Law School who earned tenure during his 12 years at an ABA law school, oversees the curriculum and ensures that it is as rigorous as at ABA schools.

Why are Concord Law School's attrition rates higher than at traditional schools?

Concord students are typically juggling 40 to 50 hours per week of work and family commitments on top of 25 to 35 hours per week on their law school studies, year round, for four years. Not surprisingly, many students find they are unable to manage the workload, and either withdraw or are unable to meet the school's academic standards.

While attrition rates are always higher in online programs, Concord continues to take steps to refine its admissions process and support the students it admits. Next year, Concord will launch a pre-admission program to provide additional support and skills training for students with lower entering predictors. And this fall, Concord will implement an intervention for students who find themselves on academic probation.

The proposal requires that a non-ABA law school be part of an Indiana State Educational Institution. Does this mean other non-ABA law schools could sue?

Purdue sought the advice of Barnes & Thornburg, a respected Indiana law firm, regarding the risk of a legal challenge on grounds that the proposed amendment violates the "dormant Commerce Clause," which forbids states from preferring in-state actors. Their research showed that by requiring that the non-ABA law school be part of not just any Indiana institution, but specifically a public State Educational Institution, the amended rule would fall within the "market participant" exception to the dormant Commerce Clause. This should be sufficient to insulate the amended rule from legal challenge.