



December 15, 2023

Proposed Rule Changes  
Indiana Office of Court Services  
251 N. Illinois Street, Suite 800  
Indianapolis, IN 46204  
*Submitted electronically*

Re: Proposed Amendment to Admission and Discipline Rule 13

To the Indiana Supreme Court:

Veterans Education Success is a nonprofit organization that works on a bipartisan basis to advance higher education success for veterans, service members, and military families. We have helped more than 5000 students in the last decade, many of whom had negative experiences at low-quality schools that did not deliver on their promises and leave veterans in debt. As a result, it is our organizational priority to pursue policies that ensure quality education and good outcomes for veterans, service members, and their families.

Indiana currently allows only graduates of ABA-accredited law schools to sit for the state bar exam. The [proposed amendment to Admission and Discipline Rule 13](#)<sup>1</sup> of the Indiana Rules of Court would create a waiver process that would allow graduates of non-ABA-accredited law schools to sit for the bar exam. We are concerned that the proposed amendment would add the Indiana stamp of approval to subpar schools, while also undercutting the important role that ABA accreditation plays in ensuring quality education for students as well as quality in the legal profession. The proposed amendment's reliance on the discretion of the Board of Law Examiners and its lack of threshold metrics barring subpar schools could perversely enable such schools to recruit students with promises that they will be able to take the bar exam in Indiana.

**Accreditation is an important safeguard of institutional quality**

The accreditation process is key to ensuring that law schools deliver on the promises they make to students about providing a quality legal education and preparing students for success in their legal careers. In order to earn ABA accreditation, law schools must demonstrate that they comply with a number of important factors that ensure a quality legal education. Among the many requirements, ABA-accredited law schools must:

- meet certain benchmarks with regard to the size, qualifications, and responsibilities of faculty;
- demonstrate a curriculum and learning outcomes that meet standards and provide experiential learning opportunities;

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<sup>1</sup> Proposed Rules, November 2023, Indiana Judicial Branch, available at: <https://www.in.gov/courts/publications/proposed-rules/november-2023/>.

- publish policies related to topics such as admissions, student support, handling student complaints, discrimination, and disability accommodation; and
- provide disclosures to students about important topics, including admissions and enrollment data, class sizes, employment outcomes, and bar passage data.<sup>2</sup>

The ABA's standards ensure that law students receive a thorough legal education and are prepared to work as licensed lawyers. The proposed amendment to Rule 13 would not replace ABA accreditation with any other defined, rigorous review process. If law schools could bypass ABA accreditation but still leave their students eligible to take the Indiana state bar exam, the important quality-assurance role of ABA accreditation would be undermined, and Indiana would demonstrably lower the bar for entry to the legal profession. Additionally, the proposed rule's waiver process is likely to burden the Indiana Board of Law Examiners by imposing on them the responsibility to assess a non-ABA law school's quality on a case-by-case basis, including each school's faculty credentials and curriculum.

Increasing access to the legal profession is important, but there must be a mechanism in place to ensure that the quality of legal representation in the state will not dip and that student outcomes will be positive. Because of this quality concern, non-ABA-accredited law schools currently are not eligible to receive GI Bill educational benefits.<sup>3</sup>

We are concerned that the proposed amendment as currently drafted would provide an open invitation to low-quality law schools to recruit students who would invest money in a subpar legal degree but not be adequately prepared to pass the state bar exam or provide quality legal representation.

The proposed amendment could also incentivize predatory schools (the shams that Indiana's Attorney General and other states attorneys general investigate and sue for defrauding students and hiding the truth of subpar education) to take advantage of Indiana students.<sup>4</sup> Students should not take on the considerable financial burdens of earning a law degree without a reasonable

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<sup>2</sup> 2023-2024 Standards and Rules of Procedure for Approval of Law Schools, American Bar Association, available at: [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/).

<sup>3</sup> 38 USC § 3676(c)(14)(B) ("in the case of a course designed to prepare an individual for licensure to practice law in a State, [the course] is accredited by a specialized accrediting agency for programs of legal education or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b), from which recipients of law degrees from such accredited programs are eligible to sit for a bar examination in any State.").

<sup>4</sup> See e.g., *Hoosier Students Freed from School Debt in Multistate Settlement*, The Indiana Lawyer (2019) (regarding Career Education Corporation), available at:

<https://www.theindianalawyer.com/articles/49089-hoosier-students-freed-from-school-debt-in-multistate-settlement>.

Allegations included that the company misled students about the potential for students to obtain employment by failing to disclose that the program lacked the necessary accreditation and misrepresenting the rate at which students obtain jobs in their field of study, according to information available from the National Association of Attorneys General multistate settlement database

(<https://www.naag.org/news-resources/research-data/multistate-settlements-database/>); *AG Settles \$54 Million in Debt Forgiveness for Former ITT Tech Students in Indiana*, WYFI, Indianapolis (2019) (for abusive lending practices), available at:

<https://www.wfyi.org/news/articles/ag-settles-54-million-in-debt-forgiveness-for-former-itt-tech-students-in-indiana>;

and *Former ITT students in Indiana to get \$10M in debt relief*, AP News (2020), available at:

<https://apnews.com/general-news-3afab5953a7d4d3c51d4584b51d0fda6> (coercing students into high-interest loans).

assurance that the education they pay for will adequately prepare and qualify them to not only sit for, but also pass, the bar exam and to have the skills and knowledge necessary to serve in the legal profession. The sad reality is that non-ABA law schools have extraordinarily low bar pass rates in California, as explained below. ABA accreditation is currently the only such assurance available to law students.

### **Student outcomes at some unaccredited schools raise quality concerns**

One aspect of the proposed waiver is that students who graduate from a non-ABA-accredited law school would be allowed to take the Indiana state bar exam if they are eligible to take the bar exam in another state. But this provision provides little protection for students and consumers of legal services because many low-performing, non-ABA-accredited law schools easily meet the condition in the proposed amendment. Specifically, California allows students to take its bar exam even if their law school is not accredited by the ABA but is merely “California-accredited” or even unaccredited,<sup>5</sup> but these non-ABA law schools demonstrate poor outcomes for students. Therefore, the Indiana proposal would put the Indiana stamp of approval on poor outcomes for students at low-quality law schools. A [recent report](#) published by the State Bar of California documents a large disparity in bar passage rates between test-takers from ABA-accredited law schools and test-takers from other law schools.<sup>6</sup> Only 21% of test-takers from California-accredited (but not ABA-accredited) law schools passed the July 2022 California bar exam, and only 9% of test-takers from unaccredited law schools passed the same exam. By contrast, 67% of test-takers from ABA-accredited schools passed the July 2022 exam.

If the proposed amendment is adopted, unaccredited law schools with poor student outcomes would be able to point to the Indiana rule and recruit students with the promise that they will be able to sit for the bar exam, regardless of the likelihood that those students will pass. Because the proposed amendment would not require minimum licensure exam pass rates for non-ABA-accredited schools, the waiver provision would create a perverse incentive for the lowest quality and most predatory operations to victimize students by claiming an illusory legitimacy in Indiana.

### **Recommendations**

We strongly urge the Indiana Supreme Court to consider the potential effect on students who attend law schools that do not prepare them to pass the bar or adequately serve as lawyers. They may end up with a large amount of debt but no increase to their earning potential or path to employment in their desired profession. We recommend rejecting the proposed amendment to the Indiana Rules of Court.

However, if you choose to adopt the proposed amendment, we strongly urge you to add safeguards for students. While the proposed amendment requires the student seeking a waiver to provide the school’s bar passage rate for the most recent three years, it does not go far enough to protect prospective students. We urge the Supreme Court to require the non-ABA schools to have a minimum bar passage rate equal to the ABA-required rate. Requiring a minimum bar passage rate for schools would at least prevent the worst performing schools from recruiting prospective

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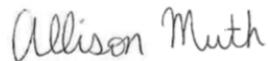
<sup>5</sup> California also provides a path to taking the bar exam without going to law school.

<sup>6</sup> Profile of California Law Schools, The State Bar of California (Dec. 2023), available at: <https://publications.calbar.ca.gov/law-school-profile/>.

students with promises of a path to a legal career in Indiana. Indeed, if the proposed amendment is for the purpose of accommodating online law schools as suggested in [the Report of the Purdue University Global Concord Law School Working Group](#),<sup>7</sup> we urge you to consider requiring the non-ABA-accredited law schools to meet all other requirements of ABA accreditation, including those referenced above, in order for its graduates to sit for the bar exam in Indiana.<sup>8</sup>

Thank you for providing an opportunity for public comment. We hope that our comments and recommendations will assist the Indiana Supreme Court in its rulemaking process.

Sincerely,



Allison Muth  
Senior Attorney  
Veterans Education Success

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<sup>7</sup> Report of the Purdue University Global Concord Law School Working Group, Feb. 12, 2023, available at: [https://www.abajournal.com/files/Concord\\_working\\_group\\_report\\_2.15.23.pdf](https://www.abajournal.com/files/Concord_working_group_report_2.15.23.pdf).

<sup>8</sup> 2023-2024 Standards and Rules of Procedure for Approval of Law Schools, American Bar Association, available at: [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/).