matriculating graduates of state-accredited or unaccredited law schools, it permits, under certain circumstances, the matriculation of graduates of foreign law schools (Interpretation 3 of Standard 307). The ABA only allows a law school to apply for a waiver of Interpretation 3 of Standard 307 and does not allow the affected individual to apply for a waiver on their own behalf. This rule extends too much authority to the ABA over decisions best suited to the academic institution. Additionally, allowing foreign student enrollment in advance law programs but not allowing state-accredited law students the opportunity to enroll is clearly discriminatory.

I graduated from Wells College in 1978 and continually have taken graduate classes at the Harvard Extension School and also attended the College for Financial Planning. The pursuit of higher education has always been a personal and professional goal for self improvement and one which I hope to continue in the future. The interpretation of this Standard prevents graduates from state-accredited law schools such as myself and members of the bar who have practiced with distinction from furthering their professional careers by obtaining advanced law degrees. Once again, this is fundamentally unjust and substantially affects the flow of interstate commerce.

The proposed Final Judgment should include modifications made in this comment. Such modifications will prohibit the recurrence of conduct that is plainly anticompetitive and which bars the free flow of graduates from moving interstate.

Based on the foregoing, the United States request for a permanent injunctive relief should be granted, enjoining the ABA from engaging in further violations of Section 1 of the Sherman Act.

Respectfully submitted,

Deborah B. Davy,

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Joel Hauser

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September 21, 1995

John F. Greaney,

Chief, Computers and Finance Section, U.S. Department of Justice, Anti Trust Division, 555 4th Street NW., Room 9903, Washington, D.C. 20001

RE: Proposed Final Judgment, *U.S.* v. *ABA*

Dear Mr. Greaney: Pursuant to the Antitrust Procedures and Penalties Act, I would like to submit these comments regarding the Proposed Final Judgment and Consent Decree in the above referenced case.

While I am generally satisfied with the settlement your office has proposed, I am disappointed that you have not gone farther towards breaking the stranglehold the ABA has maintained over our profession. Unfortunately, even if the ABA fully complies with the terms and conditions described in the Settlement, enough of the old practices are maintained to thwart any chance for real change and progress. In particular, the Settlement fails to resolve the issues of part time faculty and student/faculty ratios, both of which were prominent and central to Justice's Complaint against the ABA. Nor does the settlement recognize the value and contribution of non-ABA accredited schools. I believe that the settlement should go on record as acknowledging that these schools may be a viable and practical alternative to the ABA schools.

As noted in Justice's Complaint, while the ABA has insisted on a high student/faculty ratio, it has never considered actual student/faculty contact or actual class size when considering accreditation. Consequently, the high ratio policy has had no significant impact on the quality of a law school education. It has, however, had a significant impact on the cost of a law school education. The high ratio does not come cheap. Similarly, denying a law school the opportunity to count part time faculty towards this ratio does little towards achieving academic excellence. It merely serves to maintain an artificially high operating cost by requiring schools to continue to hire a large number of full time faculty who devote remarkably little time to actual teaching. This high cost makes it all but impossible for new law schools to gain accreditation. And without accreditation, these new schools can't compete.

People's College of Law, which I attended, had few full time faculty members. Our instructors were, for the most part, full time attorneys actively engaged in the practice of law. They taught those subjects which they specialized in as attorneys. Our Criminal Law professors were often lawyers from the Public Defender Service. Our Constitutional Law Professors came from the ACLU. Because our professors were experts in the practice of their respective fields, they were able to teach not only the history and theory of the law, they were also able to illustrate the application of the law through their personal experience and practice. Students at PCL didn't just learn the law, we learned how to practice law. That is something which only a part time faculty can convey. It is something which all law schools should strive for. It is something which serves the profession and the public at large. Yet the ABA has, and will continue to resist such an academic goal. Your settlement should insist that the ABA abandon it's full-time faculty Standards and Interpretations. Furthermore, law schools must be permitted to count part-time faculty members when considering student/faculty ratios.

I should note that I have personally suffered great hardship as a result of the ABA's tight control over the profession. I am a graduate of People's College of Law, a California law school which is not accredited by the ABA. I was admitted to practice law in California in 1981, after taking and passing the California Bar Exam. In 1989 I waived into the Washington, D.C. Bar by motion to the Court. In 1995, I was admitted to practice in New York State, after taking and passing the New York Bar exam.

I have been admitted to practice law for more than fourteen years, devoting my career to public interest work. As a counselor and attorney with the Center for Veterans' Rights and G.I. Forum, I represented hundreds of military veterans' in discharge upgrade hearings, Veteran's Administration reviews, and Social Security proceedings. As a lawyer with California Rural Legal Assistance, I represented countless poor farm workers in a wide variety of legal matters including housing, working conditions, and public benefits. As a lawyer with Neighborhood Legal Services Program in Washington, D.C. I represented poor people faced with eviction, termination or denial of crucially needed public benefits and services, and general consumer complaints. I am extremely proud of my work as a lawyer and the good that I have done for so many people. I am equally proud of the education and training which I received at People's College of Law.

Yet, despite my accomplishments as a lawyer, I was for three years denied the opportunity to take the New York Bar Exam simply because PCL was not accredited by the ABA. Up until last year, New York State's Rules for Admission provided that only graduates of ABA approved schools could be admitted to practice. On three occasions I Petitioned the New York State Court of Appeals for a waiver of the ABA accreditation rule. Each petition was denied, without any consideration given to my practice experience or my law school education, due to the Court of Appeals' blind adherence to the ABA accreditation rule.

Fortunately for me, in 1994 an Act of the New York State Legislature modified the laws governing the admission of attorneys. Effective the winter of 1994, lawyers who had graduated from a non-ABA law school, and who subsequently practiced law for at least five years after gaining admission in their home state, could sit for the New York Bar Exam. With the passage of this legislation, I was able to take the February 1995 bar exam. I passed the exam and was admitted to practice in New York in June, 1995.

However, as a graduate of a non-ABA approved law school my right to practice in most states remains in doubt. Only a handful of States are willing to look beyond ABA accreditation. I would urge Justice to include in this settlement an acknowledgment by the ABA that its ''seal of approval'' is only one factor which the States may consider when evaluating a particular lawyer or law school graduate's application for admission. As an alternative to an education at an ABA-approved school, States should be encouraged to consider a candidate's overall work and life experiences, in conjunction with his or her training and education at a non-ABA accredited school. Only then will the stranglehold which the ABA has maintained over our profession begin to be loosened. And only then will law school tuition start to come down.

Thank you for the opportunity to comment on your settlement. If you have any questions please give me a call.

Sincerely,

Joel Hauser

Wendell A. Lochbiler III

704 Wolverine Drive, Wolverine Lake, MI 48390

September 28, 1995.

Mr. John F. Greaney,