Lynch, K. (1985, October 12). Kids may get school help on SATs, *The Honolulu Advertiser*, Honolulu, A–3.

Messick, S. (1980). Test validity and the ethics of assessment. *American Psychologist, 35,* 1012–1027.

Owen, D. (1985). *None of the above.* Boston: Houghton Mifflin Company.

- Reading test may be re-tested. (1988, January 27). New York Times, p. 15.
- S.A.T. coaching disparaged. (1988, February 2). *New York Times*, p. 16.
- Tenopyr, M.L. (1977). Content—Construct confusion. *Personnel Psychology*, 30, 47– 54.
- The College Board (1987). *ATP Guide for High Schools and Colleges, SAT and achievement tests.* Princeton, N.J.: Educational Testing Service, pp. 26–27.
- Top Medical school dropping admission test. (1985, May 13). New York Times, p. 7.
- Williams, D.A. & Anello, R. (1985, August 12). Testers vs. Cram courses, *Newsweek*, p. 62.
- William S. Richardson School of Law, University of Hawaii at Manoa, 1973– 1993, A Promise Fulfilled, 1993.
- 338 Joy Lane, West Chester, Pa. 19380 July 15, 1995.
- Joel Klein, Esquire,
- Deputy Assistant Attorney General, Department of Justice, Washington, D.C. 20000

Re: Recent settlement with ABA

Dear Mr. Klein: Wish to congratulate you on successful resolution of the ABA's antitrust and corrupt influences in the accreditation process of the law schools which had the direct effect of Board of Law Examiners not admitting to the Bar lawyers who were otherwise qualified but had attended non-accredited law schools.

The purpose of this letter is to request that the Department of Justice should also investigate similar corrupt influences of ABA and the National Conference of Bar Examiners in fixing the number of lawyers who will be admitted to the Bar through the unethical and corrupt manipulation of Bar Exam results.

In my case, the Pa. Board of Law Examiners impounded my results because I was attempting to change career from teaching to law practice and because of my age, ethnic identity and national origin.

You would be surprised to find how many violations of human rights occur within the boundary of the United States under the guise and pretext of one unjustifiable regulation or the other.

See if you or your other colleagues can do something on this matter.

Yours truly,

Amrit Lal, Ph.D.

Massachusetts School of Law at Andover

- Woodland Park, 500 Federal Street, Andover, MA 01810, 508/681–0800, FAX: 508/ 681–6330
- September 28, 1995

Mr. John F. Greaney,

Chief, Computers and Finance Section, U.S. Department of Justice, Antitrust division, 555 4th Street NW., Room 9903, Washington, D.C. 20001 Dear Mr. Greaney: Enclosed are MSL's Tunney Act comments on the Consent Decree filed in the Division's case against the ABA.

Sincerely,

Lawrence R. Velvel,

Dean.

- In the United States District Court for the District of Columbia
- United States of America, Plaintiff, v. American Bar Association, Defendants. Docket No. CA95–1211.

Comments of the Massachusetts School of the Law on the Consent Decree and the Competitive Impact Statement

Massachusetts School of Law at Andover, Inc. 500 Federal Street, Andover, MA 01810, (508) 681–0800

Table of Contents

1. Introduction

- 2. The Consent Decree Does Not Contain Provisions Needed To Insure Against Continued Or Renewed Capture Of The Regulatory Process By Directly Interested Persons Who Hold Economically Self Interested, Anticompetitive Views
- 3. The Consent Decree Will Not Eliminate The Secretary Which Has Led To Violations Of Law, Unwritten Rules, And Capture Of The Process
- 4. The Consent Decree's Novel Provisions For Review Of Anticompetitive Practices By A Special Commission Heavily Comprised of Accreditation Insiders May Cause The Decree To Fail To Remedy Anticompetitive Practices Charged In The Complaint
- 5. The "Novel" Relief Involving Review By The Special Commission Raises Additional Problems (i) Because It May Bind The Court, Regardless of Relevant Circumstances, To Use A Full Blown Rule Of Reason Analysis Rather "Quick-Look" Rule Of Reason Analysis When Considering A Government Challenge To Recommendations Of The Special Commission, And (ii) Because It Circumvents The Tunney Act Rights Of Third Parties
- 6. There Are Important "Procedural" Matters Which Have Not Been Addressed Effectively In The Consent Decree Or Have Not Been Addressed At All
- 7. The Government's Heavy Reliance On the ABA Leadership Could Result In Failure To Remedy The Violations Charged In The Complaint
- 8. The Effectiveness Of The Decree Is Potentially Diminished By Lack of Knowledge Regarding The Identity Of An Antitrust Compliance Officer, By A Serious And Inexplicable Limitation On The Compliance Officer's Duties, And By Reliance On Staff Of The Department Of Education Who Have Been Ineffective In Regard To The ABA

- 9. In Order To Insure That The Purposes Of The Tunney Act Are Carried Out And Its Provisions Complied With, The Consent Decree Needs To Provide For the Filing Of Determinative Documents And Materials, And Approval Of The Decree Must Be Conditioned On Making Available The Documents That Injured Private Parties Need To Effectively Pursue Their Claims
- 10. There Are Three Areas, Involving Rules Which Stifle Competition, In Which MSL Urges The Division To Reconsider Its Decision Not To Act
- 11. Conclusion

In the United States District Court for the District of Columbia

United States of America Plaintiff, v. American Bar Association, Defendants. Civil Action No. 95–1211 (CR).

Comments of the Massachusetts School of Law on the Consent Decree and Competitive Impact Statement

1. Introduction

The Massachusetts School of Law ("MSL") hereby submits its Comments on the Consent Decree filed June 27, 1995 and the Competitive Impact Statement ("CIS") dated July14, 1995.

As the Antitrust Division is aware, MSL-a gravely injured victim of the anticompetitive conduct challenged by the Department of Justice ("DOJ") in this case-has been in the forefront of the battle against that illegal conduct. MSL alone challenged the conduct before the Department of Education ("DOE") in 1992 and 1994. MSL challenged the conduct before the American Bar Association's ("ABA's") Board of Governors and House of Delegates in 1993 and 1994. The School filed an antitrust case against the conduct in November, 1993. It subsequently brought the conduct to the attention of the Antitrust Division, and provided the Division with documents and depositions in the School's possession. MSL's history of being injured by the anticompetitive conduct at issue here, of studying that conduct, and of combating it, gives the School extensive insight into the anticompetitive actions challenged by the DOJ.

MSL's consent views are stated in these Comments. To some extent, the views reiterate those in MSL's prior *Memorandum* in support of its motion to intervene. However, these Comments also deal with numerous topics not covered in that *Memorandum*, and contain additional information on