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**National Native American Bar Association
Resolution on Law School Diversity**

WHEREAS the National Native American Bar Association is the largest organization of Native American attorneys and judges in America, founded in 1973, and today representing over 3,000 American Indian, Alaska Native and Hawaiian Native lawyers, judges, legal scholars, and law students;

WHEREAS, the National Native American Bar Association believes that racial, ethnic, and gender diversity is critical to our nation's justice system, our democracy, and our economic prosperity in a globally diverse world;

WHEREAS, the legal profession today remains almost 90% white, and lags far behind almost every other profession in the diversity of our ranks;

WHEREAS, no significant progress has been made in the last decade in changing the face of our profession to look more like the increasingly diverse clients we serve;

WHEREAS, in the first decade of this century, 42% of all Native Americans who applied to an ABA-approved law school were denied admission to the law schools to which they applied, compared to just 31% of Caucasian applicants;

WHEREAS, the ABA requires law schools to demonstrate a 75% bar passage rate and the ABA Section of Legal Education Standards Review Committee is considering a proposed revision of the law school bar passage accreditation requirement that would increase the ultimate passage rate requirement to 80% without any hard data or comprehensive studies documenting how this change would impact ABA-approved law schools, including but not limited to schools that provide access and opportunity to large numbers of Native American, African American and Hispanic/Latino students;

WHEREAS, the ABA Council of Legal Education has published proposed changes in its admissions standard that would delete current Interpretation 503-4, which specifically requires schools to comply with the Law School Admission Council Cautionary Guidelines in using the LSAT in their admissions process;

WHEREAS, those guidelines currently caution schools to evaluate all applicants holistically on the basis of all of their qualifications, and strongly caution schools against the use of LSAT cut-offs below which an applicant will not be considered;

WHEREAS, the Council has published Chapter 2 of its standards for notice and comment, without strengthening Standard 211 (Non-Discrimination and Equality of Opportunity) or Standard 212 (Equal Opportunity and Diversity);

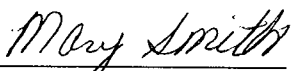
WHEREAS, the Council has proposed the deletion of Interpretation 501-2, which currently requires that a “law school’s admissions policies shall be consistent with Standards 211 and 212” (the Non-Discrimination and Equality of Opportunity standards mentioned above); and

WHEREAS, the Supreme Court’s decision in *Fisher v. University of Texas*, has increased the burden on schools that wish to engage in affirmative action.

THEREFORE BE IT RESOLVED that the National Native American Bar Association calls on the ABA Council of Legal Education, Accreditation Committee, and Standards Review Committee to take the following action to increase law school diversity:

1. Retain the bar results requirements in existing Interpretation 301-6, which resulted from a collaborative process involving bar associations of color, and which sets minimum standards of quality assurance without unintentionally hurting the efforts of law schools to increase access to the legal profession;
2. Clarify what level of academic attrition is unacceptable so that the vagueness of the current standards cannot be used to pressure schools to raise their entering LSAT requirements;
3. Retain Interpretation 503-4, which specifically requires schools to comply with the Law School Admission Council Cautionary Guidelines in using the LSAT in their admissions process;
4. Strengthen Standards 211 and 212 by requiring that admissions and accreditations practices that have a disparate impact on the enrollment of students of color be valid, reliable, and supported by published studies correlating those practices with increased professional competence;
5. Retain Interpretation 501-2, which requires that a law school’s admissions policies shall be consistent with Standards 211 and 212; and
6. Require law schools to review their admissions and accreditation practices and where those practices have a disparate impact of the admissions of students of color to conduct studies to verify that those practices are appropriate in light of their negative impact.

Approved by the NNABA Board of Directors July 1, 2013.



Mary L. Smith
President