



Defending Ed President Gives Remarks at the National Advisory Committee on Institutional Quality and Integrity Meeting on the ABA Application for Renewal of Recognition

September 23, 2026

Good afternoon. I'm Nicole Neily, the President of Defending Education, a national organization working to secure a high-quality, value-neutral education for American students. We request that you recommend against renewing recognition of the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The Department of Education's recent staff report found the Council failed to meet 26 recognition criteria – chief among which is the Council's lack of independence from its parent association. Right after the staff report was released, four Council members had to recuse themselves from a vote to repeal one of the Council's diversity standards, because those individuals also sit on the ABA's governing body or as a liaison for another arm of the association. This Council is clearly too closely intertwined with the broader ABA, and as a result, the policy preferences of a cadre of mandarins have colored legal education for thousands of lawyers for far too long.

The political bias of the ABA itself is well-known. A report by America First Legal found that 80 percent of the amicus briefs filed by the ABA over the last decade advocated for progressive outcomes, 20 percent supported neutral issues... and zero conservative ones. Meanwhile, the ABA's judicial rankings disproportionately give lower scores to originalist judges, which has so undermined the Association's claim of "political neutrality" that the Department of Justice and Senate Judiciary Committee no longer require ABA ratings for judicial nominees.

But what kinds of standards does the Council ask a law school to meet to obtain and retain approval? Standard 206 has been discussed at length; although discrimination on the basis of race in admissions has always been immoral, 2023's *Students for Fair Admissions v. Harvard* decision clarified that it is also unconstitutional. It's troubling the Council didn't *suspend* this standard until February 2025, and only formally *repealed* it this month over the objections of the House of Delegates - more than three years after *SFFA*. In other words, for years, this Council put law schools in the unenviable position of navigating between their accreditor's whims and the wrath of the federal government like Scylla and Charybdis.

But let's also remember Standard 303(c), which obligates schools to "provide education to law students on bias, cross-cultural competency, and racism" at the start of their program and at least once again before graduation. Our report found 62 of the approximately 196 ABA-accredited law schools still require DEI-related coursework and programming to graduate, and 72 still maintained DEI offices. While the process to repeal Standard 303(c) has begun, these votes don't unwind the fact that schools devoted resources to comply with Standard 206 and 303(c) for years – and drove up the cost of education in the process.

Importantly, the Goal that produced both Standard 206 and 303(c) hasn't changed; ABA Goal III commits the entire association to eliminate bias in the legal profession. It goes further saying, "it permeates everything we do internally and externally as an Association."

Nearly 200 law schools must meet the Council's accreditation standards for their graduates to sit for the bar. Yet these standards have skewed both admissions and coursework – diminishing the credibility and effectiveness of the legal education field in the process. The Department found 26 reasons this Council failed to meet its obligations – and my organization's research shows what it chose to do with the authority it had.

We ask NACIQI to recommend against renewal. Thank you.