



Department of Justice

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JUSTICE DEPARTMENT ASKS COURT TO HOLD AMERICAN BAR ASSOCIATION IN CIVIL CONTEMPT

ABA Acknowledges Consent Decree Violations and Agrees to Pay \$185,000

WASHINGTON — The Department of Justice filed a petition today asking the U.S. District Court for the District of Columbia to hold the American Bar Association (ABA) in civil contempt for violating multiple provisions of a 1996 antitrust consent decree. The consent decree prohibited the ABA from misusing the law school accreditation process. The Department also filed a proposed order and a stipulation in which the ABA acknowledges the violations alleged in the Department's petition and agrees to reimburse the United States \$185,000 in fees and costs incurred in the Department's investigation. The proposed order is subject to court approval.

"The Antitrust Division takes compliance with court decrees very seriously," said Thomas O. Barnett, Assistant Attorney General in charge of the Department's Antitrust Division. "No one is above the law and those who do not comply with their obligations under court orders must be prepared to face consequences."

In June 1995, the Department filed an antitrust lawsuit against the ABA in U.S. District Court for the District of Columbia. In its complaint, the Department alleged that the ABA had allowed its law school accreditation process to be misused by law school personnel with a direct economic interest in the outcome of accreditation reviews, resulting in anticompetitive conduct. In 1996, the court entered an agreed-upon final judgment prohibiting the ABA from fixing

faculty salaries and compensation, boycotting state-accredited law schools by restricting the ability of their students and graduates to enroll in ABA-approved schools, and boycotting for-profit law schools. The final judgment also established the framework of structural reforms and compliance obligations that are the subject of today's filing.

According to today's petition, and as acknowledged by the ABA, the ABA violated six structural and compliance provisions in the 1996 consent decree on one or more occasions.

Those provisions included requirements that the ABA:

- Annually certify to the court and the United States that it has complied with the terms of the final judgment;
- Provide proposed changes to accreditation standards to the United States for review before such changes are acted on by the ABA's Council of the Section of Legal Education and Admissions to the Bar;
- Provide briefings to certain ABA staff and volunteers concerning the meaning and requirements of the decree;
- Obtain annual certifications from certain ABA staff and volunteers that they agree to abide by the decree and are not aware of any violations;
- Ensure that no more than half of the membership of the ABA's Standards Review Committee be comprised of law school faculty; and
- Include on the on-site evaluation teams, to the extent reasonably feasible, a university administrator who is not a law school dean or faculty member.

The ABA is a national professional association for lawyers headquartered in Chicago.

The ABA's Council of the Section of Legal Education and Admissions to the Bar is the only national accrediting body for law schools.

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