



February 21, 2023

The Honorable Loretta H. Rush  
Chief Justice of Indiana  
315 Indiana State House  
200 W. Washington Street  
Indianapolis, IN 46204

Re: Report of the Purdue University Global Concord Law School Working Group

Dear Chief Justice Rush:

We are in receipt of the Working Group's Final Report dated February 15, 2023. First and foremost, we want to thank Your Honor for assembling such a distinguished and thoughtful team, and also thank the Working Group members for their time, attention, and care that went into studying the issue and making their report and recommendations.

The Report contained sixteen recommended preconditions for approval of Purdue's proposal to amend the State's bar admissions rules to allow graduates of an Indiana-based, online law school like Concord to sit for the Indiana bar exam. Purdue and Concord believe the proposal will bring important benefits to the State, and will willingly comply with whatever conditions the Court should decide to impose. In fact, we agree with most of the Working Group recommendations. However, in evaluating several of those recommendations, we would respectfully request that the Court take certain additional information into account in deciding whether to adopt or modify them. For convenience, below we list the sixteen recommendations, and our comments, if any, regarding each.

*1. The Indiana Supreme Court must be assured that there are no constitutional issues with the implementation of this rule change.*

**Comments:** We agree with this recommendation.

We believe the Barnes & Thornburg research memo transmitted to Your Honor on February 7, 2023 provides adequate assurance that there would not be any constitutional issues with the implementation of the rule change, if the Court adopts Barnes & Thornburg's recommendation to require that the law school be operated by or affiliated with a state educational institution (as defined in Indiana Code 21-7-13-32(b)).

We also believe that requiring that the law school's legal education program and juris doctor degree have been approved by the Indiana Commission for Higher Education (ICHE) pursuant to Indiana Code 21-18-9-5 or 21-18-12.4-1, as also recommended by Barnes & Thornburg, provides important further assurance, from a credible source established by our General Assembly, of the quality of the program and the degree it offers.

That said, we acknowledge the Working Group’s view (*see* Report at 8 n.2) that a law school not accredited by the ABA should be accredited by another state, regional, or national organization that specifically accredits law schools, which is not true of ICHE. If the Court shares that view, we would see value in requiring accreditation by such a state, regional, or national organization, either as an alternative or in addition to ICHE approval.

*2. Require Concord Law School to change its name to Purdue University Global Law School. This change will maintain Purdue’s incentive to devote substantial resources to the law school because its outstanding reputation for academic excellence will be on the line. And Concord would more visibly be seen as “part” of Purdue.*

**Comments:** We agree with this recommendation and are prepared to take steps to implement it.

*3. Require Concord Law School’s approval be provisional for a stated period of time so that the Court and the Office of Admissions and Continuing Education can monitor student outcomes and bar passage rates before the law school is granted permanent approval.*

**Comments:** We agree with this recommendation.

*4. Impose a limit of 50 students for each entering class of students intended to practice in Indiana during the period of provisional approval.*

**Comments:** We agree with the recommendation to impose a limit on the number of students intending to practice in Indiana during the period of provisional approval. To clarify, however, Concord has not just one but three “entering classes” each year (January, May, and September). As currently phrased, the Working Group’s recommendation would allow up to 150 such students per year to enroll.

If the Court would prefer a different limit per enrollment cycle, we might suggest, at a minimum, 25 students per enrollment cycle. This is analogous to the 25 students per enrollment cycle that the ABA allowed in 2022 for the experimental online part-time program launched by St. Mary’s School of Law in San Antonio, Texas, during its provisional period. It would also help ensure that the cohorts are large enough to facilitate a meaningful sense of community.

*5. Require students applying for admission to take the LSAT or another exam that is shown to predict whether a student will pass the bar.*

**Comments:** We do not necessarily oppose this recommendation, but would ask the Court to consider the following:

We believe the evidence shows that Concord’s admissions exam is nearly as accurate as the LSAT, and more accurate than the GRE, in predicting first-year law school grades—which, in turn, are more predictive than any admissions exam of bar exam success. If the Court requires that we mandate that students intending to practice in Indiana take the LSAT or GRE, we will of course abide by any such requirement. However, both Concord’s admissions exam and the exam

prep materials it makes available are free for prospective students, which is not the case for either the LSAT or GRE. Moreover, Concord is already planning further refinements to its existing admissions exam, and believes the decision of what exam to administer should be left to Concord's discretion as it undertakes its responsibility to ensure that graduates pass the Indiana bar exam at certain rates (see below).

*6. Make continued approval of Concord Law School contingent upon a 75% bar passage rate for its graduates who sit for the Indiana bar exam within two years of graduation.*

**Comments:** We agree with this recommendation.

*7. Require newly enrolled students who intend to sit for the Indiana bar examination to attend a one-week orientation or instructional session on campus at Purdue University-West Lafayette.*

**Comments:** We agree that there are benefits to an in-person component, especially at the outset of the program, in terms of community-building and otherwise. However, while we are happy to make such a program available, we are concerned that requiring students to attend a week-long program on campus may be inconsistent with the critical accessibility component of Concord's mission.

Although it may not seem like a major inconvenience to many, we are specifically concerned that there are certain students for whom there may be significant barriers to participation. For example, there may be Indiana residents who intend to practice in Indiana but are currently located abroad due to military service; students with physical disabilities for whom travel is extremely challenging; or students, particularly in socio-economically depressed regions of the State, for whom travel and hotel costs, not to mention the time off of work and/or childcare arrangements, may be prohibitive.

We would suggest that Concord offer a weekend-long in-person orientation, and while we would strongly recommend that students attend in person, we would not want to penalize any student who was unable to do so by refusing to let them continue in the program.

*8. Require students who intend to sit for the Indiana bar examination to spend one long weekend annually in residence at Purdue University-West Lafayette.*

**Comments:** We agree with this recommendation generally, subject to the caveats above. We believe that the orientation weekend could also be a valuable opportunity for upper-division students to reconnect in person and even provide guidance to new students, but we are concerned about anyone being penalized if they are unable to make it.

*9. Require a law-school staff member to be dedicated to overseeing an Indiana-based externship program.*

**Comments:** We agree with this recommendation and are prepared to take steps to implement it.

*10. Require the law school to expand its legal incubator program to include the State of Indiana.*

**Comments:** We would happily undertake efforts to develop a legal incubator program in Indiana. However, the recommendation is that the Court require the law school “to expand *its* legal incubator program” to Indiana (emphasis added). To clarify, Concord does not operate its own legal incubator program. Rather, it participates, along with several ABA law schools, in a program operated under the auspices of the Alameda County Bar Association.

It is relatively rare for a law school to operate its own legal incubator. More commonly, they are operated by legal aid societies or bar associations, sometimes in collaboration with law schools. Any legal incubator program in Indiana would be a new creation, not an extension of an existing one. While Concord would willingly spearhead the effort, ultimately the success of such a program may depend on the willingness of other entities or schools to collaborate with Concord.

*11. Ensure any rule change does not limit any of the three ABA-accredited Indiana law schools from creating their own fully online law-school program should they choose to do so.*

**Comments:** We agree with this recommendation.

We do not believe that anything about the current rule or proposed amendment would limit any of the three ABA-accredited Indiana law schools from creating their own fully online law school program should they choose to do so. Presumably, they would need to obtain a variance from the ABA to go beyond the one-third limit on distance education contained in the ABA accreditation standards. But that is unrelated to Indiana’s bar admission rules, which do and still would allow graduates of ABA-accredited law schools to sit for Indiana’s bar exam regardless of any variances the schools may have obtained from the ABA itself.

*12. Ensure that only J.D. graduates are eligible to sit for Indiana’s bar exam.*

**Comments:** We agree with this recommendation.

In addition to the JD program, Concord offers a non-licensure track Executive Juris Doctor (EJD), but it is made clear to students in that program that they are not eligible to sit for the bar exam in California or any other state. Nothing about that would change if JD students were permitted to sit for Indiana’s bar exam.

*13. Require Purdue University Global to commit to marketing the law school in Indiana’s underserved areas and communities, including so-called legal deserts.*

**Comments:** We agree with this recommendation and are prepared to take steps to implement it.

14. *Require Concord Law School to design a pre-admission, part-time CLEO-like program to assist Indiana's minority, low-income, and educationally disadvantaged students. Concord has applied for a grant from AccessLex to assist with the funding of such a program. Even if the law school does not receive the grant from AccessLex, Purdue University Global should commit to funding such a program.*

**Comments:** We agree with this recommendation. Concord is already planning on launching such a program regardless of whether the AccessLex grant is received.

15. *Ensure that students who do not complete the J.D. program and withdraw but successfully complete a certain number of credits are able to earn a paralegal certificate (or something similar) so that they may still be able to secure a paralegal job or other law-related position.*

**Comments:** We agree with this recommendation. Concord is already planning on taking steps to offer a certificate in law to any student who completes the first year of the JD program.

16. *Require the law school to provide prospective and current students with a copy of a consumer protection report that is similar to the ABA Standard 509 Form. Attached as Exhibit B is a list of the disclosures required on ABA Standard 509 Form.*

**Comments:** We agree with this recommendation.

Concord already makes available to students and prospective students a copy of a consumer protection report pursuant to Cal. Bus. & Prof. Code § 6061.7, which is similar to the ABA Standard 509 Form. (The [current report](#) is available from Concord's website.) If the Court wants Concord to provide any additional information not already contained in the B&P 6061.7 form, Concord will happily do so.

## Conclusion

We appreciate the Court's thoughtful consideration of our proposal and the Working Group's Report. Please do not hesitate to contact either of us for additional information, or if you believe it would be helpful for you or other members of the Court and its staff to meet us and those at Barnes & Thornburg who have worked with us in developing and evaluating the proposed Rule amendment.

Sincerely,



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General Counsel  
Purdue University



Martin Pritikin  
Dean and Vice President  
Concord Law School at Purdue University Global