



Association of American Law Schools

November 13, 2013  
**Revised:** May 15, 2014

*President*

**Daniel B. Rodriguez**  
Northwestern University

*President-Elect*

**Blake D. Morant**  
Wake Forest University

*Immediate Past President*

**Leo P. Martinez**  
University of California-  
Hastings

*Serving through 2014*

**D. Benjamin Barros**  
Widener University

**Kellye Y. Testy**

University of Washington

*Serving through 2015*

**Guy-Uriel E. Charles**  
Duke University

**Wendy Collins Perdue**  
University of Richmond

*Serving through 2016*

**Devon Wayne Carbado**  
University of California-  
Los Angeles

**Vicki C. Jackson**  
Harvard University

*Executive Director,  
Chief Executive Officer*  
**Judith Areen**

*Managing Director*  
**Jane M. La Barbera**

*Associate Director*  
**Regina F. Burch**

Dr. Phyllis M. Wise, Chancellor  
University of Illinois at Urbana-Champaign  
Office of the Chancellor  
Swanlund Administration Building  
601 E. John Street  
Champaign, IL 61820

Bruce P. Smith, Dean  
University of Illinois College of Law  
504 East Pennsylvania Avenue  
Champaign, IL 61820

Dear Chancellor Wise and Dean Smith:

This letter communicates the action of the Executive Committee of the Association of American Law Schools concerning the University of Illinois College of Law (Law School) as a result of its reporting of false admissions data.

The relevant facts are not in dispute. In 2005, and for each year from 2007 through 2010, the Law School publicly disseminated and reported false admissions data to the ABA (and thus AALS) and to *U.S. News and World Report*. In 2011, it again publicly disseminated false admissions data but, before that information could be reported to the ABA or *U.S. News and World Report*, in September 2011, an anonymous whistleblower reported the matter to the University's Ethics Office.

Following receipt of the anonymous tip, the University promptly investigated the matter using internal staff, an external law firm, and an external accounting firm. In addition, the ABA and AALS each sent special site inspectors. The various investigations that followed determined that the former Assistant Dean for Admissions, acting alone, intentionally altered, in an electronic database that he alone maintained, credentials of students admitted to the Law School. The conduct was able to go undetected in large part because the Law School had delegated all admissions decisions and control of admissions data to the Assistant Dean without oversight by anyone else within the Law School or the University. The investigations concluded that no current or former Dean of the Law School had participated in the misconduct or was aware of the misreporting

Chancellor Wise and Dean Smith  
May 15, 2014

prior to the investigation, although the Deans did set ambitious goals for GPA and LSAT medians and virtually every time the Assistant Dean met the annual admissions goal, he received often-significant salary increases. The investigations also concluded that the false reporting persisted due to lack of effective internal controls and oversight and a failure of the deans and administration to appreciate the compliance risks.

In the immediate wake of the investigation, the Law School developed and implemented a comprehensive Institutional Transparency Plan, in consultation with campus officials, members of the Law School's alumni advisory board, and an external consulting firm. An independent compliance monitor concluded in 2012 that the Law School "has set up a well thought out, multilayered verification system for its data . . . and that all involved in this process are using good faith efforts to ensure accurate disclosures." The Law School has shared the compliance monitor's complete reports with the AALS.

The corrective actions undertaken by the Law School in the wake of the investigation were prompt and extensive. We would expect nothing less. Despite these steps, the serious nature of the unethical behavior—and the continuing nature of the harm done—requires a strong response.

By providing false data on which applicants might have relied to make judgments concerning the Law School, the Law School clearly failed to deal fairly with applicants for admission, as required by AALS Bylaw 6-2(c). Furthermore, acts of deception are fundamentally incompatible with concepts of justice, fairness, and integrity that are at the heart of other AALS requirements, including some of the AALS core values. For example, Bylaw 6.1(b) expresses the expectation that member schools will be engaged in the "creation and dissemination of knowledge about law... and the legal system" and that they will be "devoted to fostering justice." Acts of deception designed to gain an unfair advantage over other law schools are completely antithetical to any efforts to foster justice or to create an accurate understanding of the law and legal systems. Similarly, for a school to fulfill the requirement that it report to the AALS information necessary to determine its compliance with AALS membership requirements (see Executive Committee Regulation 8.1) presupposes that the information will not be altered intentionally. Thus, the Law School's misconduct not only may have misled potential law school applicants and others who were evaluating the quality of the Law School, it also stood in direct opposition to AALS core values and had serious negative ramifications for the reputation of legal education as a whole.

The Law School's submission of false data over a period of years therefore constitutes "a material failure to comply with the requirements of [AALS] membership" warranting sanctions under Bylaw 7-1. The sanctions available to the Executive Committee in such circumstances are censure, probation, suspension, or exclusion from membership. In determining the proper sanction, the Executive Committee considered the fraudulent, sustained, and serious nature of the misconduct, and the depth and breadth of the injury to prospective students, other law schools, and perceptions of legal education and the legal profession.

Because the misconduct was intentional and long-standing, and because it is so fundamentally inconsistent with basic concepts underlying AALS core values and Bylaws, the

Chancellor Wise and Dean Smith  
May 15, 2014

Executive Committee condemns the actions and has placed the Law School on probation for a period of two years which will end on November 13, 2015.

As a term of probation, the AALS asks that the Law School undertake an assessment that includes a deliberative process reasonably designed to explore the factors that allowed the misconduct to occur and to persist for such a long period of time. We recognize that the Law School has brought in experts to design a compliance plan and we commend those actions. But consistent with the understanding of a Law School as a deliberative and largely self-governing community, the assessment process should involve the faculty as well as appropriate members of the University administration, and it should explore the components of culture, governance, institutional structure, and other factors that may have contributed to the misconduct. It should approach the issue as one not merely of insuring technical compliance with rules, but should consider ways to reinforce a broad institutional culture of integrity, ethics and transparency. We ask that the Law School submit by August 1, 2015, a report describing the conclusions of this internal assessment, including any additional measures the Law School has put in place to assure misconduct of this nature does not occur in the future.

With respect to the past, the report should examine the components of culture, governance, institutional structure, and other factors that may have contributed to the misconduct, and it should determine whether, and how, the faculty, the dean, or the University might have earlier discovered the misconduct. We note that page 10 of the University's internal investigative report from November 2011 reveals that the Law School's "reporting and dissemination of inaccurate selectivity data persisted and went undiscovered for years, in part, because [the College of Law] lacked effective internal controls and oversight to prevent, deter, and detect the miscalculation (inadvertent or intentional) of selectivity data. It is apparent that the [College of Law] administration, through the tenures of two deans and two interim deans, never appreciated the compliance risks in this area and thus saw no need to establish such controls." We also note that the Assistant Dean of Admissions appears to have been motivated to misreport data due to the culture that emphasized attaining very specific entering-student LSAT and GPA scores, so that the Law School might achieve a higher rank in *U.S. News and World Report*, and the law school increased his compensation significantly based on reaching those specific numbers. In addition, we note that faculty and top administrators had extremely limited roles in and access to data in the admissions process during the period the misrepresentations occurred. We ask that these matters be addressed specifically in your report.

As an additional condition of this probation, the Law School must post and maintain this letter on its website for a period of 12 months, with the letter posted no later than July 1, 2014. The link to the letter must be prominent; it must appear at or near the top of the Law School's home page, and must be located in a place that a user does not have to scroll, hover, or use a pull-down menu to find.

Because the nature of the Law School's conduct was antithetical to the professional ethical conduct expected in the discipline of law, our analysis might have led us to an even more severe level of sanction than the one the Executive Committee decided to impose. Even the sanction chosen might have been accompanied by the withdrawal of one of more benefits of AALS membership, such as, for example, excluding the School from the use of the Faculty

Chancellor Wise and Dean Smith  
May 15, 2014

Appointments Register and Conference, or barring the School's faculty from participating in AALS committees and activities. Indeed, the Executive Committee gave serious consideration to imposing conditions beyond the required self-assessment described earlier in this letter.

The Executive Committee chose not to impose further probationary conditions in large measure because the University and Law School acted quickly once the misconduct was revealed and articulated a commitment to the principles of ethics and integrity. Nevertheless, the harm done was and is real. Through this decision, the Executive Committee intends to convey the grave implications of the behavior that occurred, particularly the wide-ranging and ongoing effects that these misrepresentations have had and continue to have on the reputation of legal education.

Sincerely,



Judith Areen  
Executive Director

*Note: Daniel Rodriguez and Kellye Testy recused themselves from the vote of the Executive Committee.*

cc: Executive Committee  
Membership Review Committee