> market participants who influence and set the standards. Based on these principles, the Commission has argued against restrictions that would undermine competition by imposing certification or educational requirements on suppliers beyond what is needed to properly perform the service. For example, the Commission has frequently advised against restrictions on those permitted to provide medical or dental services that would exclude qualified suppliers. The Commission has also recommended caution in imposing costly educational requirements to qualify for professional licensure.

FTC and DOJ Decry Several Aspects of ABA Accreditation

The FTC/DOJ letter pulls no punches in excoriating the purportedly undesirable features of the ABA accreditation standards. I will mention a few of them.

The letter claims that the ABA accreditation standards:

- have created a "costly, elitist model of legal education"
- "unnecessarily drive up costs for law schools"
- "may limit the supply of new lawyers"
- result in "consumers struggl[ing] to access legal services and pay more dearly when they do"
- "focus on inputs" rather than "educational outputs"
- "severely limit online courses and programs that could provide lower cost education to rural consumers"
- [without justification] "require [an unnecessary number of] full-time rather than adjunct law faculty"
- "include a minimum of 83 credits to graduate" [when (allegedly) fewer credits would be adequate]

The FTC/DOJ Letter Concludes by Suggesting that the Answer May Be New Law School Accreditors

A closing suggestion and hope of this significant letter from the Federal Trade Commission and the Department of Justice is that "new law school accreditation agencies might emerge to enhance competition by challenging the ABA's monopoly." The FTC and the DOJ point to developments in other states:

> The Florida Supreme Court recently amended its rules to "create the opportunity for additional entities to carry out an accrediting and gatekeeping function." The Tennessee Court could consider similar steps or offer other encouragement to potential new accreditors. For example, the Texas Supreme Court expressed interest in utilizing "a

multistate accrediting entity other than the ABA should a suitable entity become available." As more states choose to reduce their reliance on ABA accreditation, new law school accreditors may seize the opportunity to enter and challenge the ABA's monopoly.

(Questions about this article, and other legal questions, may be directed to the author at dbalasa@aama-ntl.org.)