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August 12, 2011

Rev. Peter M. Donohue, O.S.A., Ph.D.
President
Villanova University
800 East Lancaster Avenue
Villanova, PA 19085**Dean John Y. Gotanda**
Villanova University
School of Law
299 North Spring Mill Road
Villanova, PA 19085

Dear President Donohue and Dean Gotanda:

I am writing to report to you the action of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, taken at its meeting on August 4-5, 2011, with respect to the Villanova University School of Law.

On August 4, 2011, the Council considered the Villanova University School of Law (the "Law School") in light of the report and recommendation ("Report and Recommendation") adopted by the Accreditation Committee of the Section of Legal Education and Admissions to the Bar (the "Committee"), at its meeting on June 23-25, 2011, as transmitted to you on behalf of the Committee by my letter to you dated June 30, 2011. In addition to the Committee's Report and Recommendation and all material considered by the Committee, as listed in my June letter, and the transcript of the School's appearance before the Committee, the Council had the benefit of the personal appearance made before it by President Peter M. Donohue; Dean John Y. Gotanda; Dorothy Malloy, Vice President and General Counsel of the University; the Honorable Louis J. Freeh; and the Honorable Eugene R. Sullivan.

Following the testimony provided by representatives of the School during the personal appearance before the Council and the Council's review of the written materials submitted on behalf of the School, the Council adopted a motion accepting the Report and Recommendation of the Committee and adopted the following Conclusions:

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CONCLUSIONS:

(1) The Council finds that the conduct of the Villanova University School of Law in connection with the intentional reporting of inaccurate admissions data to the ABA and to the public was reprehensible and damaging to prospective law school applicants, law students, law schools, and the legal profession. The conduct of the Law School undermines confidence in the accreditation process.

(2) The Council further finds that the University and the Law School investigated the wrongdoing; self-reported to the ABA, its students and others; and separated from the Law School all persons responsible for the misrepresentations and misleading conduct. The Law School has also taken remedial actions to ensure that misrepresentations and misleading conduct will not occur in the future.

(3) The Council concludes, in accordance with Rule 13(b), that, in light of the severity of the misconduct of the Law School, notwithstanding the remedial action undertaken, the conduct of the Villanova University School of Law in violation of Standard 101 and Interpretation 101-1, and Standard 509(a) and Interpretation 509-1(1), warrants the imposition of sanctions as prescribed by Rule 16(c).

(4) The Council further concludes that the Law School has remedied the violations.

(5) The Council further concludes that the violations established justify a sanction of probation or removal from the list of approved law schools but that, in light of the Law School's decision to self-report and to take immediate remedial action, neither of those sanctions should be imposed.

(6) The Council therefore imposes sanctions on the Villanova University School of Law as follows:

- (a) The Council will issue a public censure of the Law School, a copy of which is attached to this letter. The public censure shall be distributed by the Consultant's Office to the Deans of ABA-Approved Law Schools, and shall also be posted on the webpage of the Villanova University School of Law and on the webpage of the Section of Legal Education and Admissions to the Bar of the American Bar Association for a period of two years.

- (b) The Law School shall issue a public statement of correction to be distributed to all ABA-approved law schools. The statement shall describe good practices with respect to data reporting and offer to make available the description of the compliance plan that the School has adopted to ensure that data submissions are accurate. The statement must be submitted to the Consultant's Office for approval before distribution.

- (c) The Law School shall engage and pay an independent compliance monitor for a period of at least two years, the compliance monitor to be selected by the Section of Legal Education and Admissions to the Bar and report directly to the Accreditation Committee. The Accreditation Committee shall be delegated authority to extend the reporting requirement for additional years if a review of the compliance reports suggests that such need exists. The first report of the compliance monitor shall be submitted by May 1, 2012.

Please feel free to contact me, Deputy Consultant Dan J. Freehling, or Executive Assistant Cathy A. Schrage if you have any questions.

Sincerely yours,



Hulett H. Askew
Consultant on Legal Education
to the American Bar Association

HHA/cs
Attachment

**PUBLIC CENSURE
OF
VILLANOVA UNIVERSITY SCHOOL OF LAW
ISSUED BY THE COUNCIL OF THE SECTION OF LEGAL EDUCATION
AND ADMISSIONS TO THE BAR OF THE AMERICAN BAR ASSOCIATION**

August 12, 2011

Procedural Background

At its April 2011 meeting, the Accreditation Committee concluded that the Villanova University School of Law (the "Law School") had not been in compliance with the ABA Standards for Approval of Law Schools in the following respects:

- (a) Standard 101 and Interpretation 101-1, in that the Law School had knowingly submitted inaccurate information to the ABA in annual questionnaires.
- (b) Standard 509(a) and Interpretation 509-1(1), in that the Law School had published basic consumer information, specifically admissions data, that was inaccurate.

At its June 2011 meeting, the Accreditation Committee, following a hearing, issued a recommendation that the Council impose sanctions on the Law School. At its August 2011 meeting, the Council, following a hearing, accepted the recommendation of the Accreditation Committee and concluded as follows:

(1) The Council found that the conduct of the Villanova University School of Law in connection with the intentional reporting of inaccurate admissions data to the ABA and to the public was reprehensible and damaging to prospective law school applicants, law students, law schools, and the legal profession. The conduct of the Law School undermines confidence in the accreditation process.

(2) The Council further found that the University and the Law School investigated the wrongdoing; self-reported to the ABA, its students and others; and separated from the Law School all persons responsible for the misrepresentations and misleading conduct. The Law School has also taken remedial actions to ensure that misrepresentations and misleading conduct will not occur in the future.

(3) The Council concluded, in accordance with Rule 13(b), that, in light of the severity of the misconduct of the Law School, notwithstanding the remedial action undertaken, the conduct of the Villanova University School of Law in violation of Standard 101 and Interpretation 101-1, and Standard 509(a) and Interpretation 509-1(1), warrants the imposition of sanctions as prescribed by Rule 16(c).

(4) The Council further concluded that the Law School had remedied the violations.

(5) The Council further concluded that the violations established justify a sanction of probation or removal from the list of approved law schools but that, in light of the Law School's decision to self-report and to take immediate remedial action, neither of those sanctions should be imposed.

The Council imposed sanctions upon the Law School, including the issuance of this public censure.

The facts upon which the Council based its determination are as follows:

The Misreporting of Admissions Data

Dean John Gotanda assumed his position as Dean on January 1, 2011. Dean Gotanda had been serving as Associate Dean for Academic Affairs of the Law School at the time of his appointment and before that had served as Associate Dean for Research. In neither Associate Dean role did Dean Gotanda have responsibility for admissions.

Prior to the appointment of Dean Gotanda, the Law School had been led by an Interim Dean, who was appointed following the departure of the Former Dean in June 2009. The Former Dean served from 1997 through June 2009.

At the time of Dean Gotanda's appointment, a faculty Bar Passage Task Force was engaged in assessing the Law School's Academic Success Program and, in connection with that work, was examining a possible correlation between LSAT scores and bar passage. On January 20, 2011, the Chair of the Task Force and another member reported to Dean Gotanda that there appeared to be inaccuracies in the admissions data concerning LSAT and undergraduate GPA that had been reported to the ABA for the classes entering in fall 2008 and 2009.

On January 21, Dean Gotanda notified the University's Vice President and General Counsel about the apparent inaccuracies and the General Counsel immediately notified the President of the University. The University promptly engaged a law firm, Ropes & Gray, to conduct an independent audit and investigation. The audit and investigation was led by a former general counsel of another university, who has extensive knowledge of governance and compliance issues.

On January 25, the preliminary review of data by the investigator confirmed that the Law School had submitted inaccurate median, 75th percentile, and 25th percentile LSAT and GPA data for the entering classes in 2008 and 2009. The investigator reported that the Law School had submitted accurate LSAT and GPA data for the entering class in 2010. Based on these findings, the scope of the investigation was enlarged to encompass classes entering from 2002 (the year of the prior ABA sabbatical site evaluation) through 2007.

The expanded review of admissions data continued through February 2, 2011. In that period, Ropes & Gray and the General Counsel of the University conducted an internal investigation, which included interviews and document reviews.

The investigation found that inaccurate admissions data had been reported to the ABA since at least 2002. For the years 2005 through 2010, reported data and verified data are as follows:

Year	Reported			Verified by Investigation		
	%-ile	LSAT	GPA	%-ile	LSAT	GPA
2005	75 th	163	3.63	75 th	161	3.60
	Median	162	3.51	Median	159	3.35
	25 th	161	3.30	25 th	157	3.13
2006	75 th	163	3.62	75 th	161	3.61
	Median	162	3.44	Median	159	3.44
	25 th	160	3.27	25 th	157	3.24
2007	75 th	163	3.63	75 th	160.5	3.59
	Median	162	3.40	Median	159	3.32
	25 th	160	3.14	25 th	157	3.10
2008	75 th	163	3.64	75 th	160	3.60
	Median	162	3.49	Median	159	3.39
	25 th	160	3.19	25 th	156	3.13
2009	75 th	163	3.63	75 th	161	3.58
	Median	162	3.44	Median	159	3.33
	25 th	160	3.17	25 th	157	3.13
2010	75 th	163	3.56	75 th	163	3.56
	Median	160	3.33	Median	160	3.33
	25 th	159	3.15	25 th	159	3.15

The Law School conducted further investigations to determine whether any other data had been misreported to the ABA. The investigations revealed no misreporting as to financial or placement data. However, the investigation revealed inaccurate reporting of the number of offers extended. Specifically, the investigation determined that the actual number of offers extended was 1181 in 2007 (as compared to the 1111 reported); 1513 in 2008 (as compared to the 1196 reported); and 1519 in 2009 (as compared to the 1401 reported). These inaccuracies affected the yield on offers of admission reported by the Law School in 2007-09.

The Disclosure of Misreporting

Dean Gotanda informed the Consultant on Legal Education that there had been inaccurate reporting of admissions data as soon as Ropes & Gray had verified this fact. The Dean kept the Consultant informed regarding information revealed by the investigation as well as remedial action undertaken by the Law School.

On February 4, Dean Gotanda informed the faculty and staff, the President of the Student Bar Association, the Law School's Board of Consultors, and alumni about the reporting of inaccurate data. The Dean shortly thereafter informed the Executive Director of AALS, the President of the Law School Admissions Council, and the Director of Data Research for *U.S. News and World Report*.

Since mid-February, the Law School has posted information on its website (<http://www.law.villanova.edu/Admissions.aspx>) regarding the reporting inaccuracies and the Law School's remedial actions. The website was revised to include the following:

VLS Statement on Admissions Data

In January, 2011, the Law School discovered that inaccurate information had been provided to the American Bar Association regarding the LSAT scores and grade point averages of several entering classes. The Law School's ongoing investigation also discovered that inaccurate numbers of admissions offers were reported for several entering classes. The Law School took immediate and comprehensive measures to investigate this matter and **confirmed the accuracy of all reported admissions data for the 2010 entering class, including LSAT scores, GPAs, the number of applications, the number of admissions offers, and the composition of the 2010 entering class. Thus, the admissions data concerning the entering class of 2010 contained on this website is accurate.** As part of its investigation, the Law School had the University's Controller's Office conduct an internal review of its financial data and an independent auditor conduct an audit of its employment data. They found no material reporting errors. The Law School deeply regrets this occurrence, has held those responsible accountable for their actions, has taken appropriate steps to correct the inaccurate submissions, and has reconfigured its admissions reporting process and organizational structure as part of its commitment to a reporting system which is above reproach.

Should you have any questions, we welcome you to contact us by email at admissions@law.villanova.edu or by phone at 610-519-7010.

The Law School submitted corrected admissions data to the ABA for all years for which the ABA requested corrected information.

Responsibility for the Misreporting

The investigation found that the persons responsible for the reporting of inaccurate data were the following:

- (a) The Former Dean, who directed the misreporting activity.
- (b) The individual who at the time of discovery was serving as Associate Dean for Administration and Information Services, who was also a tenured Professor of Law and Law Librarian. This individual had supervisory responsibility for the Admissions Office and also directed misreporting activity by individuals in the Admissions Office.
- (c) The individual who at the time of discovery was serving as Assistant Dean for Admissions and Financial Aid, who falsified LSAT and GPA statistics.
- (d) The individual who at the time of discovery was serving as the Director of Admissions, who misreported admissions data.

The three persons other than the Former Dean either resigned or were promptly dismissed by the Law School. None of these four individuals remains in the employ of the University in any capacity. The investigation determined that these four individuals acted in secret, and worked to prevent other persons in the Law School and University from learning that admissions data was being misreported to the ABA.

The investigation further disclosed that a former Assistant Dean for Admissions, who left the Law School in 2006, intentionally miscalculated admissions statistics that were reported to the ABA.

Neither the Law School nor the University had directly or indirectly created incentives for any person to misreport data regarding admissions statistics.

Corrective and Preventative Action by the Law School

The Law School has corrected all published materials, both print and electronic, to ensure that accurate admissions data are being communicated.

The Law School has restructured its admissions process and reconfigured the Admissions Office to ensure the integrity of the process of generating admissions data and the data generated and reported. The Law School has also reconfigured the Faculty Admissions Committee both in terms of members and functions.

The Law School has contracted with KPMG to assess and recommend improvements to all of the School's procedures relating to ABA compliance. The recommendations implement the following general principles:

1. Reported data should be validated for completeness and accuracy and all supporting control activities, as defined within the School's ABA Reporting Procedures document, should be completed successfully and in accordance with policy.
2. Each person responsible for the collection of data (the "Data Owner") should not input the data himself or herself; rather, one person in the Law School should have the responsibility of inputting the data into the ABA system (the "Questionnaire Facilitator").
3. Prior to submission of data to the Questionnaire Facilitator, a peer review should be completed in which sampled values are validated for completeness and accuracy against source documentation. Any discrepancies that are identified should be researched and resolved prior to submission.
4. The individual responsible for the completion of the peer review process, and not the Data Owner, should submit the data to the Questionnaire Facilitator for input into the ABA System. The data should be checked for input errors once completed.
5. Prior to final submission, the Data Owner should perform a review of the inputted data to check for completeness and accuracy.

6. Prior to signing the ABA questionnaire certification and submitting the data to the ABA, the Dean should: (a) review the data for accuracy and completeness, (b) review the list of individuals with key reporting roles to determine their appropriateness to serve as Data Owners and peer reviewers (e.g., independence, competence, etc.), and (c) review for completeness and appropriateness the control confirmation report, a document which each Data Owner and peer reviewer, and the Questionnaire Facilitator must sign and certify that his or her activities have been completed in accordance with the Law School's policies and procedures for the collection and reporting of data and that the information reported is accurate and complete.

The Law School has retained the services of the law firm, Freeh, Sporkin & Sullivan, LLP, to assist it with the development and monitoring of all compliance matters relating to the ABA Annual Questionnaire. The firm will serve as an independent compliance officer for the next two reporting years.

Costs to the Law School

The Law School has estimated that it will incur significant expenses in connection with the investigation of the misreporting of admissions data, correction of previously submitted data, and developing and implementing procedures to ensure future accuracy and accountability in data submission to the ABA.

CENSURE

The Council hereby censures the Villanova University School of Law for the conduct and for the violations of the Standards described in the foregoing.