



## TEXAS AND AMERICAN BAR ASSOCIATION

November 5, 2025

### THE LONE STATE ENDS ABA'S ACCREDITATION MONOPOLY

On September 26, 2025, the Texas Supreme Court [announced](#) its preliminary approval of amendments to Rule 1 of the Rules Governing Admission to the Bar of Texas, which will transfer responsibility for law school accreditation and oversight from the American Bar Association (ABA) to the state's highest court. Texas would be the first state to break away from the ABA's accreditation system — a consequential decision that challenges the ABA's long-standing monopoly over legal education standards and could reshape the nation's legal landscape.

#### WHAT IS THE AMERICAN BAR ASSOCIATION?

Founded in 1878, the American Bar Association (ABA) is a voluntary national organization of American lawyers and law students. According to its [website](#), the ABA “works to promote the highest quality legal education, competence, ethical conduct and professionalism, as well as pro bono and public service in the legal profession.”

The ABA began developing legal education standards in the 1920s, issuing its first list of approved law schools in 1923. However, a formal accreditation process—through which schools were officially evaluated and approved—was not established until 1952.

In 1983, the Texas Supreme Court delegated its authority to establish standards for bar admission to non-governmental accreditation entities. As the *only such entity* for law schools, the court's decision effectively deputized the ABA to carry out this critical function on its behalf. Texas's legislature subsequently codified the ABA exclusive accreditation authority in 1983. Other states followed suit, shortly after, resulting in the ABA assuming monopoly status as the nation's sole recognized accrediting body for law schools.

#### ABA'S OUTDATED AND IDEOLOGICAL ACCREDITATION STANDARDS

Allowing a single private organization to control the standards for legal education stifles innovation and drives up tuition costs. For example, the ABA:

- ★ Refuses to adapt to the digital age by withholding accreditation from J.D. programs offered by non-brick-and-mortar schools.
- ★ Requires accredited schools to maintain a [certain number](#) of physical books in their libraries—regardless of their relevance or content.

But the ABA's overreach doesn't stop at outdated academic standards. More concerning, the ABA's focus on promoting excellence in legal education has given way to inappropriate ideological mandates. For example, ABA accreditation includes diversity and inclusion mandates, imposes ideological content, and violates the First Amendment by policing what attorneys are allowed to say. In pursuit of “eliminating bias and enhancing diversity,” the ABA has gained a reputation for threatening to revoke accreditation from [noncompliant schools](#).

The ABA's abuse of its accreditation powers decreases the diversity of thought in law schools, threatening to shape generations of lawyers according to political ideology rather than legal doctrine. They stifle innovation and limit competition while ignoring the unique needs of individual states, including underserved legal markets in [Texas](#). The ABA's monopoly has



made opening new law schools or pursuing alternative forms of legal education nearly impossible. These and related concerns even prompted a recent [executive order](#) from President Trump.

### TEXAS'S NEW ACCREDITATION MODEL

The Texas Supreme Court's historic rule is poised to transform legal education in the state of Texas. If other states follow suit, it could reinvigorate the nation's legal education system. The Texas Supreme Court intends to [approve law schools directly](#) rather than relying on the ABA. The court states this change is intended to make accreditation simpler, clearer, and more predictable.

- ★ No additional accreditation, compliance, or administrative burdens will be placed on currently approved law schools.
- ★ Accreditation will emphasize stability, clarity, and flexibility by relying on simple, objective, and ideologically neutral criteria—such as bar exam passage rates—instead of politically driven standards.
- ★ Texas law schools will be protected from automatic removal from the state's approved list if they lose ABA accreditation.
- ★ The portability of Texas law degrees will be preserved, allowing graduates to pursue career opportunities across the country.

### AFPI'S EFFORTS TO BREAK THE ACCREDITATION MONOPOLIES

The America First Policy Institute has long championed reforms to promote innovation and competition among accrediting agencies. For example, AFPI's [25 State Higher Education Policy Priorities](#) recommends requiring state colleges and universities to seek accreditation from new regional accreditors that support academic innovation. By challenging the ABA's monopoly, AFPI continues the fight for educational freedom.

AFPI has [long argued](#) that the ABA's requirements undermine merit-based education and infringe on academic freedom. As [described by](#) AFPI Associate Attorney, Jack Casali,

This is a meaningful victory for Texans and for the future of legal education. This decision protects the integrity of Texas's legal system and reaffirms that accreditation should be about competence, not compliance with an ideological agenda.

**TEXAS IS HELPING TO BREAK THE ABA'S OUT-OF-CONTROL ACCREDITATION MONOPOLY. OTHER STATES SHOULD FOLLOW TEXAS' LEAD!**

