



THE BUCKEYE INSTITUTE

**Public Comment in Support of Proposed
Amendments to the Supreme Court Rules for the
Government of the Bar of Ohio
(Gov.Bar R. I, II, IX, X & Appendix I)**

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Attention:
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The Buckeye Institute respectfully submits this comment in support of the Court’s proposed amendments to the Rules for the Government of the Bar of Ohio (the “Amendments”). The Amendments would expand the accreditation options beyond the American Bar Association (“ABA”). The proposed Amendments come on the heels of negotiated rules from the U.S. Department of Education that would make it easier for new accreditors to receive recognition. The Buckeye Institute supports the Ohio Amendments, which dovetail with the proposed federal changes to allow competition in law school accreditation and make accreditors more accountable.

The Amendments complement federal reforms of law school accreditation.

The U.S. Department of Education (“DOEd”) **concluded** negotiated rulemaking on May 21, 2026, which seeks to increase competition among law school accreditors. The proposed federal rules would lower entry barriers to new accreditors for receiving DOEd approval. The proposed rules would also **presume** good faith if a school switches accreditors. The new rules signal favor toward “outcome-based” (student graduation rates and bar passage rates) accreditation over the input-based accreditation status quo. Finally, the DOEd rules would require any accrediting agency with an affiliated trade association to maintain formal institutional separations between the two entities, including separate personnel, offices, and record-keeping.

The Ohio Amendments complement these federal developments at the state level. The proposed federal shift toward outcomes-based accreditation aligns with Ohio’s move to recognize any accreditor approved by the DOEd. Together, the state and federal reforms promise a more competitive and accountable framework for legal education, better oriented toward student outcomes.

Outcome-based accreditation better serves Ohio law students.

The Amendments will improve legal education in Ohio. Sole ABA accreditation hinders legal training because the ABA, like other legacy accreditors, demands a variety of “inputs” from law schools—such as a tenure structure, minimum library facilities, minimum full-time faculty, etc.—that raise tuition without clear connections to student outcomes. The federal negotiated rules recognize that student outcomes, like bar passage rates and graduation rates, are more reliable measures of lawyer quality. Adopting outcome accreditation in law schools promises to lower student costs, especially for those at “alternative” law schools trying to deliver quality education through innovative, lower-cost techniques.

The Amendments offer prospective durability.

The forward-looking nature of the Amendments provides another reason to support them. Because the DOEd rules would lower barriers to recognizing new creditors, and the Amendments would sanction any DOEd-recognized accreditor, Ohio’s standard would automatically expand to new accreditors as they enter the market. The Amendments should prove durable and will not require updating from the Court as the competitive accreditation landscape changes.

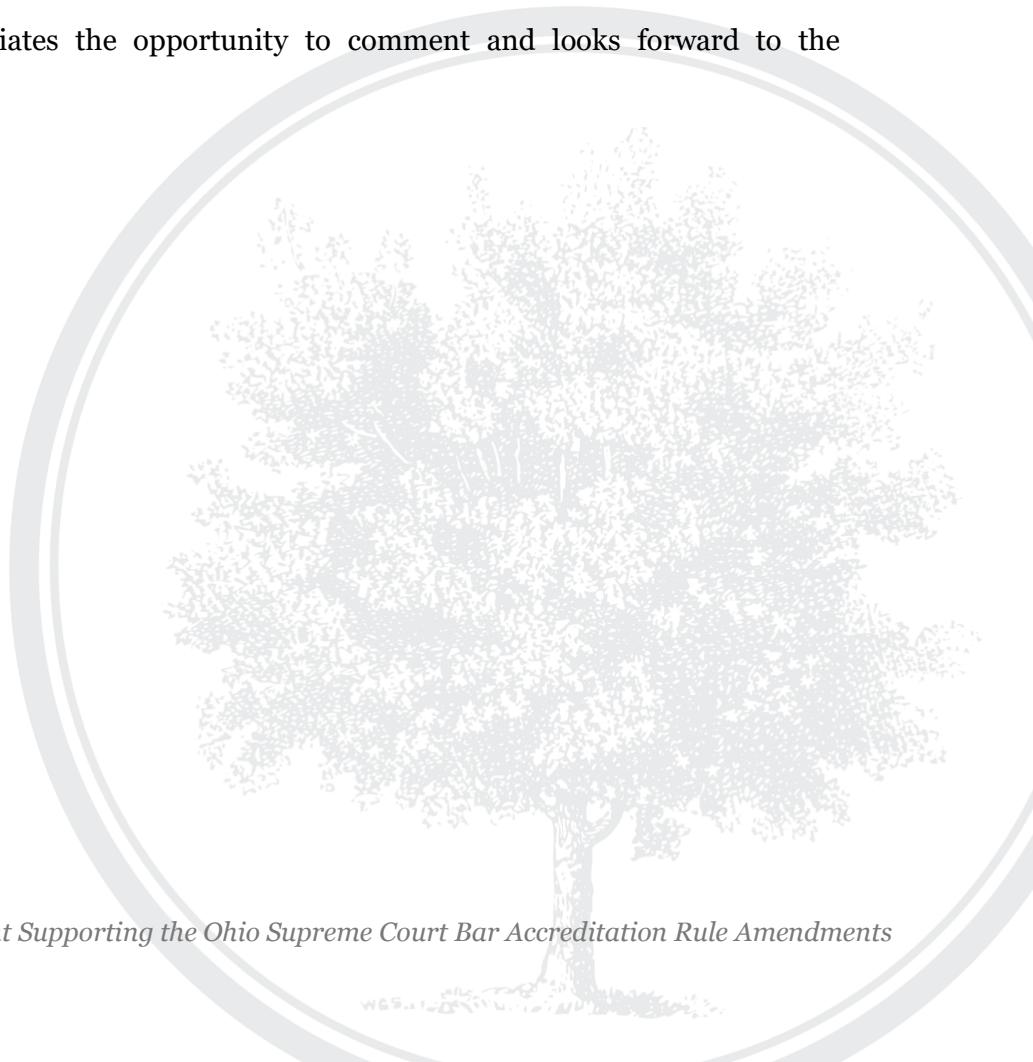
Accreditation benefits from checks on conflicts.

Any organization that simultaneously serves as accreditor and trade association for the institutions it accredits faces inherent structural tensions. An accrediting body must objectively assess educational quality. A trade association, by contrast, must advance the interests of its members. Insofar as these objectives diverge, the entity's accreditation standards may eventually reflect membership preferences rather than an independent measure of educational quality. The proposed federal rules acknowledge this structural concern by requiring formal separations between any accreditor and its affiliated trade organization. The Amendments serve the same purpose by expanding Ohio's approved accreditor pool, reducing the state's reliance on any one organization, and introducing competitive discipline into accreditation decisions.

Recommendation

The Buckeye Institute respectfully requests the Court adopt these Amendments. The Amendments permit accreditation by a state agency "subject to the guidelines established by the Supreme Court of Ohio." There are at-present no operative guidelines behind this directive, because the Court has not yet promulgated criteria that a state accreditor must meet. We respectfully ask the Court to draft and publish these criteria, along with a realistic timeline for their implementation, and to invite public comment from practitioners, law schools, and organizations such as ours during that process.

The Buckeye Institute appreciates the opportunity to comment and looks forward to the adoption of the Amendments.



About The Buckeye Institute

Founded in 1989, The Buckeye Institute is an independent research and educational institution – a think tank – whose mission is to advance free-market public policy in the states.

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