

# ENDING THE ABA'S INCLUSION TRAP

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In January, [Texas](#) and [Florida](#) took bold steps that could reshape legal education nationwide by ending the American Bar Association's (ABA) role as the sole gatekeeper for bar admission. These decisions mark the beginning of the end for the ABA's monopoly and expose a deeper problem: the organization's [accreditation standards](#), particularly its aggressive push for "diversity, equity, and inclusion" (DEI), and hostility toward religious institutions.

For decades, the ABA dominated legal education, setting standards that nearly every state required for bar eligibility. The ABA Section of Legal Education and Admissions to the Bar enforced seemingly neutral requirements on faculty qualifications, bar passage rates, and curriculum. Yet beneath the [appearance of neutrality](#), the ABA has increasingly imposed progressive mandates on law schools while [threatening](#) the schools' accreditation. For example, Standard 206, though suspended since early 2025 and extended through August 2026, originally required law schools to demonstrate "concrete action" toward diversity in student bodies, faculties, and staff with respect to race, ethnicity, and gender.

Critics, including [21 Republican state attorneys general](#) and the [Trump administration](#), argued that this DEI standard violated civil rights laws and the U.S. Supreme Court's 2023 ruling in [Students for Fair Admissions v. Harvard](#). U.S. Attorney General Pam Bondi [urged](#) the ABA to drop the standard entirely, warning that even vague "commitment to diversity" language could expose state bars to legal liability and jeopardize the ABA's federally recognized accreditor status.

The ABA's DEI initiatives have gone beyond accreditation, sometimes resulting in overt discrimination. In 2024, following complaints, the ABA revised its Judicial Clerkship Program to remove [race-based quotas](#). Separately, in early 2025, after conservative advocacy groups [urged the EEOC](#) to investigate further alleged race-based preferences, the ABA [broadened eligibility criteria](#) for its Diversity Clerkship Program.

In February 2025, Federal Trade Commission (FTC) Chair Andrew Ferguson restricted FTC political appointees from holding ABA leadership roles or participating in ABA activities in an official capacity, citing the organization's [history of partisan advocacy](#), including biased judicial-nominee ratings and amicus briefs on affirmative action, transgender ideology, capital punishment, and abortion. And in 2024, the ABA adopted [Resolution 503](#) opposing state government requirements to display the Ten Commandments in public schools, citing the historical constitutional canard of "separation of church and state."

The ABA also has a pattern of conflict with religious law schools. In August 2025, the organization [found](#) St. Thomas University College of Law in Miami out of compliance with the nondiscrimination Standard 205(c), likely because the school declined to fund an LGBTQ student group's [Pride Parade trip](#), citing its Catholic mission. Though subsection (c) explicitly protects religiously affiliated schools' ability to align policies with their faith, the ABA treated fidelity to Church teaching as a violation of equality. Florida Attorney General James Uthmeier [defended](#) the Catholic law school, condemning the move as "discriminatory" and anti-religious, vowing to protect state schools from such overreach. Consequently, on December 5, 2025, the ABA backed off, issuing a [public notice](#) concluding that St. Thomas University College of Law was in full compliance.

Similar clashes have occurred before. Brigham Young

University's J. Reuben Clark Law School [faced complaints](#) about the school's alleged practice of expelling students who left the Mormon faith or were in homosexual relationships. The ABA investigated but ultimately [closed the investigation](#) without action. Regent University School of Law had a prolonged accreditation struggle in the late 1980s and early 1990s, with ABA accreditors questioning a required [faculty statement of faith](#) and [tenure policies](#) as threats to academic freedom. Only after considerable adjustments did it gain full accreditation.

These cases reveal inclusion's irony: the ABA promotes inclusion while punishing schools holding traditional religious beliefs on sexuality and morality. Secular schools can enforce progressive norms, but faith-based schools risk losing accreditation for refusing to host activities at odds with their doctrine. This is coercion, not neutrality.

Texas and Florida's move away from the ABA favors ideologically neutral criteria, affordability, and open debate. Governor Ron DeSantis said Florida's choice ends the ABA's "[highly partisan](#)" gatekeeping. States like Ohio and Tennessee may soon follow.

The Catholic League applauds these steps. When one group controls accreditation in the name of inclusion, it ends up excluding dissent, religious liberty, and varied academic approaches. Ending the ABA's dominance advances true pluralism, allowing law schools to thrive without sacrificing their mission.