

Standards Review Committee Meeting Agenda

February 12-13, 2016

New Orleans, Louisiana

Friday, February 12, 2016

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|------------|---|
| 8 a.m. | Welcome & Introductions
Approval of September 2015 Meeting Minutes |
| 8:05 a.m. | Discussion of Items Circulated for Notice and Comment |
| 9 a.m. | Discussion of Chapter 3 |
| 10:30 a.m. | Break |
| 10:45 a.m. | Discussion Chapter 3
<i>Continued</i> |
| 12 p.m. | Lunch |
| 1:30 p.m. | Discussion of Chapter 5 |
| 3 p.m. | Break |
| 3:15 p.m. | Discussion of Chapter 5
<i>Continued</i> |
| 5 p.m. | Adjourn |

Saturday, February 13, 2016

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| 9 a.m. | Discussion of Chapter 2 |
| 10:30 a.m. | Break |
| 10:45 a.m. | Discussion of Chapter 1 |
| 12 p.m. | Adjourn |

Times are approximate and may change.

**American Bar Association
Section of Legal Education and Admissions to the Bar
Standards Review Committee**

September 18-19, 2015

Minutes

Present

Scott B. Pagel, Associate Dean, The George Washington University Jacob Burns Law Library;
Chair

Craig M. Boise, Dean; Cleveland State University Cleveland-Marshall College of Law
Dr. Anthony Caprio, President; Western New England University
Catherine L. Carpenter, Professor, Southwestern Law School
Peter A. Joy, Professor, Washington University School of Law
Lisa Kloppenberg, Dean and Professor; Santa Clara University School of Law
Peter McDonough, Interim General Counsel, American Council on Education

Guests

Cynthia Nance, Dean Emeritus and Professor, University of Arkansas School of Law;
Council Liaison

Staff

Barry Currier, Managing Director
William Adams, Deputy Managing Director
Charlotte Stretch, Assistant Consultant
JR Clark, Paralegal

Observers

Claudia Angelos, New York University School of Law; CLEA
Andi Curcio, Georgia State University College of Law; SALT
Teri McMurtry-Chubb, Mercer University Walter F. George School of Law, ALWD
Alex Scherr, University of Georgia School of Law; CLEA

The Standards Review Committee members introduced themselves. Chair Pagel invited the guests to introduce themselves.

I. Minutes

The Committee approved the minutes of the May 2015 meeting.

II. Standard 205

Chair Pagel noted that this matter is back on the Committee's agenda because the Council was not entirely comfortable with the recommendation that the Committee sent to it in June. The Council asked that the Committee review its recommendations, especially the recommendation to include the phrase, "Or any other characteristic not relevant to the applicant's ability to satisfactorily complete the school's program of legal education." The Council felt that the phrase was vague and difficult to implement. The new recommendation from the subcommittee for this meeting adds "gender identity" to the list of groups in the Standard but makes no other change.

The Committee discussed the possibility of adding "gender expression" to the list and discussed possible changes to Interpretation 205-2. After discussion, the Committee agreed to recommend that Standard 205 be added to its agenda for further review this year and to recommend no other changes at this time.

III. Standard 206

The Committee voted to split the proposed paragraph into three subparagraphs:

Standard 206. DIVERSITY AND INCLUSION

~~(a)~~ Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to:

(a) providing an environment in which diversity and inclusion are welcomed and embraced;

(b) by providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities, and

(c) a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity.

The Committee agreed to add a new second sentence in proposed Interpretation 206-2. In the third sentence of that Interpretation, the Committee agreed to change replace the words "requires having a diverse" with the word "enables."

Interpretation 206-2

A diverse and inclusive law school environment is an environment that promotes cross-cultural understanding, helps break down stereotypes, and enables students to better understand persons of different backgrounds. It also requires that a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are

diverse with respect to gender, race, and ethnicity. It also enables faculty and staff to carry out the law school's program of education in a setting that invites open and constructive dialogue among individuals who are diverse with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability.

In proposed Interpretation 206-3, the Committee made the changes that appear in bold below. In addition, the Committee divided the Interpretation into two, creating a new Interpretation 206-4.

Interpretation 206-23

~~In addition to providing full opportunities for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds. The forms of concrete action required by a law school to satisfy the obligations of this Standard are not specified. While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion under this Standard are not specified, they may include periodic assessment of and progress towards having a diverse and inclusive environment at a law school, **establishment support** of designated diversity groups, **offering provision of** mentoring opportunities, and **the** support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse and inclusive. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote diversity and inclusion. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.~~

Interpretation 206-4

The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote equal opportunity.

The Committee agreed that the changes to Standards 205 and 206 should become effectively immediately upon concurrence by the House of Delegates.

IV. Standard 304

The Committee agreed with the proposal to move the provisions regarding field placements from Standard 305 to Standard 304 and made the following changes in the recommended language:

(c) A field placement course provides substantial lawyering experience, that (1) is reasonably similar to the experience of a lawyer advising or representing a client or

engaging in other lawyering tasks in a ~~practice~~ setting outside a law clinic under the supervision of a licensed attorney, and (2) includes the following:

(i) direct supervision of the student's performance by a faculty member or site supervisor;

(ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;

(iii) ~~an agreement between~~ a written understanding among the student, faculty member, and a person in authority at the field placement (~~signed by a person in authority at the placement as well as each site supervisor for the student~~) that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;

(iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;

(v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection ~~taught by a faculty member that include the opportunity for contemporaneous, guided student reflection; and~~

(vi) evaluation of each student's educational achievement ~~shall be evaluated~~ by a faculty member; and

(vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or ~~receives sufficient training~~ shall receive

sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

To qualify as an experiential course under Standard 303, a simulation, law clinic, or field placement must also comply with the requirements set out in Standard 303(a)(3).

The Committee considered whether to include the prohibition on receiving both credit and compensation for a field placement in revised Standard 304. The Committee voted 4 to 3 to remove the prohibition that was previously Interpretation 305-2 and not include it in revised Standard 304.

The Committee agreed that the changes to Standards 304 and 305 should become effectively immediately upon concurrence by the House of Delegates.

V. Standard 503

The Committee agreed with the proposed change to Interpretation 503-1. The Council voted in August to delete Interpretation 503-3, effective Fall 2017. The Committee agreed that the change to 503-1 should become effective at the same time, if approved by the Council and concurred in by the House of Delegates. The Committee agreed that Interpretation 503-3 did not need to be circulated again for notice and comment.

VI. Matters for Consideration by the Committee in 2015-2016

The Committee discussed possible issues for consideration during the year. It agreed to suggest to the Council that the Committee add the following issues to its agenda:

- **DEFINITIONS**
 - Provide definition of “part-time program” (as used in 105(a)(12), etc.)
 - Review definition of “Dean,” to ensure that it encompasses all aspects of the position

- **CHAPTER 1**
 - Standard 102(d), to determine if additional items should be added to the list of things a provisionally approved school cannot do (example - certificate programs)
 - Standard 105 & Rule 29, to add a change in organizational structure to the list of actions requiring acquiescence (example – changing from profit to non-profit)
 - Standard 105(a)(15) & Rule 29; Standard 313; Standard 506, to clarify standards relating to non-JD programs (example - should “certificates” be included)
 - Standard 105(b), to clarify “detract from the law school’s ability”
 - Standard 106, to review to determine if additional clarification is necessary

- **CHAPTER 2**
 - Interpretation 203-1, to move away from “should” requirements
 - Interpretation 203-2, to move away from “should” requirements

- Standard 204, to respond to complaints from schools that items required in the Self-Study are redundant and unclear
- Standard 205, to consider adding the term “gender expression”
- Standard 205(c) and interpretations dealing with schools having religious affiliation or purpose, to determine if they are still required or should be modified (It is likely that an information session will be held on this topic to obtain viewpoints)
- CHAPTER 3
 - Standard 304(a) & Standard 303(a)(3), to clarify if writing courses can be considered simulation courses and if they can be counted towards the six credit hour requirement for experiential courses
 - Standard 306, to consider all issues involved, including whether 28 credits should be required before students can enroll in distance education courses, whether a course must meet the distance education requirements if a single student participates through that method, to determine if the Standard complies with DOE definitions, to determine if a limit of 15 credit hours is still appropriate, etc. (It is likely that an information session will be held on this topic to obtain viewpoints)
 - Standard 307(a), to determine how the Standard interacts with other field placement requirements
 - Standards 310 and 311, to clarify the term “direct faculty instruction” to ensure that credit hour requirement is met
 - Standard 311(c), to clarify whether the 20% rule applies only to Law School classes and how the Standard should be applied for a student in a dual degree program
 - Standard 311(d), to clarify “matriculation,” and to clarify interaction with Standard 505 (Granting of J.D. Credit for Prior Law Study)
 - Standard 312, to clarify that requirement pertains only when there is a separate division, and not just one division that offers classes throughout the day
- CHAPTER 5
 - Standard 505(d), to clarify a Standard about which the staff receives many questions
 - Standard 509(e), to provide the exact language that a Law School should include regarding the Council in any public disclosure of its status
- RULES
 - Rule 49, to eliminate the rule regarding confidentiality regarding law school accreditation proceedings (It is like that an information session will be held on this topic to obtain viewpoints)
- GENERAL
 - Establish standards for Law School degrees, certificates, etc., other than the JD
 - Review use of term “faculty” (along with “adjunct faculty” and “non-full-time faculty) throughout Standards

**American Bar Association
Section of Legal Education and Admissions to the Bar**

MEMORANDUM

TO: Interested Persons and Entities

FROM: The Hon. Rebecca White Berch, Council Chairperson
Barry A. Currier, Managing Director of Accreditation and Legal Education

DATE: December 11, 2015

SUBJECT: ABA Standards for Approval of Law Schools Matters for Notice and Comment

At its meeting held on December 4-5, 2015, the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment the following proposed revisions to the *ABA Standards and Rules of Procedure for Approval of Law Schools*:

- Standard 205
- Standard 206
- Standards 304 and 305

The proposed revisions and accompanying explanations are attached and published on the Section's website:

http://www.americanbar.org/groups/legal_education/resources/notice_and_comment.html.

We solicit and encourage written comments on the proposed changes by letter or e-mail. Written comments should be submitted no later than Friday, January 22, 2016.

A hearing on these proposed changes is scheduled for January 29, 2016, at 10 a.m. The hearing will be held at American Bar Association (321 N. Clark St.) in the Margaret Brent Conference Room on the 18th floor.

Please address written comments on the proposals and requests to speak at the hearing to JR Clark, jr.clark@americanbar.org, by Friday, January 22, 2016.

STANDARD 205

Current Standard 205 states that a law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability. In addition, it requires a law school to foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability. This proposal adds the phrase “gender identity” wherever the list of groups appears in this Standard.

The website of the Human Rights Campaign offers a definition of the phrase: “The term ‘gender identity,’ distinct from the term ‘sexual orientation’ refers to a person’s innate, deeply felt psychological identification as a man, woman or some other gender, which may or may not correspond to the sex assigned to them at birth (e.g., the sex listed on their birth certificate).”

Since this Standard already contains many groups for which the ABA does not collect statistics, it does not recommend that there be any change in data collection based on the recommended change.

Redlined:

Standard 205. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY

(a) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability.

(b) A law school shall foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability.

(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

(d) Non-discrimination and equality of opportunity in legal education includes equal employment opportunity. A law school shall communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement services the school's firm expectation that the employer will observe the principles of non-discrimination and equality of opportunity on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability in regard to hiring, promotion, retention and conditions of employment.

Interpretation 205-1

A law school may not require applicants, students, faculty or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily.

Interpretation 205-2

So long as a school complies with Standard 205(c), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, Standard 205(c) does not require a school to recognize or support organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school.

Interpretation 205-3

Standard 205(d) applies to all employers, including government agencies, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully.

Interpretation 205-4

The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an admission qualification of the school that is intended to prevent the admission of applicants on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

Interpretation 205-5

The denial by a law school of employment to a qualified individual is treated as made upon the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an employment policy of the school that is intended to prevent the employment of individuals on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

Clean:

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(b) A law school shall foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability.

(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

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Interpretation 205-3

Standard 205(d) applies to all employers, including government agencies, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully.

Interpretation 205-4

The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an admission qualification of the school that is intended to prevent the admission of applicants on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

Interpretation 205-5

The denial by a law school of employment to a qualified individual is treated as made upon the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an employment policy of the school that is intended to prevent the employment of individuals on the basis of race, color, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

STANDARD 206

In August 2014, as part of the Comprehensive Review of the Standards, the Council approved revised Standard 206. The title of the revised Standard was changed from “Equal Opportunity and Diversity” in former Standard 212 to “Diversity and Inclusion” to emphasize the purpose of the Standard. The language of Standard 206 continued to focus on providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.

A suggestion to include “gender identity, sexual orientation, age, and disability” in the list of specifically identified underrepresented groups was not adopted by the Council; however, the Council leadership indicated that it would continue to review the issue. Following the Comprehensive Review, the Council directed the Standards Review Committee to review the concerns raised and to draft any appropriate recommendations.

The Standards Review Committee presented possible revisions to Standard 206 to the Council in June 2015. The text of proposed Standard 206 stated: “Consistent with sound legal education policy and the Standards, a law school shall provide an environment in which diversity and inclusion are welcomed and embraced. A law school shall demonstrate this commitment to diversity and inclusion by concrete action.” During the discussion of the proposed revisions at the Council Meeting, Council members expressed concern that the proposed changes would result in diluting the Standards’ commitment to historically underrepresented groups. The Council discussed the possibility of separating into two different provisions the commitment to historically underrepresented groups and the requirement of having an environment in which diversity and inclusion are welcomed and embraced.

Rather than send the proposal out for comment as drafted, the Council decided to ask the Committee to consider the concerns raised and draft revised recommendations.

These proposed revisions are responsive to the Council’s concerns. The revised Standard would require a school to demonstrate by concrete action (1) a commitment to providing an environment in which diversity and inclusion are welcomed and embraced; (2) a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities; and (3) a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity.

Before moving to the Interpretations, it is important to say something about the use of and requirement for statistics under this Standard. Standard 206 always has been viewed as an “efforts” standard for which statistics alone are not adequate proof that a school has succeeded or failed in showing by concrete action a commitment to providing full opportunities for the study of law and entry into the profession. The proposed changes would not require that any additional statistics be gathered annually or regularly in order to demonstrate compliance with the Standard. The requirement that a school must demonstrate a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity set out in

proposed Standard 206(b) remains unchanged, and statistics on those characteristics would continue to be collected and used to assist in the determination of whether a diverse community exists with regard to these three areas under that Standard. Proposed Standard 206(a)'s requirement that the law school provide an environment that welcomes and embraces diversity in its broadest sense is not one that is discernable through statistics, but only through a recitation of efforts undertaken to create a diverse and inclusive environment.

Interpretation 206-1 is unchanged. A new Interpretation 206-2 describes the value of creating a diverse and inclusive environment.

For an overall commitment to diversity and inclusion, new Interpretation 206-3 specifies no required steps to demonstrate compliance but does offer a list of the types of actions that might be taken to satisfy the Standard. The language of the current Interpretation 206-2 that "[t]he determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved," is retained in the new Interpretation 206-3. For some groups, positive (or negative) results can be ascertained during site visits by interviewing faculty and students. For those groups for which statistics are required, the numerical results could be an important method of showing the outcome of efforts. However, in some settings, a law school may be fortuitous in having a diverse population without having taken any action, and so information regarding statistical results alone would not prove adequate to show the efforts made in order to demonstrate a commitment to diversity and inclusion.

For members of underrepresented groups, new Interpretation 206-4 takes the language of the former Interpretation 206-2 in setting out how a school demonstrates a commitment to providing full opportunities for members of these groups (the admission process, special recruitment efforts, and programs that assist in meeting the special academic and financial needs of many of these students).

Redlined:

Standard 206. DIVERSITY AND INCLUSION

~~(a)~~—Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to:

(a) providing an environment in which diversity and inclusion are welcomed and embraced;

(b) by providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities, and

(c) a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity.

~~(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.~~

Interpretation 206-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

A diverse and inclusive law school environment is an environment that promotes cross-cultural understanding, helps break down stereotypes, and enables students to better understand persons of different backgrounds. It also enables faculty and staff to carry out the law school's program of education in a setting that invites open and constructive dialogue among individuals who are diverse with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability.

Interpretation 206-2₃

~~*In addition to providing full opportunities for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds. The forms of concrete action required by a law school to satisfy the obligations of this Standard are not specified. While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion under this Standard are not specified, they may include periodic assessment of and progress towards having a diverse and inclusive environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse and inclusive. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote diversity and inclusion. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.*~~

Interpretation 206-4

The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote equal opportunity.

Clean:

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- (a) providing an environment in which diversity and inclusion are welcomed and embraced;
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- (c) having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity.

Interpretation 206-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

A diverse and inclusive law school environment is an environment that promotes cross-cultural understanding, helps break down stereotypes, and enables students to better understand persons of different backgrounds. It also requires that a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are diverse with respect to gender, race, and ethnicity. It also enables faculty and staff to carry out the law school's program of education in a setting that invites open and constructive dialogue among individuals who are diverse with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability.

Interpretation 206-3

While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion under this Standard are not specified, they may include periodic assessment of and progress towards having a diverse and inclusive environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse and inclusive. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.

Interpretation 206-4

The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote equal opportunity.

STANDARDS 304 and 305

The proposal moves the field placement experience from Standard 305 into Standard 304 with simulation courses and law clinics, the other categories of experiential learning identified in the Standards. The assumption is that the experiences from field placements are more in keeping with those programs than with offerings such as law review and moot court, which are covered in Standard 305. In moving field placements to Standard 304, requirements are added that are commensurate with those required for clinics and simulation courses—a means of guided reflection; opportunities for performance, feedback, and self-evaluation; and direct supervision. The new Standard also defines a field placement course as one that provides substantial lawyering experience and calls for the creation of a written understanding for the experience. It also imports components from Standard 305 such as the requirement for appropriate prerequisites or sufficient training, and the need for credit granted to be commensurate with the time and effort required. The revision removes any distinctions in the requirements for these programs based on credits offered, and mandates that records should be maintained for all placements. The revision also requires that law schools maintain sufficient control of the student experience at the field placement site to ensure that the requirements of the Standard are met.

Standard 305 remains to provide guidance for other academic study that does not involve attendance at a regularly scheduled class session, including, but not limited to, moot court, law review, and directed research. A new interpretation is added to Standard 305 similar to that recently adopted for Standard 304 that alerts schools that any program offered under the Standard that is intended to satisfy Standard 303 (as a writing experience or an experiential course) must comply with the requirements of that Standard.

The changes in Standard 304 and 305 require citation changes in Standard 307 (in which field placements outside of the United States are described), and in Interpretation 311-2 (in which calculation of credit hours is described).

Please note that this proposal eliminates current Interpretation 305-2 (“A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation.”) and does not include a similar prohibition in revised Standard 304. The proposal is based on the assumption that adequate protections have been created in the revised Standard so as to ensure that students participating in field placements for which compensation is offered would be receiving a substantial lawyering experience deserving of academic credit.

Redlined:

Standard 304. SIMULATION COURSES, ~~AND~~-LAW CLINICS, AND FIELD PLACEMENTS

(a) A simulation course provides substantial experience not involving an actual client that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following:

- (i) direct supervision of the student's performance by the faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(c) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member or site supervisor;
- (ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;
- (iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
- (v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; ~~and~~
- (vi) evaluation of each student's educational achievement by a faculty member; and

(vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

To qualify as an experiential course under Standard 303, a simulation, law clinic, or field placement must also comply with the requirements set out in Standard 303(a)(3).

Standard 305. ~~FIELD PLACEMENTS AND OTHER~~ ACADEMIC STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, but not limited to, courses approved as part of a field placement program, moot court, law review, and directed research.

(b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's educational achievement in such a course shall be evaluated by a faculty member. ~~When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.~~

~~(d) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.~~

~~(e) A field placement program shall include:~~

~~(1) a clear statement of its goals and methods, and a demonstrated relationship between those goals and methods and the program in operation;~~

~~(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;~~

~~(3) a clearly articulated method of evaluating each student's academic performance involving both a faculty member and the site supervisor;~~

~~(4) a method for selecting, training, evaluating, and communicating with site supervisors;~~

~~(5) for field placements that award three or more credit hours, regular contact between the faculty supervisor or law school administrator and the site supervisor to assure the quality of the student educational experience, including the appropriateness of the supervision and the student work;~~

~~(6) a requirement that each student has successfully completed sufficient prerequisites or receives sufficient training to assure the quality of the student educational experience in the field placement program; instruction equivalent to 28 credit hours toward the J.D. degree before participation in the field placement program; and~~

~~(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student may earn three or more credit hours in a field placement program, the opportunity for student reflection must be provided contemporaneously.~~

~~(f) A law school that has a field placement program shall develop, publish, and communicate to students and site supervisors a statement that describes the educational objectives of the program.~~

Interpretation 305-1

To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 303(a)(3).

Interpretation 305-1

Regular contact may be achieved through in-person visits or other methods of communication that will assure the quality of the student educational experience.

Interpretation 305-2

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

Interpretation 305-3

To qualify as an experiential course under Standard 303, a field placement must also comply with the requirements set out in Standard 303(a)(3).

Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED STATES

(a) A law school may grant credit for (1) studies or activities outside the United States that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council and (2) field placements outside the United States that meet the requirements of Standard ~~305~~-304 and are not held in conjunction with studies or activities that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.

Standard 311. ACADEMIC PRORAM AND ACADEMIC CALENDAR

...

Interpretation 311-2

(a) In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(b), the credit hours may include:

- (1) Credit hours earned by attendance in regularly scheduled classroom sessions or direct faculty instruction;*
- (2) Credit hours earned by participation in a simulation course or law clinic in compliance with Standard 304;*
- (3) Credit hours earned through distance education in compliance with Standard 306; and*
- (4) Credit hours earned by participation in law-related studies or activities in a country outside the United States in compliance with Standard 307.*

(b) In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(b), the credit hours shall not include any other coursework, including, but not limited to:

- (1) Credit hours earned through field placements in compliance with Standard 304 and other study outside of the classroom in compliance with Standard 305;*
- (2) Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning;*
- (3) Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and*
- (4) Credit hours earned by participation in studies or activities in a country outside the United States in compliance with Standard 307 for studies or activities that are not law-related.*

Clean:

Standard 304. SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS

(a) A simulation course provides substantial experience not involving an actual client that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in

other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member, and (2) includes the following:

- (i) direct supervision of the student's performance by the faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(b) A law clinic provides substantial lawyering experience that (1) involves advising or representing one or more actual clients or serving as a third-party neutral, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member;
- (ii) opportunities for performance, feedback from a faculty member, and self-evaluation;
and
- (iii) a classroom instructional component.

(c) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:

- (i) direct supervision of the student's performance by a faculty member or site supervisor;
- (ii) opportunities for performance, feedback from either a faculty member or a site supervisor, and self-evaluation;
- (iii) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (iv) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
- (v) a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection;

(vi) evaluation of each student's educational achievement by a faculty member; and

(vii) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(c)(iii).

(d) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(e) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

To qualify as an experiential course under Standard 303, a simulation, law clinic, or field placement must also comply with the requirements set out in Standard 303(a)(3).

Standard 305. OTHER ACADEMIC STUDY

(a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, but not limited to, moot court, law review, and directed research.

(b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student's educational achievement in such a course shall be evaluated by a faculty member.

Interpretation 305-1

To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 303(a)(3).

Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED STATES

(a) A law school may grant credit for (1) studies or activities outside the United States that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council and (2) field placements outside the United States that meet the requirements of Standard 304 and are

not held in conjunction with studies or activities that are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.

Standard 311. ACADEMIC PRORAM AND ACADEMIC CALENDAR

...

Interpretation 311-2

(a) In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(b), the credit hours may include:

- (1) Credit hours earned by attendance in regularly scheduled classroom sessions or direct faculty instruction;*
- (2) Credit hours earned by participation in a simulation course or law clinic in compliance with Standard 304;*
- (3) Credit hours earned through distance education in compliance with Standard 306; and*
- (4) Credit hours earned by participation in law-related studies or activities in a country outside the United States in compliance with Standard 307.*

(b) In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(b), the credit hours shall not include any other coursework, including, but not limited to:

- (1) Credit hours earned through field placements in compliance with Standard 304 and other study outside of the classroom in compliance with Standard 305;*
- (2) Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning;*
- (3) Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and*
- (4) Credit hours earned by participation in studies or activities in a country outside the United States in compliance with Standard 307 for studies or activities that are not law-related.*

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Draft Memorandum

TO: The Hon. Rebecca White Berch, Chair
Council of the Section of Legal Education and Admissions to the Bar

FROM: Scott B. Pagel, Chair
Standards Review Committee

DATE: February xx, 2016

I am writing to report on the comments received regarding the proposed revisions to the *ABA Standards and Rules of Procedure for Approval of Law Schools* approved by the Council for Notice and Comment during its meeting held on December 4-5, 2015. A total of 53 written comments were received. In addition, a hearing was held on January 29, 2016, at the ABA Headquarters at which a speaker representing CLEA, a speaker representing SALT, and a speaker representing both the ABA Commission on Sexual Orientation and Gender Identity and the ABA Commission on Disability Rights offered testimony.

Comments Received & Response of Standards Review Committee

1. Standard 205 – The Standard currently states that a law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability. In addition, it requires a law school to foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability. It is proposed that the Standard be modified to add the phrase “gender identity” wherever a list of groups appears in this Standard.

Comments Received Supporting the Change:

- SALT (Sara Rankin & Denise Roy)
- SOGI Commission (Mark Johnson Roberts)
- Victor Romero (Penn State)

Testimony: No Testimony Received

SRC Action: The SRC recommends that

2. Standard 206 – It is proposed that current 206(a) and 206(b) be merged and that the revised Standard require a school to demonstrate by concrete action (1) a commitment to providing an environment in which diversity and inclusion are welcomed and embraced; (2) a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities; and (3) a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity. A new Interpretation 206-2 would be added to describe the benefits of having a diverse and inclusive law school environment with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability. A new Interpretation 206-3 retains the language of former Interpretation 206-2 and adds a list of the types of actions that might be taken to satisfy the Standard. New Interpretation 206-4 retains the language of former Interpretation 206-2 with regard to setting out how a school demonstrates a commitment to providing full opportunities for members of underrepresented groups.

Comments Received Supporting the Change:

- SALT (Sara Rankin & Denise Roy)
- Victor Romero (Penn State)
- Anna Nolan (Recent law school graduate)

Comments Received Opposing the Change:

- ABA Commission on Sexual Orientation and Gender Identity (Mark Johnson Roberts)
- ABA Commission on Disability Rights (Mark D. Agrast)

Testimony: Skip Harsch offered testimony on behalf of the Commission on Sexual Orientation and Gender Identity and the Commission on Disability Rights. Those groups believe that the proposed language does not require “concrete action” in support of the commitment to an environment in which diversity and inclusion are welcomed and embraced. They also believe that reinstating the language from the original Standard regarding full opportunities for the study of law and entry to the profession by members of underrepresented groups, and having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity, explicitly disavows the efforts to require law schools to provide full opportunities for the study of law and entry to the profession by persons with disabilities and LGBT individuals.

SRC Action: The SRC recommends that

3. Standard 304 & Standard 305 – The proposal moves the field placement experience from Standard 305 into Standard 304 with simulation courses and law clinics, the other categories of experiential learning identified in the Standards. The assumption is that the experiences from field placements are more in keeping with those programs than with offerings such as law review and moot court, which are covered in Standard 305. In moving field placements to Standard 304, requirements are added that are commensurate with those required for clinics and simulation courses—a means of guided reflection; opportunities for performance, feedback, and self-evaluation; and direct supervision. The

new Standard also defines a field placement course as one that provides substantial lawyering experience and calls for the creation of a written understanding for the experience. It also imports components from Standard 305 such as the requirement for appropriate prerequisites or sufficient training, and the need for credit granted to be commensurate with the time and effort required. The revision removes any distinctions in the requirements for these programs based on credits offered, and mandates that records should be maintained for all placements. The revision also requires that law schools maintain sufficient control of the student experience at the field placement site to ensure that the requirements of the Standard are met.

Standard 305 remains to provide guidance for other academic study that does not involve attendance at a regularly scheduled class session, including, but not limited to, moot court, law review, and directed research. A new interpretation is added to Standard 305 similar to that recently adopted for Standard 304 that alerts schools that any program offered under the Standard that is intended to satisfy Standard 303 (as a writing experience or an experiential course) must comply with the requirements of that Standard.

The changes in Standard 304 and 305 require citation changes in Standard 307 (in which field placements outside of the United States are described), and in Interpretation 311-2 (in which calculation of credit hours is described).

This proposal eliminates current Interpretation 305-2 (“A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation.”) to remove the prohibition on students receiving pay for credit-bearing externships and does not include a similar prohibition in revised Standard 304. The proposal is based on the assumption that adequate protections have been created in the revised Standard so as to ensure that students participating in field placements for which compensation is offered would be receiving a substantial lawyering experience deserving of academic credit.

Comments Received Supporting the Change in Standard 304(c) and Opposing the Elimination of Interpretation 305-2:

- CLEA (Maritza Karmely)
- SALT (Sara Rankin & Denise Roy)
- AALS Section on Clinical Legal Education
- Carol Chomsky (University of Minnesota)
- Amy Vessels (University of Denver)
- Inda N. Laurent (Gonzaga University)
- Maylinn Smith (University of Montana)
- Carolyn Wilkes Kaas (Quinnipiac University)
- Eden Harrington (University of Texas)
- Jeffrey R. Baker (Pepperdine University)
- Rachel L. Reeves (University of Maine)
- Cynthia Batt (Stetson University)
- Daniel M. Schaffzin (University of Memphis)

- Ragini N. Shah (Suffolk University)
- Kathy Hessler (Lewis & Clark Law School)
- Josh Gupta-Kagan (University of South Carolina)
- Anne Hornsby (University of Alabama)
- Linda F. Smith (University of Utah)
- Sarah French Russell (Quinnipiac University)
- Carole Heyward (Cleveland-Marshall College of Law)
- Stephen B. Pershing (Washington Consortium for Law Externships and Exchange)
- Five faculty from Case Western Reserve University (Laura E. McNally-Levine, Judith Lipton, Matthew Rossman, Andrew Pollis, Ayesha B. Hardaway)
- Two faculty from Georgia State University (Lisa Bliss, Kendall Kerew)
- Four faculty from University of Michigan (David H. Baum, Robert E. Hirshon, Amy Sankaran, David Santacroce)
- Fifteen faculty from Berkeley Law School (Roxanna Altholz, Ty Alper, Michelle J. Cole, Cheryl Dyer Berg, Laurel E. Fletcher, Henry L. Hecht, David Oppenheimer, Patricia Plunkett Hurley, Claudia Polsky, Susan Schechter, Jeffrey Selbin, Elisabeth Semel, Lucinda Sikes, Lindsay Sturges Saffouri, Kate Weisburd)
- Six faculty from California Western School of Law (Mark Weinstein, Linda Morton, Roberta Thyfault, Tim Casey, Ken Klein, Floralynn Einesman)
- Thirteen faculty from New York Area Law Schools
 - Jodi S. Balsam (Brooklyn Law School)
 - Frank Bress (New York Law School)
 - Stacy Caplow (Brooklyn Law School)
 - Jennifer A. Gundlach (Hofstra University)
 - Mariana Hogan (New York Law School)
 - Eric Lane (Hofstra University)
 - Mary Lynch (Albany Law School)
 - Nancy M. Maurer (Albany Law School)
 - Sarah Rogerson (Albany Law School)
 - Beth G. Schwartz (Fordham University)
 - Marjorie Silver (Touro College)
 - Lisa Smith (Brooklyn Law School)
 - Margaret M. Williams (Touro College)
- Twelve faculty from California Law Schools
 - Malissa Barnwell-Scott (University of Southern California)
 - Sande L. Buhai (Loyola Law School)
 - Rebecca A. Delfino (Loyola Law School)
 - Niels Frenzen (University of Southern California)
 - Anahid Gharakhanian (Southwestern Law School)
 - Carolyn Young Larmore (Chapman University)
 - Kristen Martin (Western State College of Law)
 - Lisa Mead (UCLA)
 - Sue Schechter (Berkeley Law)
 - Mai Linh Spencer (Hastings College of the Law)
 - Jory Steele (Stanford University)

- Nancy Stuart (Hastings College of the Law)

Comments Received Opposing the Elimination of Interpretation 305-2 with No Comment on Standard 304(c):

- Joyce Rosenberg (University of Kansas)
- Tamar R. Birckhead (University of North Carolina)
- Mary Helen McNeal (Syracuse University)
- Lawrence Krieger (Florida State University)
- Mary Nagel (John Marshall Law School)
- Alexander M. Meiklejohn (Quinnipiac University)
- Avis L. Sanders (American University)
- Robert E. Kaplan (William & Mary)
- Kenneth J. Kowalski (Cleveland State University)
- Robert R. Kuhn (Washington University)
- Sarah M. Shalf (Emory University)
- Two faculty from University of Arkansas at Little Rock (Kelly S. Terry, Michael Hunter Schwartz)

Comments Received Supporting the Change in Standard 304(c) and Supporting the Elimination of Interpretation 305-2:

- ABA Law Student Division Board of Governors
- Victor C. Romero (Penn State Law)
- Christopher Jennison (Law student, Syracuse University)

Comments Received Supporting the Elimination of Interpretation 305-2 with No Comment on Standard 304(c):

- ABA Standing Committee on Professionalism (Jayne R. Reardon)
- New York City Bar (Debra L. Raskin)
- David Yassky (Pace University)
- Thomas Wheatley (Law student, George Mason University)
- Peter Donohue (Law student, George Mason University)

Comments Received Supporting the Change in Standard 304(c) with Suggestions:

- Clarify “other lawyering tasks.” (Sonya C. Miller, University of South Dakota)
- Change first sentence of 304(c) from “A field placement course provides substantial...” to “A faculty-supervised field placement course provides substantial...”
- Change beginning of 304(c)(vii) from “sufficient control of the student experience to ensure that the requirements...” to “sufficient control of the student experience, including adequate resources, to ensure that the requirements...”
 - Suggestions from Bay Area Consortium on Externships, and Greater Los Angeles Consortium on Externships:

- Malissa Barnwell-Scott (USC)
- Sande L. Buhai (Loyola Law School)
- Rebecca A. Delfino (Loyola Law School)
- Niels Frenzen (USC)
- Nira Geevargis (University of San Francisco)
- Anahid Gharakhanian (Southwestern Law School)
- Carolyn Young Larmore (Chapman University)
- Brittany Glidden (Golden Gate University)
- Kristen Martin (Western State College of Law)
- Lisa Mead (UCLA)
- Sue Schechter (Berkeley Law)
- Mai Linh Spencer (Hastings College of the Law)
- Jory Steele (Stanford University)
- Nancy Stuart (Hastings College of the Law)

Testimony: Alexander Scherr offered testimony on behalf of CLEA and Emily Benfer offered testimony on behalf of SALT. Both speakers supported the changes made to Standards 304 and 305, but opposed the removal of the interpretation prohibiting the award of credit for externships for which the student receives compensation. Both believed that the granting of credit for these externships would change the nature of the activity and that the supervising employer would be more likely to assign tasks that would benefit the employer and not benefit the student's education growth. They did not believe that the safeguards placed in the new Standards would mitigate the risks of giving credit for paid externships nor increase oversight of compliance where those risks are greater. They also believed that law schools would face pressure to approve credit for placements that are less likely to provide educational value. They expressed concern that removing the interpretation would discourage students from participating in public interest and public service field placements.

SRC Action: The SRC recommends that

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 206. Diversity and Inclusion

Alternative Standard 206 for discussion by the Standards Review Committee during its meeting of February 12-13, 2016

Standard 206. DIVERSITY AND INCLUSION

- (a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to providing an environment in which diversity and inclusion are welcomed and embraced. Such an environment promotes cross-cultural understanding, helps break down stereotypes, and enables students to better understand persons of difference backgrounds. It enables faculty and staff to carry out the law school's program of education in a setting that invites open and constructive dialogue among individuals who are diverse with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age, and disability.
- ~~(b)~~(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.
- ~~(c)~~(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.

Interpretation 206-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

In addition to providing full opportunity for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds. The forms of

~~concrete action required by a law school to satisfy the obligations of this Standard are not specified. While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion under this standard are not specified, they may include periodic assessment of and progress towards having a diverse and inclusive environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse and inclusive. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote diversity and inclusion. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.~~

Interpretation 206-3

The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote equal opportunity.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 304. Simulation Courses and Law Clinics

Possible amendment to Standard 304 for consideration by the Standards Review Committee during its February 12-13, 2016, meeting

Interpretation 304-2

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable and out of pocket expenses related to the field placement.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Chapter 3

- Craig Boise
 - Catherine Carpenter
 - Peter Joy (Chair)
1. Standard 304(a) & Standard 303(a)(3) to clarify if writing courses can be considered simulation courses and if they can be counted towards the six credit hour requirement
 2. Standard 306, to consider all issues involved, including whether 28 credits should be required before students can enroll in distance education courses, whether a course must meet the distance education requirements if a single student participates through that method, to determine if the Standard complies with DOE definitions, to determine if 15 credit hours is still appropriate, etc.
 3. Standard 307(a), to determine how the Standard interacts with other field placement requirements
 4. Standards 310 and 311, to clarify the term “direct faculty instruction” to ensure that the credit hour requirement is met
 5. Standard 311(c), to clarify whether the 20% rule applies only to law school classes and how the Standard should be applied for a student in a dual degree program
 6. Standard 311(d), to clarify “matriculation,” and to clarify interaction with Standard 505
 7. Standard 312, to clarify that the requirement pertains only when there is a separate division and not just one division that offers classes throughout the day
 8. Standard 316

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Redlined:

Interpretation 303-1

A law school may not permit a student to use course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper-class writing requirement [see 303(a)(2)] or as a simulation course [see 303(a)(3) and 304(a)] provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard.

Clean copy:

Interpretation 303-1

A law school may not permit a student to use course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper-class writing requirement [see 303(a)(2)] or as a simulation course [see 303(a)(3) and 304(a)] provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Redlined:

Standard 311. ACADEMIC PROGRAM AND ACADEMIC CALENDAR

- (d) Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school's J.D. program of study, except for credit that may be granted pursuant to Standard 505. A law school may not grant credit toward the J.D. degree for work taken in a pre-admission program.

Clean copy:

Standard 311. ACADEMIC PROGRAM AND ACADEMIC CALENDAR

- (d) Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school's J.D. program of study, except for credit that may be granted pursuant to Standard 505. A law school may not grant credit toward the J.D. degree for work taken in a pre-admission program.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Redlined:

Standard 316. BAR PASSAGE

(a) At least 75 percent of a law school's graduates in a calendar year who sat for a bar examination must have passed a bar examination within two years of their date of graduation.

~~(a) A law school's bar passage rate shall be sufficient, for purposes of Standard 301(a), if the school demonstrates that it meets any one of the following tests:~~

~~That for students who graduated from the law school within the five most recently completed calendar years:~~

~~75 percent or more of these graduates who sat for the bar passed a bar examination; or
In at least three of these calendar years, 75 percent of the students graduating in those years and sitting for the bar have passed a bar examination.~~

~~In demonstrating compliance under sections (1)(i) and (ii), the school must report bar passage results from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency.~~

~~That in three or more of the five most recently completed calendar years, the school's annual first-time bar passage rate in the jurisdictions reported by the school is no more than 15 points below the average first-time bar passage rates for graduates of ABA-approved law schools taking the bar examination in these same jurisdictions.~~

~~In demonstrating compliance under section (2), the school must report first-time bar passage data from as many jurisdictions as necessary to account for at least 70 percent of its graduates each year, starting with the jurisdiction in which the highest number of graduates took the bar exam and proceeding in descending order of frequency. When more than one jurisdiction is reported, the weighted average of the results in each of the reported jurisdictions shall be used to determine compliance.~~

~~A school shall be out of compliance with this Standard if it is unable to demonstrate that it meets the requirements of paragraph (a)(1) or (2).~~

(b) A law school found out of compliance under paragraph ~~(a)(b)~~ and that has not been able to come into compliance within the ~~two-year period~~ time period set by the Accreditation Committee under specified in Rule 14(b)13(b) of the Rules of Procedure for Approval of

Law Schools, may seek to demonstrate good cause for extending the period the law school has to demonstrate compliance by submitting evidence of:

- (1) ~~The law school's trend in bar passage rates for both first-time and subsequent takers: a clear trend of improvement will be considered in the school's favor, a declining or flat trend against it.~~
- (2) Actions by the law school to address the inadequate bar passage results of its graduates in the form of academic support and bar preparation efforts involving the entire faculty. ~~The length of time the law school's bar passage rates have been below the first-time and ultimate rates established in paragraph A: a shorter time period will be considered in the school's favor, a longer period against it.~~
- (3) Actions taken by the law school to implement a program to assist its graduates who did not pass the bar examination in addressing their deficiencies. ~~Actions by the law school to address bar passage, particularly the law school's academic rigor and the demonstrated value and effectiveness of its academic support and bar preparation programs; value-added, effective, sustained and pervasive actions to address bar passage problems will be considered in the law school's favor; ineffective or only marginally effective programs or limited action by the law school against it.~~
- ~~(4) Efforts by the law school to facilitate bar passage for its graduates who did not pass the bar on prior attempts: effective and sustained efforts by the law school will be considered in the school's favor; ineffective or limited efforts by the law school against it.~~
- ~~(4)(5) Efforts by the law school to provide broader access to legal education while maintaining academic rigor; sustained meaningful efforts will be viewed in the law school's favor intermittent or limited efforts by the law school against it.~~
- ~~(6) The demonstrated likelihood that the law school's students who transfer to other ABA-approved schools will pass the bar examination: transfers by students with a strong likelihood of passing the bar will be considered in the school's favor, providing the law school has undertaken counseling and other appropriate efforts to retain its well-performing students.~~
- ~~(5)(7) Temporary circumstances beyond the control of the law school, but which the law school is addressing for example, a natural disaster that disrupts operations or a significant increase in the standard for passing the relevant bar examination(s).~~
- ~~(6)(8) Other factors that the law school considers relevant, consistent with a law school's demonstrated and sustained mission, which the school considers relevant in explaining its deficient bar passage results and in explaining the school's efforts to improve them.~~

Clean copy:

Standard 316. BAR PASSAGE

- (a) At least 75 percent of a law school's graduates in a calendar year who sat for a bar examination must have passed a bar examination within two years of their date of graduation.
- (b) A law school found out of compliance under paragraph (a) and that has not been able to come into compliance within the time period set by the Accreditation Committee under Rule 14(b) of the Rules of Procedure for Approval of Law Schools, may seek to demonstrate good cause for extending the period the law school has to demonstrate compliance by submitting evidence of:
 - (1) The law school's trend in bar passage rates.
 - (2) Actions by the law school to address the inadequate bar passage results of its graduates in the form of academic support and bar preparation efforts involving the entire faculty.
 - (3) Actions taken by the law school to implement a program to assist its graduates who did not pass the bar examination in addressing their deficiencies.
 - (4) Efforts by the law school to provide broader access to legal education while maintaining academic rigor.
 - (5) Temporary circumstances beyond the control of the law school, but which the law school is addressing.
 - (6) Other factors that the law school considers relevant.

American Bar Association
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Standards Review Committee

Example for Standard 316 Proposal

In 2016, there are 10 graduates in January and 100 in June. The January graduates have to pass by January 2018 and the June graduates have to pass by June 2018.

Assume that the AC will look at the whole calendar year together, so you can't assess whether the school has complied until June 2018, even if the graduates in January will have to pass by January 2018.

If calculated by calendar year, 75% of the 110 graduates from 2016 would need to pass a bar examination within two years of their date of graduation. If only 5 of the 10 January graduates pass within 2 years (50%) and 80 of the 100 June graduates pass within 2 years (80%), a total of 85 graduates, or 77% pass within 2 years of graduation.

**American Bar Association
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Chapter 3 Discussion Points

1. Standards 310 and 311, to clarify the term "direct faculty instruction" to ensure that the credit hour requirement is met.

There appears to be two questions here. The first question is what direct faculty instruction means in Standard 310. At present it means either classroom instruction, as set out in Standard 310(b)(1) or direct faculty supervision in a law clinic under Standard 304(b)(i). This is also spelled out in Interpretation 311-1. Peter thinks that it is presently spelled out, but obviously others may disagree or may question whether it should be changed.

The second issue is whether the Standard 311(a) requirement that 64 of the 83 credits be in these faculty instructed or direct supervision courses. Given the expansion of externships, co-curricular credit, supervised research, and the possibility that seminars that do not meet regularly as a class may fall short of the faculty instruction in Standard 310, perhaps we should reduce the number of credits in classroom courses and direct faculty instruction clinic to 55 credits, which is two-thirds of an 83 credit hours, or perhaps we should do away with the requirement altogether and leave it up to every law school faculty to decide for themselves whether a certain amount of instruction must be in particular types of courses.

2. Standard 311(c), to clarify whether the 20% rule applies only to law school classes and how the Standard should be applied for a student in a dual degree program.

It presently states that the 20% rule applies to the total credit hours required by a law school for graduation. So, if the law school counts the credits toward the JD, then the rule applies.

The Chapter 3 Group discussion about this issue raised the question about whether there should be a 20% rule in the Standards.

Tabled

1. Standard 312, to clarify that the requirement pertains only when there is a separate division and not just one division that offers classes throughout the day.

This is tabled until the Chapter 1 Group decides whether it will continue to use "division" as the proper term.

2. Standard 307(a), to determine how the Standard interacts with other field placement requirements.

This is tabled for the Foreign Program Subcommittee of the Accreditation Committee to consider the matter.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Chapter 5, Rules, and General Issues

- Robert Cooper (Chair)
- Robert Cordy
- Peter McDonough

1. Standard 501
2. Standard 503
3. Standard 509
4. Rule 49, to consider rule regarding confidentiality surrounding law school accreditation proceedings
5. Should standards be set for law school degrees, certificates, etc., other than the J.D.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 501. ADMISSIONS

- (a) A law school shall maintain sound admission policies and practices consistent with the Standards, its mission, and the objectives of its program of legal education.
- (b) A law school shall ~~not~~ admit only an applicants who ~~does not~~ appear capable of satisfactorily completing its program of legal education and being admitted to the bar.
- (c) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 501-1

Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.

Interpretation 501-2

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 503 – Proposal 1

Standard 503. ADMISSION TEST

A law school shall require each applicant for admission as a first-year J.D. degree student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test. A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.

Interpretation 503-1

~~A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education. Among the factors to consider in assessing whether a test other than the Law School Admission Test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education are the past experiences with the reliability of that test by the law school or other law schools and information provided by the organization developing the test showing that it is a valid and reliable test to assist a law school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.~~

Interpretation 503-2

This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 503 – Proposal 2

Standard 503. ADMISSION TEST

~~A law school shall require each applicant for admission as a first-year J.D. degree student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.~~

- (a) A law school shall establish and publish its criteria for admitting students. These criteria shall be set at a level that ensures that a law school only admits an applicant who appears capable of satisfactorily completing its program of legal education and being admitted to the bar. The criteria shall include all factors considered by a law school in admitting students including, but not limited to, undergraduate grades, test scores from a valid and reliable admission test, and work experience. A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.
- (b) If a law school does not require a valid and reliable admission test score for a student, the law school must demonstrate that any practice of admitting a student without a test score is supported by past admissions of students having similar undergraduate grades and other qualifications and the likelihood that they will be able to complete its program of legal education and be admitted to the bar. The first-time and ultimate bar passage rates of a law school shall be included as part of that demonstration.

Interpretation 503-1

~~*A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.*~~

Interpretation 503-2

~~*This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.*~~

**American Bar Association
Section of Legal Education and Admissions to the Bar**

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Proposal for combining Standard 501 and Standard 503

Standard 501. ADMISSION REQUIREMENTS

- (a) A law school shall maintain sound admission policies and practices consistent with the Standards, its mission, and the objectives of its program of legal education.
- ~~(b) A law school shall not admit an applicant who does not appear capable of satisfactorily completing its program of legal education and being admitted to the bar.~~
- ~~(b)~~(e) A law school shall establish and publish its criteria for admitting students. These criteria shall be set at a level that ensures that a law school only admits applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar. The criteria shall include all factors considered by a law school in admitting students including, but not limited to, undergraduate course of study and grade point average, test scores from a valid and reliable admission test, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.
- ~~(c)~~(d) If a law school does not require a valid and reliable admission test score for a student, the law school must demonstrate that any practice of admitting a student without a test score is supported by past admissions of students having similar undergraduate grades and other qualifications and the likelihood that they will be able to complete its program of legal education and be admitted to the bar. The first-time and ultimate bar passage rates of a law school shall be included as part of that demonstration.
- ~~(d)~~(e) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 501-1

Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.

Interpretation 501-2

~~*Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.*~~

Interpretation 501-2

A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.

Interpretation 501-3

This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.

Standard 503. ADMISSION TEST

~~**A law school shall require each applicant for admission as a first-year J.D. degree student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.**~~

Interpretation 503-1

~~*A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.*~~

Interpretation 503-2

~~*This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.*~~

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 509 – Proposal 1

Standard 509. REQUIRED DISCLOSURES

- (a) All information that a law school reports, publicizes, or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. A law school shall use due diligence in obtaining and verifying such information. Violations of these obligations may result in sanctions under Rule 16 of the Rules of Procedure for Approval of Law Schools.
- (b) A law school shall publicly disclose on its website, in the form and manner and for the time frame designated by the Council, information sufficient to inform an applicant of the applicant's likelihood of satisfactorily completing its program of legal education and being admitted to the bar, including but not limited to the following information:
- (1) admissions data;
 - (2) tuition and fees, living costs, and financial aid;
 - (3) conditional scholarships;
 - (4) enrollment data, including academic, transfer, and other attrition;
 - (5) numbers of full-time and part-time faculty, professional librarians, and administrators;
 - (6) class sizes for first-year and upper-class courses; number of seminar, clinical and co-curricular offerings;
 - (7) employment outcomes; and
 - (8) bar passage data.
- (c) A law school shall....

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 509 – Proposal 2

Standard 509. REQUIRED DISCLOSURES

- (a) All information that a law school reports, publicizes, or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. A law school shall use due diligence in obtaining and verifying such information. Violations of these obligations may result in sanctions under Rule 16 of the Rules of Procedure for Approval of Law Schools.
- (b) A law school shall publicly disclose on its website, in the form and manner and for the time frame designated by the Council, the following information:
- (1) admissions data;
 - (2) tuition and fees, living costs, and financial aid;
 - (3) conditional scholarships;
 - (4) enrollment data, including academic, transfer, and other attrition, including information relating academic attrition to undergraduate grades and admission test score;
 - (5) numbers of full-time and part-time faculty, professional librarians, and administrators;
 - (6) class sizes for first-year and upper-class courses; number of seminar, clinical and co-curricular offerings;
 - (7) employment outcomes; and
 - (8) bar passage data (first time takers and ultimate rate for classes graduating within the three most recent calendar years for which this information is available), including information relating those rates to first year law school performance.
- (c) A law school shall....

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Chapter 2

- Craig Boise (Chair)
 - Anthony Caprio
 - Veryl Miles
-
1. Interpretation 203-1, to move away from the “should” language
 2. Interpretation 203-2, to move away from the “should” language
 3. Standard 204, to respond to complaints that it is unclear and redundant
 4. Standard 205, to consider adding “gender expression”
 5. Standard 205(c) and Interpretation 205-2, to consider modifying sections on schools with religious affiliations

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Chapter 1 & Definitions

- Catherine Carpenter (Chair)
- Lisa Kloppenberg
- Veryl Miles

1. Definition of “part-time program”
2. Definition of “Dean”
3. Standard 102(d), to determine if additional items should be added to list of things that a provisionally approved school cannot do
4. Standard 105 & Rule 29, to add a change in organizational structure to the list of actions requiring acquiescence
5. Standard 105(b), to clarify “detract from the law school’s ability....”
6. Standard 106, to determine if additional clarification is necessary