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

MEMORANDUM

TO: Interested Persons and Entities

FROM: John F. O’Brien, Council Chairperson  
Hulett H. Askew, Consultant on Legal Education

DATE: March 20, 2012

SUBJECT: Matters for Notice and Comment

At its March 16-17, 2012, meeting the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment proposed revisions to Standard 509: Basic Consumer Information.

The proposed revisions are attached here and published on the Section’s website: www.americanbar.org/legaled.

The proposed revised Standard 509 mandates that all consumer information that a law school reports, publicizes or distributes must be complete, accurate and not misleading to a reasonable law school student or applicant, and specifically states that violations of the Standard may result in sanctions under Rule 16 of the Rules of Procedure for Approval of Law Schools. The proposal delineates information that schools must disclose on their websites concerning employment outcomes of graduates. In addition, the proposal requires schools to disclose conditional scholarship retention data on their websites and to distribute this information to all applicants being offered conditional scholarships.

The proposed revision to Rule 16 of the Rules of Procedure for Approval of Law Schools provides that the sanctions of probation and removal from the list of approved law schools may be imposed even where a school is in compliance with the Standards at the time sanctions are imposed.

These changes clarify the obligations of schools with respect to the reporting and publication of consumer information and strengthen the range of sanctions that may be imposed for violations of the Standard. The changes align employment outcomes disclosure requirements with the reporting requirements previously approved by the Council upon recommendation by the Questionnaire Committee. The changes also mandate disclosure of conditional scholarship renewal data to assure that prospective conditional scholarship recipients are fully informed as to the terms of the scholarship being offered.

We solicit and encourage written comments on the proposed change by letter or e-mail. A hearing on these proposed changes is scheduled for 2 to 4 p.m. on Tuesday, May 1, 2012, at the American Bar Association, 321 N. Clark St., 21st floor, Chicago, IL 60654. Please address
written comments on the proposal and requests to speak at the hearing to JR Clark, Paralegal, at our Chicago office or at jr.clark@americanbar.org. Comments should be submitted no later than Friday, April 27, 2012.

Thank you.

Hulett H. Askew  
**Consultant on Legal Education**  
Section of Legal Education & Admissions to the Bar  
American Bar Association  
321 N. Clark Street, 21st Floor  
Chicago, IL 60654-7958
Standard 509. CONSUMER INFORMATION

(a) All consumer information that a law school reports, publicizes or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. Schools shall use due diligence in obtaining and verifying consumer 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 consumer information in the following categories:

   (1) admissions data;

   (2) tuition, fees, living costs, financial aid, conditional scholarships and refunds;

   (3) enrollment data and attrition/graduation rates;

   (4) number of full-time and part-time faculty and administrators;

   (5) curricular offerings, academic calendar, and academic requirements;

   (6) library resources;

   (7) facilities; and

   (8) employment outcomes and bar passage data.

(c) A law school shall publicly disclose on its website, in a readable and comprehensive manner, its policies regarding the transfer of credit earned at another institution of higher education. The law school’s transfer of credit policies must include, at a minimum:

   (1) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and

   (2) A list of institutions, if any, with which the law school has established an articulation agreement.
(d) A law school shall publicly disclose the employment outcomes of its J.D. graduates on its website.

(1) The employment outcomes shall be posted on the school’s website each year by March 31 or such other date as the Council may establish.

(2) The employment outcomes posted must be accurate as of February 15th for persons who graduated with a JD degree between September 1 two calendar years prior and August 31 one calendar year prior.

(3) The employment outcomes posted shall remain on the school’s website for at least three years, so that at any time at least three graduating classes’ data are posted.

(4) The employment outcomes shall be gathered and disclosed in accordance with the form, instructions and definitions approved by the Council.

(e) A law school shall publicly disclose on its website, in the form designated by the Council, its conditional scholarship retention data. A law school shall also distribute this data to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

(f) If a law school elects to make a public disclosure of its status as a law school approved by the Council, it shall do so accurately and shall include the name and contact information of the Council.

Interpretation 509-1
A law school that lists in its course offerings a significant number of courses that have not been offered during the past two academic years and that are not being offered in the current academic year is not in compliance with this Standard.

Interpretation 509-2
Subject to the requirements of subsection (a) above, a law school may publicize or distribute additional information regarding the employment outcomes of its graduates.

Interpretation 509-3
Any information, beyond that required by the Council, regarding graduates’ salaries that a law school reports, publicizes or distributes must clearly identify the number of salaries and the percentage of graduates included in that information.

Interpretation 509-4
A conditional scholarship is any financial aid award, the retention of which is dependent upon the student maintaining a minimum grade point average or class standing, other than that ordinarily required to remain in good academic standing.
Rule 16. Sanctions

(a) Conduct for which sanctions may be imposed upon a law school includes, without limitation:

1. Substantial or persistent noncompliance with one or more of the Standards;
2. Failure to present a reliable plan to bring the law school into compliance with the Standards;
3. Failure to provide information or to cooperate in a site evaluation as required by the Standards;
4. Making misrepresentations or engaging in misleading conduct in connection with consideration of the school’s status by the Committee or the Council, or in public statements concerning the school’s approval status;
5. Initiating a major change or implementing a new program without having obtained the prior approval or acquiescence required by the Standards; and/or
6. Provision of incomplete, inaccurate or misleading consumer information in violation of Standard 509.

(b) Sanctions may be imposed even if a school has, subsequent to the actions that justify sanctions, ceased those actions or brought itself into compliance with the Standards.

(c) Sanctions that may be imposed include, without limitation:

1. A monetary penalty proportionate to the violation;
2. A requirement that the law school refund part or all of the tuition and/or fees paid by students in such a program;
3. Censure, which may be either private or public;
4. Required publication of a corrective statement;
5. Prohibition against initiating new programs;
6. Probation; and/or
7. Removal from the list of approved law schools.

(d) In the course of a sanctions proceeding, the Committee or the Council may also direct a law school to take remedial action to bring itself into compliance with the Standards.
(e) If a law school is placed on probation, the Council shall establish the maximum period of time that the school may remain on probation and shall establish the conditions that the law school must meet in order to be removed from probation. The Committee may make recommendations to the Council concerning the period and conditions of probation.

(f) The Committee has the power to impose upon a school any sanction other than probation or removal from the list of approved law schools. A school may appeal a decision of the Committee to impose a sanction to the Council. The Committee also may recommend to the Council that a school be placed on probation or removed from the list of approved law schools.
Standard 509. BASIC CONSUMER INFORMATION

(a) All consumer information that a law school reports, publicizes or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. Schools shall use due diligence in obtaining and verifying consumer 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 publish publicly disclose on its website basic consumer information in the following categories: The information shall be published in a fair and accurate manner reflective of actual practice.

(1) admissions data;

(2) tuition, fees, living costs, financial aid, conditional scholarships and refunds;

(3) enrollment data and attrition/graduation rates;

(4) composition and number of full-time and part-time faculty and administrators;

(5) curricular offerings, academic calendar, and academic requirements;

(6) library resources;

(7) physical facilities; and

(8) employment outcomes placement rates and bar passage data.

(c) A law school must publicly disclose on its website, in a readable and comprehensive manner, its policies regarding the transfer of credit earned at another institution of higher education. The law school’s transfer of credit policies must include, at a minimum:

(1) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and

(2) A list of institutions, if any, with which the law school has established an articulation agreement.
(d) A law school shall publicly disclose the employment outcomes of its J.D. graduates on its website.

(1) The employment outcomes shall be posted on the school’s website each year by March 31 or such other date as the Council may establish.

(2) The employment outcomes posted must be accurate as of February 15th for persons who graduated with a JD degree between September 1 two calendar years prior and August 31 one calendar year prior.

(3) The employment outcomes posted shall remain on the school’s website for at least three years, so that at any time at least three graduating classes’ data are posted.

(4) The employment outcomes shall be gathered and disclosed in accordance with the form, instructions and definitions approved by the Council.

e) A law school shall publicly disclose on its website, in the form designated by the Council, its conditional scholarship retention data. A law school shall also distribute this data to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

(f) Interpretation 509-6 If a law school elects to make a public disclosure of its status as a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, it shall do so accurately and shall include the name, address and contact information telephone number of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

Interpretation 509-1
The following categories of consumer information are considered basic:
(moved into Standard)

Interpretation 509-2
To comply with its obligation to publish basic consumer information under the first sentence of this Standard, a law school may either provide the information to a publication designated by the Council or publish the information in its own publication. If the school chooses to meet this obligation through its own publication, the basic consumer information shall be published in a manner comparable to that used in the Council designated publication, and the school shall provide the publication to all of its applicants.

Interpretation 509-3
In addition to the publication of information required by Interpretations 509-1 and 509-2, a law school shall publish its academic calendar in its own catalog or similar publication and on its website.
Interpretation 509-4
Standard 509 requires a law school fairly and accurately to report basic consumer information whenever and wherever that information is reported or published. A law school’s participation in the Council-designated publication referred to in Interpretation 509-2 and its provision of fair and accurate information for that book does not excuse a school from the obligation to report fairly and accurately all basic consumer information published in other places or for other purposes.

Interpretation 509-5
All law schools shall have and make publicly available a student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the refund of student tuition and fees.

Interpretation 509-6
(moved into Standard)

Interpretation 509-2
Subject to the requirements of subsection (a) above, a law school may publicize or distribute additional information regarding the employment outcomes of its graduates.

Interpretation 509-3
Any information, beyond that required by the Council, regarding graduates’ salaries that a law school reports, publicizes or distributes must clearly identify the number of salaries and the percentage of graduates included in that information.

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   (1) Substantial or persistent noncompliance with one or more of the Standards;

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   (3) Failure to provide information or to cooperate in a site evaluation as required by the Standards;

   (4) Making misrepresentations or engaging in misleading conduct in connection with consideration of the school’s status by the Committee or the Council, or in public statements concerning the school’s approval status; and/or

   (5) Initiating a major change or implementing a new program without having obtained the prior approval or acquiescence required by the Standards; and/or

   (6) Provision of incomplete, inaccurate or misleading consumer information in violation of Standard 509.

(b) Sanctions other than probation or removal from the list of approved law schools may be imposed even if a school has, subsequent to the actions that justify sanctions, ceased those actions or brought itself into compliance with the Standards.

(c) Sanctions that may be imposed include, without limitation:

   (1) A monetary penalty proportionate to the violation;

   (2) A requirement that the law school refund part or all of the tuition and/or fees paid by students in such a program;

   (3) Censure, which may be either private or public;

   (4) Required publication of a corrective statement;

   (5) Prohibition against initiating new programs;

   (6) Probation; and/or

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(d) In the course of a sanctions proceeding, the Committee or the Council may also direct a law school to take remedial action to bring itself into compliance with the Standards.
(e) If a law school is placed on probation, the Council shall establish the maximum period of
time that the school may remain on probation and shall establish the conditions that the law
school must meet in order to be removed from probation. The Committee may make
recommendations to the Council concerning the period and conditions of probation.

(f) The Committee has the power to impose upon a school any sanction other than probation or
removal from the list of approved law schools. A school may appeal a decision of the
Committee to impose a sanction to the Council. The Committee also may recommend to the
Council that a school be placed on probation or removed from the list of approved law
schools.
# Class of ---- Employment Report at 9 Months After Graduation

## Employment Status

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<th>Employment Status</th>
<th>Number</th>
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<tr>
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<td></td>
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<td>Short</td>
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<tr>
<td>Employed - Bar Passage Required</td>
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<td>Employed - JD Advantage</td>
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<td>Employed - Professional Position</td>
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<tr>
<td>Unemployed - Start Date Deferred</td>
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<td>Total graduates</td>
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## Law School/University Funded Position

- Of Employed - Law School/University Funded Short Term

## Employment Type

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<th>Employment Type</th>
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<td>Short</td>
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**Total graduates**: #/100%