

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

Rutgers School of Law – Camden

Censure
December 2013

Introduction

Following a hearing conducted at its meeting on June 27-29, 2013, and subsequent processes and proceedings, pursuant to the direction of the Council of the American Bar Association Section of Legal Education and Admissions to the Bar (the “Council”), the Accreditation Committee (the “Committee”) imposed sanctions upon Rutgers University School of Law-Camden (the “Law School”) for violating the ABA Standards for Approval of Law Schools.

The Council and the Committee previously determined that the Law School violated Standard 503 (requiring the use of a valid and reliable admission test) and Interpretation 503-1 (requiring a law school using an admission test other than the Law School Admission Test [the “LSAT”] to establish the validity and reliability of such other test) by operating a special admissions program using alternative admission tests without seeking or receiving a variance.

The sanctions imposed are this public censure and a monetary penalty of \$25,000.

Factual Background

From 2006 to 2012, the Law School operated a special admissions process (the “Program”), that permitted certain applicants who had taken a standardized graduate admissions test (GRE, GMAT, or MCAT) to gain admission to the Law School without having taken the LSAT.

The Law School began the Program to use non-LSAT tests to round the class in May 2006. Some of the students admitted under the Program were applicants to the Law School’s joint JD/MBA program; others were not. The Program was not limited to Rutgers undergraduates. Over the six-year period during which the Program operated, the average percentage of the Law School’s first-year class admitted through the Program was 6.7%. The highest percentage was 9.58% and the lowest less than 1%.

Prior to starting the Program, the Law School did not conduct any psychometric study with respect to the validity and reliability of these alternative tests as tests for admission to the Law School and it did not seek a variance.

The Program was suspended in May 2012, after inquiry from the Consultant’s Office, following a public report of solicitation by the Law School for applicants to the Program.

In August 2009, three years after the Law School had initiated the Program, the then Consultant on Legal Education distributed a Memorandum making clear that schools proposing to use admissions tests other than the LSAT must prove the validity and reliability of any proposed alternative test to the satisfaction of the Committee or otherwise seek a variance from the Council. The Law School did not apply for a variance until October 2012, after the Committee concluded that the Law School had not demonstrated compliance with Standard 503 and Interpretation 503-1. The application for a variance was based upon data collected while the Law School was operating out of compliance with Standard 503 and Interpretation 503-1. The Committee considered the application for a variance on the merits and recommended it be granted, but the application for a variance was thereafter withdrawn.

Sanctions

Pursuant to Rule 16(f) of the Rules of Procedure for Approval of Law Schools, the Committee has the power to sanction. The conduct for which sanctions may be imposed includes substantial or persistent noncompliance with one or more Standards. [Rule 16(a)(1)] 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. [Rule 16(b)]

Thus, although the Law School suspended the Program in May 2012, sanctions may still be imposed.

The Law School's operation of the special admissions program, particularly after the issuance of the Consultant's Memo of August 2009 regarding Standard 503 variances, was in violation of the Standards. Even were it reasonable for the Law School to have believed that it could utilize an admission test other than the LSAT prior to that time (and the Committee did not so conclude), it was unreasonable and in violation of the Standards for the Law School to have continued the operation of the Program thereafter and to have neither sought guidance from the Consultant's Office and/or the Committee nor requested a variance.

Pursuant to Rules 16(a), (b) and (c) of the ABA Rules of Procedure for Approval of Law Schools, the Committee imposed the following sanctions upon the Law School:

- (a) The issuance of this public censure of the Law School. The public censure (or a link to it) must be posted prominently on the home page of the Law School's website for a period of one year. The censure also will be reported for a similar period on the website of the ABA Section of Legal Education and Admissions to the Bar. The Managing Director¹ shall determine what constitutes prominent display on the Law School's website.
- (b) A monetary penalty of \$25,000, to be paid to the ABA Section of Legal Education and Admissions to the Bar. This money will be utilized for the specific purpose of supporting the work of the Section of Legal Education and Admissions to the Bar focused on assuring law schools' compliance with the Standards.

¹ The title of "Consultant" used in the Standards and Rules of Procedure has been changed to "Managing Director".

The Committee considered the amount of the monetary penalty to be appropriate, considering the benefit the Law School achieved by admitting a number of students over a period of years that increased both the size of the entering class and the rate of acceptance of the Law School's offers of admission without impacting the Law School's reported 25/50/75 percentile LSAT scores. Additionally, the Law School was able, by virtue of its non-compliance with the Standards, to collect data in support of a subsequent application for a variance from the Standards, something it would not have been able to do had it operated in compliance with the Standards. The Committee also was mindful of the necessity to deter the Law School and other law schools from disregarding the requirements of the Standards.