Summary of Council actions at its March 2016 meeting

The Council of the Section of Legal Education and Admissions to the Bar met March 11-12 in Phoenix, Arizona to consider recommendations, reports and other issues on its agenda. Key actions include:

- **Exterrnships**: The Council accepted the recommendation of its Standards Review Committee (SRC) and approved changes to **Standard 304**, which address experiential learning, and 305, which deals with study outside the law school classroom setting. Both relate to the requirements for the operation and management of externship programs. The approved changes remove the prohibition on students receiving compensation for work done in a credit-bearing externship program. Law schools would be able to have a school policy to prohibit compensation for credit-bearing externships. The changes impose additional requirements to assure that externship programs are quality educational experiences for participating students. Over the next few weeks, the language on these changes will be finalized and a resolution to the ABA House of Delegates could be filed for its next meeting in August 2016 in San Francisco.

- **Bar passage**: The Council put out for notice and comment significant changes to bar passage rates as they relate to accreditation. The Council accepted the SRC recommendation to simplify and amend **Standard 316** to require that the graduates of a law school in a particular calendar year who sit for a bar exam pass at a rate of 75 percent or higher within two years of their graduation. First-time bar passage rates would continue to be collected and reported as a matter of consumer information under Standard 509. But for purposes of accreditation, the focus will be exclusively on a school’s “ultimate” bar pass rate that would have a shorter, two-year window. The Council will hold at least one hearing on the matter. Council review of a final proposal could be at its October 2016 meeting, with a request for House of Delegates approval at the February 2017 Midyear Meeting.

- **Admission policies and procedures**: The Council agreed to seek notice and comment on changes to **Standard 501**, which relates to a law school’s admissions policies and practices. The proposed changes include an interpretation creating a rebuttable presumption that a school is operating out of compliance with Standard 501’s requirement that it admit students who are capable of completing its J.D. program if the non-transfer attrition rate of its first-year class is 20 percent or higher. Written comments on this and other changes will be invited and at least one hearing will be set to allow interested persons to provide oral testimony on these proposals. The Council will expect to hear a report on these matters at a meeting in October. At that time, the Council may approve these changes or elect to continue its deliberations on them.

- **Other items**: The Council will continue consideration of proposed changes to **Standards 205 and 206** related to equal opportunity, non-discrimination, and diversity and inclusion, as well as proposals for **Standard 503**, related to a “valid and reliable admission test.”

About the Council and the Standards Review Committee: The Council is the governing body of the ABA Section of Legal Education and Admissions to the Bar and is the separate and independent group within the Association with authority over the accreditation of law schools. The Standards Review Committee is an accreditation-related committee appointed by the Chairperson of the Council which is charged with reviewing proposed changes in or additions to the Standards, Interpretations, and Rules of Procedure for Approval of Law Schools.

Under its operating procedures, the Council receives reports on Standards matters from the SRC. It may decide to put out proposed changes in the Standards and Rules for notice and comment based on the SRC’s report, return a particular matter or recommendation to the committee for further work, or conclude that no further action on a matter should be taken. After notice and comment, typically the Standards Review Committee considers any additional information or feedback and files a further report to the Council, which may then adopt a revised standard or refer the matter back to the Committee for further review. If the Council ultimately approves a change in the Standards or Rules, that action goes on
to the ABA House of Delegates, which meets in February and August, for concurrence. Click here to review the Council’s Internal Operating Procedures.