Summary of Actions of the Section’s Council at its Meeting November 3-4, 2017

The Council of the ABA Section of Legal Education and Admissions to the Bar met in Boston in open session on Friday, November 3 to consider recommendations, reports and other issues on its agenda.

The Council took these key actions:

- Rejected the proposal that had been circulated for notice and comment on Standard 503 to create a national certification process for law school admissions tests and to remove the ability of schools to develop and validate tests suitable for their school. Instead, the Council approved for notice and comment a proposal to remove the requirement of a law school admissions test from the Standards and to revise Standard 501 to move various factors related to a sound admissions policy that are outlined in Interpretation 501-2 into the black letter of the Standard 501.

  The result of these changes would be that the requirement of a “valid and reliable” admissions test would be removed from the standards, but an admissions test would be one of the factors to be considered in determining whether a law school complied with Standard 501.

- Deferred action for now on taking the proposed change related to Standard 316 (bar passage) again to the House of Delegates. In February 2017, the House of Delegates rejected the Council’s request to make Standard 316 more effective, in part by making it more straightforward and simple. The Council expressed no desire to modify any of the specific revisions that it had previously approved, but concluded that it should take more time and engage in more dialogue with those who expressed concerns about the revisions before deciding whether and how to move forward. The final decision on such a change rests with the Council.

- Rejected the proposal that had been circulated for notice and comment to revise Standard 403 to remove the requirement that more than half of the teaching in the law school be done by full-time faculty.

- Approved changes to the Employment Outcome Report Form to get the full form on one page while clarifying a part that was said to be confusing related to school-funded jobs that pay more than $40,000.

- Put out for “notice and comment” several other changes to standards, including a change to Standard 306 that would modestly increase the percentage of course work a student could take through online courses without a variance.

- Considered a request by the ABA Young Lawyers Division to require that two members of Council be “young lawyers.” The consensus of the Council was to more aggressively recruit young lawyers – defined as under 36 years old or licensed for no more than five years – to join the Council, and to get young lawyers involved in the law school site visit process, but not to change the Council’s Bylaws to require any specific number of young lawyer members.

- Moved ahead with a proposal for restructuring operations, including folding the work of the two major committees (SRC and Accreditation) into the Council. The change would also extend to 10 years from seven the scheduled law school accreditation reviews. The proposed changes will also be put out for notice and comment.

In closed session, the Council considered individual school matters. The outcomes of those matters that are not subject to the confidentiality provisions of Rules of Procedure 49-55 will be publicly reported after decisions are communicated by letter to the affected schools.

Media seeking further information, please contact Bill Choyke in the ABA Division of Communications and Media Relations at bill.choyke@americanbar.org or (202) 662-1864.