Summary of Council Actions Related to Standards at its October 2016 Meeting

The ABA Council of the Section of Legal Education and Admissions to the Bar met Friday, Oct. 21, 2016, in Chicago. The Council reviewed a number of proposals from its Standards Review Committee (SRC) related to changes to the ABA Standards for Approval of Law School and Rules of Procedure.

Several changes to the standards recommended by the SRC were approved. After a thorough discussion of its pros and cons, the Council agreed by an overwhelming voice vote to a proposal that would strengthen and simplify Standard 316 relating to bar passage. Instead of the current Standard that considers both first-time and five-year ultimate bar passage rates, the change provides that for an ABA-approved law school to be in compliance with this important outcome measure of the quality of a law school’s J.D. program, the school must have 75 percent of all its graduates who take a bar exam pass it within two years of graduation. Typically, the bar exam is offered in each jurisdiction twice per year.

The recommendation will likely go to the ABA House of Delegates at its Midyear Meeting in February 2017 for concurrence, as required by the Council’s Rules of Procedure.

The Council also added to Standard 501, which deals with law school admissions practices, an interpretation to the Standard providing that a law school that has a non-transfer attrition rate for its first-year class above 20 percent bears the burden of demonstrating that it is in compliance with the Standard’s requirement that the law school shall only admit students who are capable of completing its J.D. program. The proposed change also likely will come before the House in February.

The Council also decided on a direction to take with respect to the Standards’ requirements relating to law school admissions tests. The Council directed the Standards Review Committee to draft and return to it for review and action a proposal that would clear a pathway for standardized admissions tests in addition to the Law School Admission Test (LSAT) to qualify as “valid and reliable” for use by law schools in their admissions processes. This potential change in the Standards will require the Council to develop and adopt a process for review of tests other than...
the LSAT. There is no precise timetable for further consideration of these changes, but the Council expects to complete the process in time to have them ready for approval and, then, submission to the ABA House of Delegates at the 2017 ABA Annual Meeting.

*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.*