Summary of actions of the Section’s Council at its public meeting Aug. 14, 2020

The Council of the ABA Section of Legal Education and Admissions to the Bar met virtually on Aug. 14 to consider recommendations, reports, and other issues on its agenda. The Council took these key actions:

- Adopted the final revision to Rule 2 of the ABA Standards and Rules of Procedures for Approval of Law Schools to permit the Council to take action to provide law schools appropriate and necessary relief from the requirements of the Standards, such as expanding online learning, in the event of disasters or emergencies, such as the ongoing COVID-19 pandemic. The Council’s Standards Committee recommended the proposed change, which was concurred with by the ABA House of Delegates on Aug. 3, because of the absence of such authority in prior rules.

- Approved a report from its Standards Committee setting the priorities for the coming fiscal year, which begins Sept. 1. They include lawyer wellbeing and professional responsibility; equity, diversity and inclusion, including bias, cultural competency, and concrete actions; and distance education.

  Additionally, the agenda for FY 2021 includes addressing unsettled agenda items from the past few years, such as Standard 501, which relates to the types of evidence a law school may proffer to demonstrate its sound admissions policies, and Standard 503, which relates to the requirement for a valid and reliable admissions test for applicants.

- Noted there would be roundtables on October 2, 2020, discussing lawyer well-being/professionalism, equity/diversity/bias, transparency, admissions tests, and Standard 507/Student Loan Programs, to help inform the revision process.

- Approved minor revisions to the Employment Summary Report and Employment Protocols.

- Discussed the results of a questionnaire sent by staff to ABA-approved law schools seeking information regarding the steps taken last spring to move classes online because of COVID-19 as well as information related to plans and other issues for this semester. In a special meeting in July, the Council approved all 200 plans for law schools, and acknowledged at the August meeting that it was a fluid situation in terms of the mode of learning of each school. Also, the Council noted that scheduled site visits for the coming year will be done virtually.

In other matters, the Council deferred any discussion of the impact of the COVID-19 crisis on the application and enforcement of Standard 316 (Bar Passage) until outcomes from summer/fall bar exams are reported by schools in early 2021. Responding to an August 2020 letter from the Society of American Law Teachers (SALT) urging a suspension of Standard 316 in light of the COVID-19 crisis, Council Chair Scott Bales said the Council was monitoring the situation with the bar exam nationally, and he reaffirmed the Council’s position that issues that law schools might face because of Standard 316 will be considered at the appropriate time.

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.

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