

March 28, 2018

To: Council of the ABA Section of Legal Education and Admissions to the Bar

Re: Proposed changes to Standard 503

Dear Colleagues:

As members of the Minority Network of law school admission professionals and their allies, we oppose the elimination of current Standard 503, as we believe a commonly accepted admission test substantially increases the likelihood all applicants, especially applicants from underrepresented and historically disadvantaged backgrounds, are fairly evaluated in the admissions process.

The Network began in the late 1980's to address the concerns of admission professionals from diverse backgrounds. The Network is concerned about the recruitment and retention of underrepresented and historically disadvantaged background students and the fairness and equality of the admission process. We believe that law schools need every tool possible to evaluate candidates before they enter law school. Since 1977, law school academic support faculty, bar support faculty, legal writing professionals and others have relied on LSAT scores and GPA's to advise their students. While the rigor of undergraduate institutions vary and majors establish different competencies, the LSAT is the one unifying comparable element of the student's file. An optional law school admission test could deprive these front-line advisors of an essential tool in assisting student success in law school. Departure from the use of a common test abandons decades of statistical analysis and test evolution and leaves a vacuum that schools will have to fill without guidance or a measurable standard.

We agree outcomes are important, but if the outcomes include removing objective measures of student potential for success, and if outcomes include the potential for students who do gain access to law school to amass life-changing debt before they discover they may not succeed in passing the bar, gain employment or vet a sincere interest in the law, then we believe a departure from Standard 503 could cause great harm to students in general. In particular, removing a standard objective measure will significantly harm first generation and underrepresented groups whose access to the profession can be directly traced to the implementation of standard objective measures of evaluation.

We cannot remain silent as the procedural tool that provides extraordinary access is criticized and its value diminished. We are well aware of the history and legacy of accusations of test disparity, and agree law schools over-rely on the LSAT, but we nevertheless believe the LSAT is far better

than any other test for predicting success in law school, and patently better than no test at all. The critics that label the LSAT a barrier are not taking into consideration the fact that *all* standardized tests have a gap between average performance of resourced and under resourced test takers. Before the LSAT was adopted as an assessment tool, there was little or no objectivity in the admission process. An applicant's networks and the reputation of an undergraduate school were the primary determining factors for admission; many members of traditionally underrepresented groups did not have adequate access to either factor. The LSAT may not be a perfect tool, and there is needed discussion regarding use of the test, but it has been and must continue to be the best tool for leveling the playing field for qualified candidates who wish to obtain a legal education.

The percentage of minority law students who earned JD degrees steadily has increased—from 24.1% of total JDs awarded in 2011 to 29.9% of total JDs awarded in 2017<sup>1</sup>. That growing percentage of minority JD graduates were admitted using the LSAT. This is not the right time for the ABA to make the momentous decision to eliminate any formal test for law school admissions. Eliminating the requirement of the test before we understand the impact of the ABA's proposed changes is unwise. The hypothesized gain of increasing access by eliminating the test requirement ignores the history of the admission to legal education and the likelihood that the process can be improved without abandoning a measure of equity.

We the undersigned members of the Minority Network and allies urge the ABA Council to maintain the current admission test language in Standard 503.

Submitted for your consideration<sup>2</sup>,

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<sup>1</sup> <http://abarequireddisclosures.org/>

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