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To: Deans of ABA-approved Law Schools
From: Barry Currier, Managing Director
Re: COMPLIANCE WITH STANDARD 509
Date: July 14, 2014

This memorandum revises, updates, and replaces the memorandum we issued in August 2013 regarding compliance with Standard 509. As you will recall, current Standard 509, titled "Required Disclosures," took effect in August, 2013. There were no further changes to this Standard as the Council concluded the comprehensive review of the ABA Standards and Rules of Procedure.

This memorandum addresses the form, manner and time frame for publishing certain information as required by Standard 509, and provides other guidance regarding compliance with the Standard. Attached is a chart that summarizes the requirements of the Standard.

Standard 509 divides the information that a law school must publish on its website into two categories: (1) that for which the Council prescribes a particular form, manner and time frame of publication [Standard 509(b)]; and (2) that which schools must disclose in a readable and comprehensive manner [Standard 509(c)]. Each of these categories is addressed below. Additionally and importantly, all information reported, publicized or distributed by a law school is subject to the overriding mandate of Standard 509(a) that it be "complete, accurate and not misleading to a reasonable law school student or applicant."

Standard 509(b): Required Disclosures – Form, Manner, and Time Frame Prescribed by the Council

Standard 509(b) requires schools to publish certain information on their websites "in the form and manner and for the time frame designated by the Council." The following paragraphs address in turn these three aspects – form, manner, and time frame – of 509(b).

1. Form of mandated disclosures

The Council has designated two forms¹ for the disclosures required by Standard 509(b):

- (a) Employment Summary Report, pursuant to 509(b)(7); and
- (b) Standard 509 Information Report, pursuant to 509(b)(1), (2), (3), (4), (5), (6), and (8).

Employment Summary Report. Schools will generate the Employment Summary Report as a PDF in the “Admin” section of the ABA Employment Questionnaire (EQ). The report is derived from the data that schools submit in the EQ, and is also published in the online *Official Guide to ABA-Approved Law Schools*. A blank copy of the Employment Summary Report is attached.

Standard 509 Information Report. Schools will generate the Standard 509 Information Report as a PDF in the “Admin” section of the ABA Annual Questionnaire (AQ). As noted, the Standard 509 Information Report will now include the Scholarship Retention Data Chart required by Standard 509(b)(3). This Report is derived from information submitted by each school in the AQ, and is also published in the online *Official Guide to ABA-Approved Law Schools*. A blank copy of the Standard 509 Information Report is attached.

Schools must publish this information in the prescribed format.

2. Manner of mandated disclosures

All information that must be published on a law school’s website in compliance with Standard 509 must be posted conspicuously and in a readily accessible location:

- At a minimum, a school website’s home page must prominently display a way to connect directly to each of the mandated disclosures that is labeled, “ABA Required Disclosures.” That may be done most easily by a box on the home page with that title. That box must link the reader either to a place that provides all of the disclosures or a direct link to each of them.
- In addition, the information must be available by a link featured prominently on the main page for admissions/prospective students. Again, this link must be to a place that provides all of the disclosures or a direct link to each of them.

¹ Last year, there were three forms. This year, the Council has consolidated the Scholarship Retention Data chart with the Standard 509 Information Report.

- The Employment Summary Reports must also be available by a link featured prominently on the main page for career services.
- It is not sufficient for schools to post the Employment Summary Report or the Standard 509 Information Report by providing a link to the page on the ABA's website where schools' Reports can be generated. The Reports themselves must be posted.

3. Time frame for mandated disclosures

Employment Summary Report. Law schools must post their current and past two years' Employment Summary Reports. The most recent three years' data must be posted by April 15 or such other date as set by the Council.

Standard 509 Information Report. A report for the most recent year must be posted by December 15 of the year, the date currently fixed by the Council for the posting of new and current information.

Standard 509(c): Required Disclosures – Readable and Comprehensive

Standard 509(c) requires schools to disclose current information on refund policies; curricular offerings, academic calendar, and academic requirements; and policies regarding transfer of credit earned at another institution. These items are not susceptible to a uniform format, and so are governed by the "readable and comprehensible" requirement. Schools should post these items in a location or locations on their websites that are readily accessible to both current and prospective students.

Standard 509(a): All Disclosures Must Be Complete, Accurate, and Not Misleading

All information reported, publicized, or distributed by a law school is subject to the overriding mandate of Standard 509(a) that it be "complete, accurate and not misleading to a reasonable law school student or applicant."

Schools typically publish supplementary, complementary, and/or explanatory information about their programs, including additional information about the mandated disclosures discussed above. Schools also frequently provide some analysis and elaboration of the topics covered by the mandated disclosures. Any such information, or analysis and elaboration of the mandated disclosures, must meet the "complete, accurate, and not misleading" requirements of Standard 509(a).

The following guidance is offered regarding how the Council and the Accreditation Committee view this overriding requirement of publishing information that is complete, accurate, and not misleading. Wherever a school offers any analysis or elaboration of the information covered by Standard 509, the required disclosures must be repeated or there

must be a link to those required disclosures that is sufficiently proximate and prominent to draw the reader's attention to the link. The disclosures or link to them must precede the analysis or explanation. . Finally, the display of the analysis and elaboration of the data may not be more conspicuous or prominent than the display of the mandated disclosures or the link to them

On a different, but related, topic the Council does not require schools to post graduate salary data, and there is no prescribed form, for the publication of such information. However, pursuant to the direction in the preceding paragraph regarding the publication of information in addition to that mandated by Standard 509, schools may not alter the Employment Summary Reports to add graduate salary data.

The current Standard 509 omits the previous Interpretation 509-3, which stated: "Any information, beyond that required by the Council, regarding graduates' salaries that a law school reports, publicizes or distributes must clearly identify the number of salaries and the percentage of graduates included in that information." This Interpretation was deleted because the Council recognized that there are a variety of facts and circumstances that may be essential to ensuring that graduate salary information is complete, accurate and not misleading. It was not deleted because stating the number of salaries reported and the percentage of the graduates that this report represents is not important in that regard. Therefore, the matter can be effectively regulated only by the central mandate of Standard 509 that any information that a law school reports, publicizes or distributes must be complete, accurate and not misleading.

This area is a special challenge for both schools and the accreditation process, particularly given the multiplicity of employment categories that schools must report. Because graduates' salary data can so easily be misleading, schools that publish salary information must take special care to ensure that it complies with the "complete, accurate, and not misleading" requirements of Standard 509.

Standard 509 Summary Chart

Mandated Disclosure	Form	Manner	Time Frame
Employment data, Standard 509(b)(7)	Employment Summary Report	Posting on law school web page must be: conspicuous; readily accessible; with prominent way to find information from law school home page. Posting of info also on admissions/prospective students main page and on career services main page.	At least 3 years of data; most recent year posted by April 15
All other 509(b) required disclosures, Standard 509(b)(1), (2), (3), (4), (5), (6), (8)	Standard 509 Information Report	Posting on law school web page must be: conspicuous; readily accessible; with prominent way to find information from law school homepage. Posting of info also on admissions/prospective students main page.	At least the current report; posted by December 15
Refund policies; curricular offerings, academic calendar and academic requirements; transfer of credit policies, Standard 509(c)	N/A	Posting on law school web page must be: readable and comprehensive; readily accessible.	Current