



Managing Director's Guidance Memo

Standard 503 and Interpretation 503-3

January 2015

Standard 503. ADMISSION TEST

A law school shall require each applicant for admission as a first-year J.D. degree student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.

Interpretation 503-1

A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.

Interpretation 503-2

This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.

Interpretation 503-3

(a) It is not a violation of this Standard for a law school to admit no more than 10% of an entering class without requiring the LSAT from:

(1) Students in an undergraduate program of the same institution as the J.D. program; and/or

(2) Students seeking the J.D. degree in combination with a degree in a different discipline.

(b) Applicants admitted under subsection (a) must meet the following conditions:

(1) Scored at or above the 85th percentile on the ACT or SAT for purposes of subsection (a)(1), or for

purposes of subsection (a)(2), scored at or above the 85th percentile on the GRE or GMAT; and

(2) Ranked in the top 10% of their undergraduate class through six semesters of academic work, or achieved a cumulative GPA of 3.5 or above through six semesters of academic work.

Background

This memorandum provides general guidance on Standard 503 and, particularly, Interpretation 503-3, which was added to the Standards as a result of the comprehensive Standards review process that concluded in August, 2014.

The original Consultant's Memo on Standard 503 (Admission Test) and former Standard 802 (Variances) was issued in August 2009. That memorandum was revised and replaced by "Consultant's Memo 1 (Revised)" issued in August 2012. These two memos are replaced by this Guidance Memorandum.

Under prior Standard 503, the Council had granted variances from Standard 503 to 16 schools. As of August, 2014, 14 of those variances were still operative. At its December 2014 meeting, the Council reviewed the history and accumulated data regarding these variances. Concluding that the experiences of the schools under the variances both supported the adoption of Interpretation 503-3 and demonstrated that the parameters of that Interpretation were appropriately predictive of an applicant's capability to satisfactorily complete a school's program of legal education, the Council revoked all the existing Standard 503 variances and directed that these schools and all other law schools conform their admissions processes to the current Standard 503 and Interpretation 503-3. This Memorandum covers these changes and provides guidance on their implementation.

Standard 503's Requirement of a "Valid" and "Reliable" Test

Standard 503 states in relevant part: A law school shall require each applicant for admission as a first year J.D. student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. Additionally, Interpretation 503-1 says: A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall establish that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's educational program.

GUIDANCE:

Interpretation 503-1 makes it clear that the burden is on the law school to demonstrate the validity and reliability of any test or assessment methodology, other than the LSAT, that is used for law school admission purposes. "Validity" and "reliability" are terms of art in the world of testing. Validity asks if the scores reflect what the test or assessment method is intended to measure. Reliability asks if repeated applications of the test or assessment method will produce substantially the same results. The LSAT has been determined to be a valid and reliable test for law school admission purposes, particularly when used in combination with an applicant's undergraduate academic performance. At this point, no other standardized test has been generally validated as a reliable test for law school admissions purposes.

Variances from Standard 503

Former Standard 802 (as revised, now Standard 107) permitted schools to apply for a variance for an experimental program provided that the program demonstrated that it met the criteria of the Standard and its Interpretations. In regard to Standard 503, the Council approved variance applications for 16 schools and imposed appropriate conditions, time limits, and annual reporting requirements.

Interpretation 503-3

Current Interpretation 503-3, which was adopted by the Council in the Spring of 2014 and made operative by the August 2014 concurrence by the ABA House of Delegates, flowed from the experience of schools operating under these variances. It establishes specific criteria for schools that wish to admit a limited number of students to their entering class without requiring an LSAT score for each student.

Interpretation 503-3(a) limits the number of students who may be admitted under it each year to “no more than 10% of an entering class.”

GUIDANCE:

Given the way law school admissions processes work, it is obviously difficult to predict the exact size of the class to which students admitted under Interpretation 503-3 are admitted. To make it easier and more certain, the 10% limit on the number of non-LSAT admits for a particular entering class will be 10% of the number of the previous year’s entering class (total of full-time and part-time matriculants). Therefore, schools should only have active offers to a number of applicants equal to 10% of the matriculants from the prior year’s entering first year class less the number of such applicants who have confirmed acceptance of the offer of admission.

Interpretation 503-3(a)(1) requires that students admitted under this section have attended “an undergraduate program of the same institution as the J.D. program.”

GUIDANCE:

- 1) *For law schools that are part of a university with multiple locations, this is limited to students who attended the undergraduate campus where the law school is located.*
- 2) *Applicants must either be in attendance at the undergraduate institution at the time of admittance to the law school or have graduated no earlier than twelve months prior to the date of matriculation at the law school.*

Interpretation 503-3(b)(1), requires that those applicants admitted under subsection (a) also meet the following condition: Scored at or above the 85th percentile on the ACT or SAT for purposes of subsection (a)(1), or for purposes of subsection (a)(2), scored at or above the 85th percentile on the GRE or GMAT; and. . .

GUIDANCE:

For purposes of this subsection, the score must exceed the 85th percentile of the composite score for the exam, for the administration of the exam taken by the applicant. If the testing agency does not report data in a way that makes clear what the 85th percentile score is, the school shall make a reasonable estimate of what that score would be and put a note in the student’s file to explain its estimate.

Interpretation 503-3(b)(2), requires that those applicants admitted under subsection (a) also meet the

following condition: Ranked in the top 10% of their undergraduate class through six semesters of academic work, or achieved a cumulative GPA of 3.5 or above through six semesters of academic work.

GUIDANCE:

For purposes of this subsection, the applicant must rank in the top 10% of the entire undergraduate class, not the top 10% within a particular department, school, or college within the University. . If the university does not calculate the rank for the entire class, the law school should make a reasonable estimate and put a note in the student's file to explain how the estimate was calculated.

Additionally, the Council discussed best practices with respect to the administration of a program at a law school to admit students under Interpretation 503-3. It may be that the Interpretation will be amended in the near future to incorporate some or all of these suggestions, but for the moment, schools using Interpretation 503-3 should:

- Not discourage prospective students from taking the LSAT.
- Participate in the ABA/LSAC Credential Certification Program so that the law school's Standard 509 data will include LSAT scores of all students who have taken the examination, even if those students were admitted under Interpretation 503-3 and their test scores were not used for admission purposes.
- Disclose on the admissions section of the law school website that the law school does consider applicants who meet the criteria for admission under Interpretation 503-3.

Law schools will not be required to file additional or special reports for students admitted under Interpretation 503-3 on their ABA Annual Questionnaires. There will be questions about these admissions, however, on the Site Evaluation Questionnaire that a school must submit in connection with its periodic review in the ABA accreditation process. Therefore, law schools should maintain a file of students admitted under Interpretation 503-3, including the qualifications that students present for admission without an LSAT score.

Future Variances

The variance process permits law schools, with the approval of the Council, to act in ways inconsistent with the Standards in either "extraordinary circumstances" or for "experimental or innovative" proposals that are consistent with the general purposes and objectives of the overall Standards. Because the Council has now approved criteria under Interpretation 503-3, following a period of experimentation with a number of schools under variances from Standard 503, it is unlikely to approve variances going forward that only suggest an experiment that slightly modifies the included criteria. Any future variance proposals regarding Standard 503 should suggest a program that is innovative and experimental in a way that is materially different from the use of the ACT/SAT or GMAT/GRE, as permitted by Interpretation 503-3. Any school that is considering implementing a special admission program not requiring the use of the LSAT that is beyond the scope of Interpretation 503-3 is encouraged to contact the Managing Director's Office to discuss the proposal and obtain further guidance.

The Managing Director's Office will issue Guidance memoranda from time-to-time when new Standards or Interpretations have been adopted or when, in the course of the Office's dealings with schools about compliance with the Standards, a number of schools are asking for clarification or direction regarding a particular Standard, Interpretation or reporting

requirement. The Office does its best to provide helpful guidance, but we remind schools that we do not have the authority to bind either the Council or the Accreditation Committee. That said, the Council and the Accreditation Committee understand the necessity of providing guidance and will take that guidance into account in any determination about a school's operating in compliance with the Standards.