

MANAGING DIRECTOR STATEMENT ON STANDARD 503, PROPOSED CHANGES AND SCHOOLS ANNOUNCEMENTS ABOUT ACCEPTING GRE SCORES

The recent reports by two schools that they will join two other law schools in permitting applicants to apply with a Graduate Record Exam (GRE) score without a Law School Admission Test (LSAT) score has generated attention and comment. The following intends to put these announcements, and this matter generally, in context.

Standard 503 of the ABA Standards for Approval of Law Schools mandates that a law school require applicants to submit a valid and reliable law school admission test score as part of their application. Interpretation 503-1 accepts that the LSAT is such a test; further, it allows schools to use another test if the school demonstrates that it is valid and reliable for that institution. Interestingly, the Standard requires schools to use admission test scores consistently with guidance provided by the test maker, but it does not actually require that the law school use the score in any specific way, or at all.

Law schools know that if they accept an admission test other than the LSAT, they risk a subsequent determination by the Council of the Section of Legal Education and Admissions to the Bar that the test is not a valid and reliable admission test for that school under Interpretation 503-1. The law schools announcing that they will accept a GRE score in lieu of an LSAT score have had studies done which, in their views, establish the validity and reliability of the GRE for their admissions process. But, they all know that decision is ultimately for the Accreditation Committee and the Council to make.

If a law school is determined to have been operating out of compliance with the ABA Standards for Approval of Law Schools, the accreditation process has procedures for requiring it to take steps to come back into compliance with the Standards. In this situation, that process would likely include a requirement that the law school stop using that test, and it could lead to additional sanctions as provided in the Rules of Procedure.

The Council currently has out for notice and comment a proposed change to Standard 503 that would make several changes to the Standard and its Interpretations, including eliminating Int. 503-1. The proposal under consideration would establish a process to approve tests other than the LSAT for use by all law schools and would eliminate any individual school's ability to use a test that has not been approved by the Council.

The Council has received notice and comment, and in July conducted a hearing on its proposal. Those comments and the transcript of the hearing are posted on the Section's website.

At this point, the matter will be taken up by the Council's Standards Review Committee, which will review the comments and may make a recommendation to the Council. The Council will then decide whether to adopt the changes out for notice and comment or to continue the matter for further study. The Council, at this point, is slated to take up this matter in November 2017.

All law schools, through their deans, have clearly been advised of what is outlined above and that the time it will take to review, approve, and implement the proposed changes means that a new Standard will not be operative prior to the 2018-2019 recruiting cycle for students who would commence their studies in the Fall 2019 term. Until the Standard is changed, the current Standards and Interpretations remain in force.

Barry Currier
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