

MEMORANDUM

To: Dean Maureen O'Rourke, Chair
Council of the Section of Legal Education and Admissions to the Bar

From: Pamela Lysaght, Chair
Standards Review Committee

Date: October 10, 2017

Re: Comments Received on Items Circulated for Notice and Comment on
Proposed Changes to Standards 106, 403, and 503;
SRC Recommendations

The Standards Review Committee met October 6-7, 2017, and is making a number of recommendations to the Council. This is the first of four memoranda setting forth those recommendations. This Memorandum reports on the comments received and the Standard Review Committee's recommendations regarding the proposed revisions to the *ABA Standards and Rules of Procedure for Approval of Law Schools* approved by the Council for Notice and Comment during its meetings held on March 9-11, 2017, and August 11, 2017. Additionally, hearings were held on July 13, 2017, and September 28, 2017.

Standard 106 Separate Locations and Branch Campuses: The Committee unanimously recommends that the Council adopt the proposed changes to Standard 106, which resolves an inconsistency between Standard 106(b)(1) and Rule 30(b)(1) regarding acquiescence and branch campuses. The Council's Notice and Comment Explanation is attached as Appendix A. No comments were received, and no one testified at the hearing held on September 28, 2017.

Standard 403 Instructional Role of Faculty: After discussion and reviewing the comments received on this matter, the Committee recommends, by a vote of 6 in favor and 3 opposed, that the Council adopt the proposed revisions that had gone out for notice and comment, which will remove the requirement on the percentage of the overall curriculum that must be taught by full-time faculty. The Council's Notice and Comment Explanation is attached as Appendix B.

A total of 15 comments were received; 14 in opposition to the proposed change and one in favor. Additionally, two entities (CLEA and SALT) offered testimony opposing the proposed change at the July 2017 hearing. Those opposed voiced concerns that the proposed change would lead to a reduction in full-time faculty, a weakening of tenure and academic freedom, and adversely affect legal education. Comments from Committee members favoring the proposed change noted that the standard would still, and appropriately, require law schools to ensure effective teaching by all faculty, and that it would provide law schools with more flexibility, while reducing the reporting burden on the Annual Questionnaire.

Standard 503 Admissions Test: After discussion and reviewing the comments received, the Committee offers three options to the Council. The Council's Notice and

Comment Explanation is attached as Appendix C. Nine written comments were received, and three entities testified at the hearing (ETS, LSAC, and CLEA). Comments were mixed—testing agencies generally favored the change but raised questions about how the Council would determine which tests are valid and reliable. Those generally in opposition noted that mandated tests are inconsistent with the Council’s shift to outcome measures, and that they impede innovation and diversity in admissions practices.

Option 1: Reject the proposal that has been put out for notice and comment and, instead, put out for notice and comment a proposal that would (a) eliminate Standard 503; and (b) revise Standard 501 by moving Interpretation 501-1 (factors to consider in assessing compliance with Std. 501) into the black letter of the Standard. The result of these changes would be that the requirement of a valid and reliable admissions test would be removed from the standards, but an admissions test would be one of the factors to be considered in determining whether a law school complied with Standard 501. This option was overwhelmingly favored by the Committee.

Option 2: Reject the proposal that has been put out for notice and comment and, instead, modify that proposal in a way so that revised Standard 503 would (i) require an admissions test that assists the school and the applicant in assessing the applicant's capability of completing its program of legal education, and (ii) requires a school to publish the test/tests it accepts. This proposal does not require that the test be determined by the Council to be a valid and reliable test. This option tied with Option 3 for a distant second/third.

Option 3: Reject the proposal that has been put out for notice and comment and, instead, modify that proposal to remove the proposed Int. 503-1. This proposal retains the “valid and reliable” requirement for an admissions test, but removes the protection that proposed 503-1 would grant to the LSAT. This option requires the Council to determine which tests fall into this category. Option 3 tied with Option 2 for a distant second/third.

Explanation of Options

OPTION 1

Option 1 eliminates the requirement of an admission test by eliminating Standard 503. A law school may still require an admission test, and it may decide which test(s) it accepts. However, the Committee believes that Standard 501 sets out the sufficiently strong statements that a law school must adopt, publish, and adhere to sound admission policies, and that a law school shall admit only applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar, so that the requirement of an admission test is not needed. The factors that are considered by the ABA in assessing compliance with the Standard have been moved from an Interpretation into the body of Standard 501. The factor of “academic and admission test credentials” has been changed to “academic and admission credentials.” The Committee believes that the many factors listed in Standard 501 should be sufficient for the Accreditation Committee and the Council to determine whether a law school is in compliance. Indeed, the requirement of a test is a toothless method of enforcement of Standard 501 because it is outcomes, assessed through bar passage and attrition rates, which demonstrate whether capable individuals were admitted. No minimum score is prescribed in the requirement for a test, and cannot even be prescribed by the Accreditation Committee when requiring remedial action by a law school to correct problems. The Committee is of the

view, however, that the Accreditation Committee has the authority to mandate that a law school require a specific test to remedy a determination of non-compliance under Standard 501. The Standard also is revised to include, in the Interpretation, a requirement any law school requiring an admission test publish information informing potential students which tests are accepted.

OPTION 2

Option 2 retains Standard 503, but it eliminates the requirement that some entity (the Council, the school, the administering agency, etc.) has found the test to be “valid and reliable” for the purposes of the Standard. This option would leave the choice of tests entirely up to the law school. Indeed, the law school might elect to develop a test that it believes best demonstrates the ability of an applicant to complete its program of legal education and be admitted to the bar. As most law schools probably would continue to use one of the more popular tests (LSAT, GRE, etc.), applicants still would be able to determine which schools would be their best options. The elimination of the phrase “valid and reliable” frees law schools and the Council from being forced to determine the qualities of a particular test that demonstrate the ability of an applicant to complete the entire course of study (not just the first year). Standard 503 also is amended to require that a law school publish information regarding which test or tests are accepted. The Interpretations referring to the LSAT and to admission of a cohort of students without the LSAT are eliminated.

OPTION 3

Option 3 retains Standard 503, mandating that a law school require a “valid and reliable” test, and mandating that the Council determine which tests are valid and reliable in assessing the applicant’s capability of satisfactorily completing the law school’s program of legal education. The method of determining that a test is valid and reliable is not specified. The LSAT is not listed as a valid and reliable test. Standard 503 also is amended to require that a law school publish information regarding which test or tests are accepted. The interpretations referring to the LSAT and to admission of a cohort of students without the LSAT are eliminated.

OPTION 1: 501 amended and 503 deleted

Standard 501. ADMISSIONS

(a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, ~~its~~the law school's mission, and the objectives of its program of legal education.

(b) A law school shall ~~only~~ admit only applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.

~~(b)(c)~~ Among the factors to consider in assessing compliance with this Standard are the academic and admission credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.

~~(c)(d)~~ A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 501-1

Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.

Interpretation 501-2

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome. If a law school requires an admission test, it shall publish information regarding which tests are accepted.

Interpretation 501-3

A law school having a cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that the law school is not in compliance with the Standard.

~~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.~~

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- (a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, the law school's mission, and the objectives of its program of legal education.**
- (b) A law school shall admit only applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.**
- (c) Among the factors to consider in assessing compliance with this Standard are the academic and admission credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.**
- (d) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.**

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STANDARD 503: OPTION 2

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A law school shall require each applicant for admission as a first-year J.D. degree student to take ~~an valid and reliable admission test to that assists~~ the school and the applicant in assessing the applicant's capability of satisfactorily completing the law 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. A law school shall publish information regarding which test or tests are accepted.~~

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.

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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.

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- (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.**

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A law school shall require each applicant for admission as a first-year J.D. degree student to take an admission test that assists the school and the applicant in assessing the applicant's capability of satisfactorily completing the law school's program of legal education. A law school shall publish information regarding which test or tests are accepted.

Interpretation 503-1

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.

STANDARD 503: OPTION 3

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, as determined by the council, ~~to that~~ assists the school and the applicant in assessing the applicant's capability of satisfactorily completing the law 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.~~ ▲ law school shall publish information regarding which test or tests are accepted.

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~~1~~

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 503-2

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 503-3

- (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.*

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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, as determined by the council, that assists the school and the applicant in assessing the applicant's capability of satisfactorily completing the law school's program of legal education. A law school shall publish information regarding which test or tests are accepted.

Interpretation 503-1

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 503-2

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.

Appendix A

Standard 106. Separate Locations and Branch Campuses

The proposed revision seeks to resolve an inconsistency between Standard 106(b)(1) and Rule 30(b)(1) regarding acquiescence and branch campuses. Under Rule 30(b)(1), a reliable plan submitted in support of an application to establish a branch campus must contain sufficient information to determine that the proposed branch campus “has achieved substantial compliance with the Standards and is reasonably likely to achieve full compliance with each of the Standards within three years of the effective date of acquiescence.” In contrast, Standard 106(b)(1) requires the reliable plan to demonstrate only that “the branch campus is reasonably likely to be in substantial compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 30.” The language in Standard 106(b)(1) is less demanding than Rule 30 – requiring only substantial compliance within three years, rather than substantial compliance at the time of acquiescence and full compliance within three years – and inaccurately states that this lesser standard is required by Rule 30. The Council believes that Rule 30(b)(1) contains the more appropriate standard. Accordingly, the proposed revision matches the language of Standard 106(b)(1) to the corresponding language in Rule 30(b)(1).

Standard 106. SEPARATE LOCATIONS AND BRANCH CAMPUSES

- (a) A law school that offers a separate location shall provide:
- (1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location;
 - (2) Library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to the student body at the separate location;
 - (3) Academic advising, career services and other student support services that are adequate to support the student body at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school’s main location;
 - (4) Access to co-curricular activities and other educational benefits adequate to support the student body at the separate location; and
 - (5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location.
- (b) In addition to the requirements of section (a), a branch campus must:
- (1) Establish a reliable plan that demonstrates that the branch campus has achieved substantial compliance with the Standards and is reasonably likely to ~~be in substantial~~ achieve full compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 30;
 - (2) Comply with instructional requirements and responsibilities as required by

Standard 403(a) and Standard 404(a); and

- (3) Offer reasonably comparable opportunities for access to the law school's program of legal education, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits as required by Standard 311.
- (c) A law school is not eligible to establish a separate location until at least four years after the law school is granted initial full approval.

Interpretation 106-1

A law school with more than one location may have one dean for all locations.

Appendix B

Standard 403. Instructional Role of Faculty

Based on a proposal from the Standards Review Committee, the Council agreed to circulate for notice and comment proposed changes to Standard 403(a) that restate a law school's obligations with respect to the teaching done by full-time faculty.¹ The current Standard was adopted in 2014.²

Currently, the Standard requires that the full-time faculty do two things: (1) teach substantially all the first-year (or one-third) of the course of study; and (2) teach more than one-half of the total credit hours offered by the law school in a year or more than two-thirds of student contact hours generated in that year.

The proposal would retain the first requirement—that substantially all the first third of the course of study be taught by full-time faculty—but would eliminate the second requirement.

¹ A “full-time faculty member” is defined in the Definitions section of the Standards and provides that “[f]ull-time faculty member” means an individual whose primary professional employment is with the law school, who is designated by the law school as a full-time faculty member, who devotes substantially all working time during the academic year to responsibilities described in Standard 404(a), and whose outside professional activities, other than those described in Standard 404(a), if any, do not unduly interfere with his or her responsibilities as a full-time faculty member.”

² The Standard prior to the one adopted in 2014 provided as follows:

Standard 403. Instructional Role of Faculty

- (a) The full-time faculty shall teach the major portion of the law school's curriculum, including substantially all of the first one-third of each student's coursework.
- (b) A law school shall ensure effective teaching by all persons providing instruction to students.
- (c) A law school should include experienced practicing lawyers and judges as teaching resources to enrich the educational program. Appropriate use of practicing lawyers and judges as faculty requires that a law school shall provide them with orientation, guidance, monitoring, and evaluation.

Interpretation 403-1

The full-time faculty's teaching responsibility will usually be determined by the proportion of student credit hours taught by full-time faculty in each of the law school's programs or divisions (such as full-time, part-time evening study, and part-time weekend study). For purposes of Standard 403(a), a faculty member is considered full-time if that person's primary professional employment is with the law school.

Interpretation 403-2

Efforts to ensure teaching effectiveness may include: a faculty committee on effective teaching, class visitations, critiques of videotaped teaching, institutional review of student evaluation of teaching, colloquia on effective teaching, and recognition of creative scholarship in law school teaching methodology. A law school shall provide all new faculty members with orientation, guidance, mentoring, and periodic evaluation.

The proposal would give schools more flexibility to develop class schedules that serve the students' interests and fit well with the variety of full-time and part-time teaching resources available to the school.

Current Standard 403(b) remains unchanged and requires that law schools take appropriate steps to ensure that teaching at the law school is effective.

The Council accepts the continuing need for the requirement relating to the first-year experience. That year is important in creating a sense of academic community among students and the faculty. The role of full-time faculty in creating that community is critical and the interaction between law students and full-time faculty that should take place during that year is significant in providing a foundation for future learning.

Moreover, the Council appreciates the link between the input requirement of the amount of teaching done by full-time faculty and the more substantive requirements in Standard 404(a)(1)-(2) that call on the full-time faculty to be available to students outside of class, advise students about their law studies, and create a vibrant and meaningful atmosphere for the study of law, the legal system, and the role of law in our society. As such, the full-time faculty is particularly critical in the first year as the culture and relationships between students and their professors are being established.

The elimination of the second sentence in current Standard 403(a), however, enables schools to have more opportunity to innovate and be creative in how instruction is delivered outside of the first-year, provided that a law school satisfies the performance standard of ensuring effective teaching called for in Standard 403(b). A law school could very well decide that having full-time faculty teach most, or even substantially all, of the last two-thirds of law school is the most desirable course. But, on the other hand, schools may also decide, through innovative methods or otherwise, that the full-time faculty can carry out its responsibilities for the curriculum and for the effectiveness of teaching without themselves having to do the teaching. Interpretation 403-1 offers a non-exclusive list of ways that can be done.

Insuring effective teaching is much more consistent with the outcome measures approach being integrated into the Standards. Counting courses or credit hours taught by full-time faculty, while not irrelevant to the quality of a law school's program and the student experience, is much more of an input measure. Many law schools are creatively bringing into their communities and curricula members of the profession, the judiciary, and colleagues from elsewhere in the university who can add to the richness of the student experience. This proposal acknowledges that giving schools more flexibility can improve the quality of the law school's program, so long as the full-time faculty, together with the law school administration, properly manage and oversee the curriculum and teaching in the law school.

Redlined to Current Standard

Standard 403. INSTRUCTIONAL ROLE OF FACULTY

- (a) The full-time faculty shall teach substantially all of the first one-third of each student's coursework. ~~The full-time faculty shall also teach during the academic year either (1) more than half of all of the credit hours actually offered by the law school, or (2) two-thirds of the student contact hours generated by student enrollment at the law school.~~
- (b) A law school shall ensure effective teaching by all persons providing instruction to its students.

Interpretation 403-1

Efforts to ensure teaching effectiveness may include: orientation, guidance and mentoring for new faculty members; a faculty committee on effective teaching; class visits; critiques of videotaped teaching; institutional review of student course evaluations; colloquia on effective teaching; and recognition and use of creative scholarship in law school teaching methodology.

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Appendix C

Standard 503. Admission Test

The Council is circulating for notice and comment changes to Standard 503 that would result in the following changes to the current standard: [1] establish a process by which law school admission tests other than the Law School Admission Test (LSAT) offered by the Law School Admissions Council (LSAC) can be certified as valid and reliable law school admission tests that all law schools can use to meet the requirements of Standard 503; [2] eliminate Interpretation 503-1, which currently allows a law school to demonstrate that a test other than the LSAT (or presumably any other test that would be certified by the Council under the proposed new approach) is a valid and reliable law school admission test for that school; [3] reconfirm the Council's prior action to eliminate the "safe harbor" provision of current Interpretation 503-3; and [4] make clear that every law school will have to require at least the LSAT or another certified test as part of its admissions process and that no variances will be granted to this requirement.

The matter of whether a law school admission test should be required by the Standards and, if so, which test or tests should be allowable has proved to be a particularly difficult matter for the Council. The Council has considered the range of possibilities: [1] require every applicant to have an LSAT score; [2] remove Standard 503 from the Standards and allow schools to develop an admission process that works for them, so long as it results in an acceptable rate of attrition and bar passage; and [3] something between these two extremes.

The Council is circulating for notice and comment a proposal that retains the requirement of a law school admission test in the Standards. This requirement is important in enforcing the requirement of Standard 501 that a "law school shall not admit an applicant who does not appear capable of satisfactorily completing its program of legal education and being admitted to the bar." Further, an admission test is helpful to schools in evaluating applicants and most schools, even if the admission test requirement was removed from the Standards, would continue to require such a test. Finally, the requirement of a test score and requiring schools to publish information about the test score profile of their entering classes is a helpful data point for students considering the study of law and where to apply/attend.

The Council further concluded that the prospect of retaining current Interpretation 503-1 and allowing schools to do their own studies of the validity and reliability of law school admission tests other than the LSAT was unworkable. It would impose costs and burdens on schools and on the accreditation process that can be avoided by the creation of a national certification process run by the Council. While it removes some flexibility and opportunity to innovate from individual law schools, it also is likely to expand the number of tests that all law schools will be able to use as admission tools.

On balance, the Council concluded that the proposal that it is circulating for notice and comment is, perhaps, the optimal way to work through a difficult issue. The Council encourages comments on this proposal and the general issue that has been outlined here.

Redlined to Current Standard

Standard 503. ADMISSION TEST

- (a) A law school shall require each applicant for admission as a first-year J.D. degree student to take an 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.
- (b) A law school shall not use an admission test other than the Law School Admission Test sponsored by the Law School Admission Council unless the test has been determined by the Council to be a valid and reliable test, pursuant to a process that the Council shall adopt and publish, and to which it shall adhere. The process adopted by the Council shall be the only method through which admission tests shall be determined to be valid and reliable and variances may not be sought by law schools under Rule 33 that are inconsistent with this Standard.
- (c) A law school shall publish information regarding which tests are used in assessing an applicant's capability of satisfactorily completing the school's program of legal education.

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.~~

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- (b) A law school shall not use an admission test other than the Law School Admission Test sponsored by the Law School Admission Council unless the test has been determined by the Council to be a valid and reliable test, pursuant to a process that the Council shall adopt and publish, and to which it shall adhere. The process adopted by the Council shall be the only method through which admission tests shall be determined to be valid and reliable and variances may not be sought by law schools under Rule 33 that are inconsistent with this Standard.
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