



# Memorandum

To: The Council

From: The Strategic Review Committee

Date: April 25, 2022

Re: Recommended Revisions to Standards 501 and 503 for Council Approval for Notice and Comment

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The Council, in 2018, approved amendments to Standards 501 and 503 after public Notice and Comment. The most significant change in these amendments was the elimination of Standard 503 and its requirement of a “valid and reliable” admission test. The Council sent these amendments to the ABA House of Delegates (HOD) for concurrence at the HOD’s August 2018 Meeting. Due to considerable and organized opposition to the amendments at the HOD meeting, the resolution containing the amendments to Standards 501 and 503 was withdrawn for further consideration by the Council. Since then, the Council has solicited feedback from interested parties related to the requirement of an admission test in the Standards. In October 2020, a Council Roundtable event featured a table whose participants discussed whether the Standards should continue to require an admission test. In October 2021, the Council publicly released its independent consultant’s report that assessed the ETS study on the predictive value of the GRE for law school applicants. The Council solicited comments on the consultant’s report, receiving eight comments. In November 2021, the Council voted to allow law schools to accept the GRE in addition to the LSAT for law school admissions.

The Strategic Review Committee has undertaken a review of Standards 501 and 503 and now recommends revisions to these Standards.

Below are the Strategic Review Committee’s (SRC) recommended revisions to Standards 501 and 503 for Council approval for Notice and Comment. Among other changes, the SRC is recommending the elimination of the requirement that law schools use a valid and reliable admission test, although law schools of course remain free to require a test if they wish. Both a redlined version and a “clean” version are provided for each Standard for ease in reviewing the revisions.

## **Standard 501**

**Explanation:** There are several recommended revisions to Standard 501. Part (c) of the Standard was revised to focus on, in the event of a student’s academic disqualification and opportunity for admission or readmission, an affirmative showing that the student appears capable of completing the program of

legal education and being admitted to the bar, as opposed to the student's capacity to complete the program of legal education and be admitted to the bar. The revisions add Part (d), which requires that a law school annually assess its admissions policies and practices for compliance with the Standards, including Standards 205 and 206. Further, the rebuttable presumption of non-compliance with Standard 501 for a law school with a cumulative non-transfer attrition rate above 20 percent has been moved from its location in an Interpretation into the black letter of Standard 501. The Interpretation re-numbered as 501-1 preserves the original language that identifies a non-exhaustive list of items that may be considered in the context of sound admissions policies and practices. Finally, a new Interpretation 501-2 explains that, while the Council considers the bar passage rate of a law school's students in assessing compliance with Standard 501, Standard 316 compliance alone will not demonstrate compliance with Standard 501. Finally, an Interpretation regarding the factors considered by the Council in assessing compliance with Standard 501 has been eliminated as redundant.

### **Redline Version: Standard 501. Admissions**

- (a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, its 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.
- (c) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the student, notwithstanding the prior disqualification, appears capable of completing ~~does not indicate a lack of capacity to complete~~ its program of legal education and being 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.
- (d) A law school shall annually assess its admission policies and practices for their compliance with the Standards, including Standards 205 and 206.
- (e) A cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that a law school is not in compliance with this Standard.

#### ***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 501-1~~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.*

#### ***Interpretation 501-2***

*The Council considers the bar passage rate of a law school's students in assessing compliance with this Standard, but compliance with Standard 316 does not alone demonstrate compliance with Standard 501.*

***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.*

**Clean Version: Standard 501. Admissions**

- (a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, its 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) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the student, notwithstanding the prior disqualification, appears capable of completing its program of legal education and being 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.
- (d) A law school shall annually assess its admission policies and practices for their compliance with the Standards, including Standards 205 and 206.
- (e) A cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that a law school is not in compliance with this Standard.

***Interpretation 501-1***

*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.*

***Interpretation 501-2***

*The Council considers the bar passage rate of a law school's students in assessing compliance with this Standard, but compliance with Standard 316 does not alone demonstrate compliance with Standard 501.*

**Standard 503**

**Explanation:** The recommended revisions to Standard 503 eliminate the requirement of a “valid and reliable” admission test for individuals seeking admission as first-year J.D. degree students, thereby making the use of an admission test by law schools optional. While a law school may still choose to use one or more admission tests as part of sound admission practices or policies, the revisions require a law school to identify all tests that it accepts in its admissions policies so that applicants to the law school know which admission tests are accepted. Eliminating the requirement of a “valid and reliable” admission test also eliminates some of the challenges inherent in determining which tests are in fact valid and reliable for law school admissions, although of course law schools must still show that their use of an admission test, should they choose to require one, is consistent with sound admission practices and procedures. Moreover, the SRC notes that as of early 2022, the Council remained the only accreditor among law, medical, dental, pharmacy, business, and architecture school accreditors that required an

admission test in its Standards.

### **Redline Version – Standard 503. Admission Tests**

A law school may use admission tests as part of sound admission practices and policies. ~~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.~~ The law school shall identify in its admission policies any tests it accepts.

#### ***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.~~

### **Clean Version – Standard 503. Admission Tests**

A law school may use admission tests as part of sound admission practices and policies. The law school shall identify in its admission policies any tests it accepts.