



Association of Legal
Writing Directors

FROM: Association of Legal Writing Directors (ALWD)
Mary E. Adkins, Board Member

DATE: May 23, 2019

RE: ABA Section on Legal Education Council Meeting Report

As your ABA liaison, I attended the Council Meeting on May 17 of the ABA Section on Legal Education and Admissions to the Bar, in Chicago. Within an hour or two of the end of the open meeting, you received on the listserv a link to an ABA Journal story that gave the big news that the Council approved the revision to Standard 316, requiring law schools to have 75 percent of their Bar takers pass within two years of graduation. The link to that article is [here](#).

A quick review for those unfamiliar with the controversy about the Standard 316 revision: Former Standard 316 allowed law schools five years to achieve a 75 percent bar passage rate, and calculated differently for schools that are the only law school in their state. No law school had failed under that standard. The new standard has no exceptions. The controversy arose because schools that would have failed had the new standard applied to them over the past few years enroll a disproportionate percentage of minority students; to fail these schools would be to create another barrier to the profession for minority students. And law is the “whitest” profession already, studies say. If you’d like to study more about the new 316, the Section materials from the meeting are [here](#).

The discussion on whether to adopt the revised standard was spirited. Several Council members raised objections, and the vote was not unanimous. Though diversity issues were discussed, the Council did not discuss directly the many letters it had received in opposition. However, the Council did take a friendly amendment that the executive director issue a guidance memorandum explaining the importance of following [Standards 205 and 206](#), requiring law schools to make efforts to recruit a diverse student body, and incorporating the information in the [FAQs](#).

In other actions, the Council discussed a change to Rule 11, adding an interim stage of notice, short of probation, when a law school is “heading in the wrong direction” but still in compliance. The Council asked the committee to rethink and revise.

Finally, the Council heard oral reports from affiliate organizations, regarding their recent and upcoming activities. ALWD was one of those organizations; our written report is [here](#). Another was AALS, whose executive director, Judith Areen, announced AALS is beginning a “deep study” into “the law school dean.”

Thank you for allowing me to be your eyes and ears with the Section Council.