



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

DATE: March 26, 2019

RE: ABA Section on Legal Education Council Meeting Report

On February 22, I attended a meeting of the Council of the ABA's Section on Legal Education and Admissions to the Bar in Marina Del Rey, California. ALWD is an affiliate organization of the Section; while at times our role is to advocate and report, at this meeting our role was to observe and take note of topics the Council discussed, as it oversees many issues of interest to our membership.

The primary topic the Council addressed was the proposed revision of Standard 316. The first part of the revision would require that at least 75 percent of a law school's students who sit for the bar exam must have passed the bar within two years of first taking the exam. This is a shorter time period than the five years that had been in place. The change is predicated largely on data that very few students take the bar exam more than twice, so the two-year timeline would capture almost all bar-takers. CLEA (Clinical Legal Education Association) has conducted a study that suggested this new standard would disproportionately affect HBCUs and California law schools (which have a high proportion of minority students), endangering their accreditation.

The second part of the revision to Standard 316 would increase the reporting standard to 95 percent of all students from 70 percent, as better access to information means that law schools can now get nearly all of the information necessary to report to the Section.

The third part of the revision would eliminate the chance for a non-complying law school (one whose ultimate pass rate is below 75 percent) to show that it is within 15 percent of the statewide pass rate.

The Council approved proposed changes to Standard 316 in October 2016 and sent those changes to the House of Delegates for approval in February 2017. The House of Delegates rejected the revisions and referred the matter back to the Council. The Council considered the concerns of the House, but again approved the standard, and sent it back to the House of Delegates in January 2019. Again, the House declined to concur with the standard. Although the debate in the House reflected a wide range of concerns about the proposal, much of the debate focused on concerns that the resulting standard would have a negative impact on diversity in law schools and the profession.

The Council can now adopt the proposed revisions to Standard 316 without further review by the House or it can reconsider/revise. The Council voted to defer a vote on the proposed revision until its May 2019 meeting.

In addition to Standard 316, the Council heard affiliate reports from CLEA, SALT (Society of American Law Teachers), AALL (Association of American Law Librarians), the National Council of Bar Examiners, AALS, and LSAC. The full agenda and meeting materials, including written affiliate reports, are available [here](#).

Kindest regards,

Mary E. Adkins