



**COMMENT OF CLINICAL LEGAL EDUCATION ASSOCIATION ON THE
PROPOSAL TO REVISE ABA STANDARDS 501 AND 503
April 2, 2018**

The Clinical Legal Education Association (“CLEA”), the nation’s largest association of law professors, submits this Comment in support of the proposed changes to ABA Accreditation Standards 501 and 503. The proposal would eliminate the requirement that every law school use a valid and reliable admissions test as part of the selection process for every student and would provide schools with greater discretion to determine their admissions processes. CLEA supports the proposal to give schools greater discretion in the admissions assessment process and, more specifically, the elimination of the requirement of a standardized admissions test because such tests do not predict lawyering ability and also impede diversity in the profession.

Under the current proposal, Standard 501 will require that law schools “admit only applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.” The factors to be considered in assessing compliance with Standard 501 – the academic and admission credentials of the school’s entering students, the school’s academic attrition rate, the bar passage rate of graduates, and the effectiveness of the school’s academic support program – will be moved from an interpretation into the body of Standard 501.

Eliminating standardized tests as one of the central factors of law school admissions will allow schools greater flexibility and provide opportunities for innovation in the admissions process. CLEA not only supports the elimination of standardized testing as a necessary requirement for law school admissions but also urges the Council to encourage schools to develop assessment factors that better predict how well a student is likely to perform as a lawyer rather than focusing solely on first year and bar exam performance.

CLEA has submitted previous Comments to the Council, in 2012 and 2017, addressing the need for law school admissions and assessments to align better with the actual work of being a lawyer. The current testing requirements – the LSAT for admission and the bar exam for admission to practice – sort applicants and graduates based on a limited set of measures. These required tests are not designed to assess the full range of skills needed by lawyers.

In considering ways to develop admissions assessments that are more holistic and predictive of success in the practice of law, the Council and law schools should look to other professions, which have done far more to create admissions assessments that offer a greater likelihood of predicting future professional success. For example, the Association of American Medical Colleges engaged in a multi-year effort to reform the MCAT and the standardized medical school admissions process to better assess whether applicants are likely to possess the skills used by physicians. The MR5 Committee recommended that the AAMC “develop new measures of integrity, service orientation, and other personal characteristics admissions committees can use early in the process of student selection” and urged the AAMC to “[v]igorously pursue options for gathering data about personal

characteristics through a new section of the AMCAS application and through standardized recommendation letters.”¹ Law schools also should look to studies such as those conducted by the Institute for the Advancement of the American Legal System² for insights into the characteristics, professional competencies, and legal skills that should be considered when assessing a law student’s potential for future professional success.

CLEA also endorses the elimination of standardized testing because of our concern about the effect on diversity of requiring a standardized test. Standardized tests blossomed in the aftermath of World War II as part of a conscious effort to diversify American higher education; however, the landscape has changed since then. In fact, there are several substantial reasons to think the LSAT now contributes more to the problem of privilege than to the efforts toward inclusion. Racial disparities persist in law schools³ and racial and gender disparities continue to exist in the legal profession.⁴

The LSAT itself has had, and continues to have, a negative impact on diversity: American Indian/Alaskan Natives, Black/African American, Hispanic/Latino, and Puerto Rican minorities all score lower than White/Caucasians and Asians, and men consistently score slightly higher than women.⁵ Other standardized tests have not fared much better. The Graduate Record Examination, currently used as an alternative admissions test by some law schools, suffers from many of the same problems of racial bias as the LSAT.⁶

CLEA continues to urge that law school admissions, law school assessments, and licensing examinations should be more holistic and integrative across the cognitive, relational and value dimensions. We believe this is the best way to create a profession that is diverse and responsive to the legal needs of our society. CLEA stands for a diverse, skilled bar that has the values to pursue justice.

¹ See 5th Comprehensive Review of the Medical College Admission Test (MCAT), Final MCAT Recommendations, <https://www.staging.aamc.org/download/275126/data/finalrecommendationsupdate.pdf>

² See, e.g., Foundations for Practice: The Whole Lawyer and the Character Quotient, 2016, published by the Institute for the Advancement of the American Legal System, <http://iaals.du.edu/educating-tomorrows-lawyers/publications/foundations-practice-whole-lawyer-and-character-quotient>

³ See 2016 J.D. Matriculants by Gender & Race/Ethnicity, https://www.americanbar.org/groups/legal_education/resources/statistics.html

⁴ See 2017 Report on Diversity in U.S. Law Firms, published by the National Association for Law Placement, <https://www.nalp.org/uploads/2017NALPReportonDiversityinUSLawFirms.pdf>

⁵ See LSAT Technical Report 14-02, October 2014, [https://www.lsac.org/docs/default-source/research-\(lsac-resources\)/tr-14-02.pdf](https://www.lsac.org/docs/default-source/research-(lsac-resources)/tr-14-02.pdf), at 17-27.

⁶ See A Snapshot of the Individuals Who Took the GRE General Test July 2013-June 2016, https://www.ets.org/s/gre/pdf/snapshot_test_taker_data_2016.pdf, at 6-9.