

# ABA Considers Tossing LSAT Requirement, Disagreement Ensues

**Legal academics appear split on an ABA proposal, saying the move would invite experimentation or imperil vulnerable students.**

By [Karen Sloan](#) | April 09, 2018 at 12:44 PM

The debate over the GRE in law school admissions is headed to Washington this week.

The American Bar Association is holding a public hearing April 12 on a proposed change to its law school standards that would drop the requirement that schools use the Law School Admission Test when selecting students.

Proponents and opponents of the change have already laid out their arguments in written comments submitted before the hearing, and the legal academy appears markedly split on the issue. Unsurprisingly, the organizations behind both standardized tests are at odds over whether the ABA's Council of the Section of Legal Education and Admissions to the Bar should eliminate the LSAT rule.

The Law School Admission Council argued that the LSAT requirement benefits schools by offering a reliable predictor of whether applicants will succeed on campus, while also protecting the consumer interest of weak candidates by signaling that they will likely struggle should they enroll—and assume debt in the process.

“No one wins if this decision turns out poorly—not law school candidates, not law schools and certainly not the consuming public,” warned LSAC president Kellye Testy in a [10-page letter](#) urging the ABA council to conduct further study on the admission test matter before voting on the proposal.

Educational Testing Service, which administers the Graduate Record Examination, countered that law schools need greater flexibility in admissions to combat a long-term decline in applications. The GRE is used for admissions to most graduate programs outside of law and medicine, and is offered on a rolling basis throughout the year, unlike the LSAT's six annual test dates.

“ETS commends the ABA for its efforts to innovate law school admissions and hopes the council will approve revisions to the standards that give institutions flexibility in determining how to address the challenges that the legal profession faces and meet their obligation to enroll candidates they believe are capable of satisfactory program completion,” reads the [letter](#) from ETS vice president David Payne.

But groups within and outside the academy that are devoted to teaching, diversity and other education matters are coming down on both sides of the issue, at times citing the exact same goals to support their opposing positions.

For example, the Society of American Law Teachers (SALT), the Clinical Legal Education Association (CLEA), and AccessLex—a nonprofit that advocates for greater access to legal education—are urging the council to do away with the LSAT requirement on the grounds that it would help diversify the pool of law students because minority students on average score lower than their white counterparts. “Using LSAT scores as a linchpin of admissions decisions contributes to a deeply embedded set of discriminatory practices,” reads [SALT’s letter](#).

Yet the Council on Legal Education Opportunity Inc., (CLEO), which seeks to diversify law schools, and the Minority Network, a group of law school admissions personnel, both argue that removing the LSAT requirement will render minority candidates more vulnerable to enrolling in law school at a high cost when they may not graduate.

“We agree outcomes are important, but if the outcomes include removing objective measures of student potential for success, and if outcomes include the potential for students who do gain access to law school to amass life-changing debt before they discover they may not succeed in passing the bar, gain employment or vet a sincere interest in the law, then we believe a departure from [the LSAT requirement] could cause great harm to students in general,” reads the [letter](#) from the Minority Network, signed by 36 admissions deans.

ABA officials have debated the LSAT requirement for years, but that discussion didn’t gain momentum until 2016, when the University of Arizona James E. Rogers College of Law became the first to allow applicants to submit either a LSAT or GRE score. Since then, 16 other schools have announced they are accepting, or soon will accept the GRE. (Two more law campuses accept the GRE in limited circumstances.) Chicago-Kent College of Law is the most recent to embrace the alternative test, [announcing](#) last week that it now welcomes applicants with GRE scores.

Schools that are using the GRE say they want to reach a wider pool of potential students, particularly those with science, technology, engineering and math backgrounds.

“By accepting GRE scores in addition to LSAT scores, Chicago-Kent hopes to invite applications from a more academically diverse pool of prospective students,” reads the school’s announcement of the move. “In addition, because the GRE is offered more frequently and widely than the LSAT, the test is more accessible to candidates for admission both in the United States and around the world.”

The current ABA standard requires law schools to use a “valid and reliable” test in admissions, yet only the LSAT is specifically recognized as such. Schools now using the GRE are relying on studies that conclude that test is as effective as the LSAT in predicting first-year law school grades. ETS last fall announced that a national validity study of GRE scores from 21 law schools reached that same conclusion, though the Law School Admission Council’s Testy has raised concerns about the methodology of the GRE validity studies.

The pending proposal would encourage law schools to use an admission test, but would not stipulate which tests are acceptable. The use of an admission test is among the factors the ABA will consider when determining whether a school is in compliance with its overarching admissions standard, under the proposed change.

Several high-profile law deans weighed in to support the new rule. Northwestern University Pritzker School of Law Dean Daniel Rodriguez; University of California, Berkeley School of Law Dean Erwin Chemerinsky; Arizona Dean Marc Miller; and University of Texas School of Law Dean Ward Farnsworth submitted a [letter](#) supporting the change, writing that it “invites experimentation.”

“The proposal would go a long way towards diversifying admission to J.D. programs, and place the burden of wise admissions decisions where it belongs: on law schools, and focused on outcomes rather than inputs,” the deans wrote.

Admissions deans from 22 law schools separately warned that eliminating the LSAT requirement would complicate the push for greater transparency in law school consumer data, given that the uniform LSAT score reporting of admitted and enrolled students would no longer be available. The proposal does not stipulate how the use of alternative tests would be reported to the public, they noted.

“How will that consumer disclosure be structured so that it remains meaningful whether a school requires one test, one of four tests, or maybe no test at all?” their [letter](#) asked.

The ABA’s Standards Review Committee is scheduled to take up the matter at its April 13 meeting. Should the committee approve the change, the proposal would come before the ABA council for further consideration.

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