

**American Bar Association
Section of Legal Education and Admissions to the Bar**

MEMORANDUM

DATE: September 5, 2013

TO: Deans of ABA-Approved Law Schools
University Presidents
Chief Justices of State Supreme Courts
Bar Admissions Authorities
Deans of Unapproved Law Schools
Leaders of Other Organizations Interested in ABA Standards
Student Bar Association Presidents

FROM: Barry A. Currier, Managing Director of Accreditation and Legal Education

SUBJECT: Amendments to Standard 509 (Consumer Information)

At its meeting in June 2013, the Council approved changes to Standard 509 of the ABA *Standards and Rules of Procedure for Approval of Law Schools*. The proposed changes had been circulated for Notice and Comment, and a public hearing was held on May 4, 2013. The amended Standard 509 became effective upon concurrence by the ABA House of Delegates at its meeting on August 12-13, 2013.

Attached are a commentary on the changes and a redlined version of the amended Standard. The Section of Legal Education and Admissions to the Bar will provide additional guidance to schools regarding compliance with amended Standard 509.

Commentary

At its meeting in June 2013, the Council approved changes to Standard 509 of the ABA *Standards and Rules of Procedure for Approval of Law Schools*. The proposed changes had been circulated for Notice and Comment, and a public hearing was held on May 4, 2013. The amended Standard 509 became effective upon concurrence by the ABA House of Delegates at its meeting on August 12-13, 2013.

These changes clarify the obligations of schools with respect to the reporting and publication of consumer information and strengthen the range of sanctions that may be imposed for violations of the Standard. The changes align employment outcomes disclosure requirements with the reporting requirements previously approved by the Council upon recommendation by the Questionnaire Committee. The changes also mandate disclosure of conditional scholarship renewal data to assure that prospective conditional scholarship recipients are fully informed as to the terms of the scholarship being offered.

The revisions to Standard 509 include a change to the title of the Standard from “Consumer Information” to “Required Disclosures”. The purpose for this change is two-fold: (a) the term “consumer information” leads to possible confusion over potential liability of schools under state consumer information statutes; and (b) students and prospective students should not be thought of strictly speaking as consumers.

The revisions to the Standard divide the information that the Standard requires a law school to publish on its website into two categories: (1) that for which the Council prescribes a particular form and manner of publication; and (2) that which the school must disclose in a readable and comprehensive manner. The revised Standard covers these two categories in 509(b) and 509(c), respectively.

The Council has prescribed forms for the disclosure of the employment information required by 509(b)(3) and the conditional scholarship information required by 509(b)(7). For the remaining disclosures required by 509(b), law schools are able to generate a table from the online ABA Annual Questionnaire based on the information provided annually by the schools.

The disclosures required by 509(c) are not susceptible to a uniform format and are therefore governed by the “readable and comprehensible” requirement.

With the addition in subsection (b) of the requirement that all information must be disclosed “in the form and manner and for the time frame designated by the Council”, the provisions in current Standard 509(d) are redundant and unnecessary.

Standard 509. REQUIRED DISCLOSURES CONSUMER INFORMATION

(redlined to existing Standards)

(a) All ~~consumer~~ information that a law school reports, publicizes or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. Schools shall use due diligence in obtaining and verifying ~~consumer~~ such information. Violations of these obligations may result in sanctions under Rule 16 of the Rules of Procedure for Approval of Law Schools.

(b) A law school shall publicly disclose on its website, in the form and manner and for the time frame designated by the Council, the following information: ~~consumer information in the following categories:~~

(1) admissions data;

(2) tuition, and fees, living costs, and financial aid, ~~conditional scholarships and refunds;~~

(3) conditional scholarships;

(4)(3) enrollment data, including academic, transfer, and other attrition/~~graduation~~ rates;

(5)(4) numbers of full-time and part-time faculty, professional librarians, and administrators;

(6)(5) ~~curricular offerings, academic calendar, and academic requirements~~ class sizes for first year and upper class courses; number of seminar, clinical and co-curricular offerings;

(6) ~~library resources;~~

(7) ~~facilities; and~~

(7)(8) employment outcomes; and

(8) bar passage data.

(c) A law school shall publicly disclose on its website, in a readable and comprehensive manner, the following information on a current basis:

(1) refund policies;

(2) curricular offerings, academic calendar, and academic requirements; and

(3) its policies regarding the transfer of credit earned at another institution of higher education. The law school's transfer of credit policies must include, at a minimum:

(i)(1) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and

(ii)(2) A list of institutions, if any, with which the law school has established an articulation agreement.

(d) — A law school shall publicly disclose the employment outcomes of its J.D. graduates on its website.

(1) — The employment outcomes shall be posted on the school's website each year by March 31 or such other date as the Council may establish.

(2) — The employment outcomes posted must be accurate as of February 15th for persons who graduated with a J.D. degree between September 1 two calendar years prior and August 31 one calendar year prior.

(3) — The employment outcomes posted shall remain on the school's website for at least three years, so that at any time at least three graduating classes' data are posted.

(4) — The employment outcomes shall be gathered and disclosed in accordance with the form, instructions and definitions approved by the Council.

(e) (d) A law school shall publicly disclose on its website, in the form designated by the Council, its conditional scholarship retention data. A law school shall also distribute this the data required under Standard 509(b)(3) to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

(f) (e) If a law school elects to make a public disclosure of its status as a law school approved by the Council, it shall do so accurately and shall include the name and contact information of the Council.

Interpretation 509-1

A law school that lists in its course offerings a significant number of courses that have not been offered during the past two academic years and that are not being offered in the current academic year is not in compliance with this Standard. Current curricular offerings, for the purposes of Standard 509(c), are only those courses offered in the current and past two academic years.

Interpretation 509-2

Subject to the requirements of subsection (a) above, a law school may publicize or distribute additional information regarding the employment outcomes of its graduates. A law school may publicize or distribute information in addition to that required by this Standard, including but

not limited to the employment outcomes of its graduates, as long as such information complies with the requirements of subsection (a).

Interpretation 509-3

Any information, beyond that required by the Council, regarding graduates' salaries that a law school reports, publicizes or distributes must clearly identify the number of salaries and the percentage of graduates included in that information.

Interpretation 509-4 509-3

A conditional scholarship is any financial aid award, the retention of which is dependent upon the student maintaining a minimum grade point average or class standing, other than that ordinarily required to remain in good academic standing.