IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGELO BINNO, Plaintiff, v. THE AMERICAN BAR ASSOCIATION, Defendant.	)	Honorable Denise Page Hood Case No.: 2:11-cv-12247

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PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff Angelo Binno states as follows:

INTRODUCTION

1. Plaintiff brings this action to put an end to the American Bar Association's failure to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12189, (ADA), namely their accreditation practices for both public and private American

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Law Schools which discriminate against the blind and visually impaired and result in the denial of access to a legal education.

2. The American Bar Association (ABA) is discriminating against Plaintiff, and others similarly situated, by enacting accreditation standards which deny blind and visually impaired students equal access to educational opportunities at American Law Schools by requiring that said law schools administer an entrance exam which is patently discriminatory. The discriminatory acts and omissions include, but are not limited to, the following:

   a. The American Bar Association has promulgated accreditation standards for American Law Schools, known as the "ABA Standards for Approval of Law Schools" which it knows, or should know, discriminate against blind and visually impaired law school applicants.

   b. Under Standard 503 of the ABA Standards for Approval of Law Schools, the ABA requires that every incoming J.D. student have taken a "valid and reliable" admission test as a prerequisite to admissions. The ABA interprets this section as imposing a heightened burden on law schools to prove the efficacy of tests other than the "Law School Admission Test sponsored by the Law School Admission Council." The ABA knows, or should know, that the Law School Admission Test is the only widely used commercially available exam for assessing law school applicants and that the test is inherently discriminatory to the blind and visually impaired.

   c. A law school which endeavors to grant a reasonable accommodation to a blind or visually impaired applicant by waiving or exempting the applicant from completing the inherently discriminatory Law School Admission Test risks being subject to "appropriate remedial action, have sanctions imposed

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43. The implementing regulations for Title III of the ADA further require that "The examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure, **rather than reflecting the individual's impaired sensory, manual, or speaking skills** (except where those skills are the factors that the examination purports to measure)." 28 CFR 36.309(b)(1)(i) (emphasis added).

44. By promulgating the ABA Standards for Approval of Law Schools, and specifically Standard 503 thereunder, Defendant has required all law school applicants to take the Law School Admission Test which is an examination within the meaning of 28 CFR 36.309.

45. The ABA has published a "Consultant's Memo" acknowledging that the organization has reviewed the contents of the Law School Admission Test and finds the test to be "valid and reliable" and thus in compliance with Standard 503. A copy of the "Consultant's Memo" is incorporated herein and attached as "Exhibit-D."

46. The "Consultant's Memo" outlines the American Bar Association's requirement that any procedure for a law school to seek a variance or waiver of their obligation to require the LSAT under Standard 503 must be programmatic in nature. While Standard 802 permits a law school to seek a variance from Standard 503, such variances are defined by the "Consultant's Memo" as being for "experimental programs" in the admissions process rather than as an accommodation for an individual law school applicant, thus leaving Plaintiff with no remedy to seek a waiver, variance, or exemption from the discriminatory exam.

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47. Through their acts and omissions as an accrediting organization for US Law Schools, the American Bar Association has been, and continues to be, inextricably linked to the administration of the Law School Admission Test.

48. The American Bar Association requires that the Law School Admission Test be offered, has reviewed and approved of the contents of the exam under Standard 503, and imposes harsh sanctions for schools that do not require their applicants to take the examination.

49. By promulgating the ABA Standards for Approval of Law Schools, and specifically Standard 503 thereunder, Defendant has "offered" and continues to "offer" a discriminatory examination, within the meaning of Title III of the Americans with Disabilities Act, as they exercise control in the requirement that the exam be given, and play a central role in reviewing the contents of the examination to deem it valid and reliable.

50. Standard 503 of the ABA Standards for Approval of Law Schools, and the corresponding sanctions contained in Rule 13 of the Rules of Procedure for Approval of Law Schools, directly discriminate against Plaintiff, and other qualified individuals with disabilities, by mandating that the Plaintiff takes an inherently discriminatory examination and disallowing any law school from waiving the examination as a reasonable accommodation.

51. The examination which the Defendant offers within the meaning of Title III of the Americans with Disabilities Act, demands spatial reasoning and the ability to diagram, skills that are impossible for a blind or visually impaired applicant to competitively engage in.

52. Because the Plaintiff is legally blind, he cannot competitively complete significant portions of the examination using the methods that are required of all test takers.

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Specifically, by requiring Plaintiff to answer questions that deal with spatial relationships and diagramming, the test does not effectively measure the Plaintiff's aptitude for the study of law, which is the purported intent of the exam, but rather illegally reflects Plaintiff's impaired sensory skills in violation of 28 CFR 36.309(b)(1)(i).

53. Upon information and belief, the American Bar Association has been, and continues to be aware of, the discriminatory effects of their accreditation requirements and yet has taken no action to mitigate the effects of its policy.

54. As the recognized entity for accrediting law schools, and promulgating rules and regulations for the testing of prospective law school applicants, the Defendant's actions have caused, and will continue to cause, significant injury and irreparable harm to the Plaintiff, and others with disabilities. Plaintiff's injuries include, but are not limited to, emotional distress, time lost from education, time lost from profession, time lost from social interaction, loss of earning capacity, loss of camaraderie, and pain and suffering.

55. As stated above, the American Bar Association has failed to comply with the non-discrimination requirements of Title III of the Americans with Disabilities Act by offering a discriminatory exam and is woefully in violation of their obligations to provide accommodations and to refrain from discriminating against persons with disabilities.

Count II

VIOLATION OF TITLE V OF THE AMERICANS WITH DISABILITIES ACT, SPECIFICALLY, 42 U.S.C.A. § 12203(b)

56. Plaintiff incorporates by reference all allegations set forth in paragraphs 1 through 55, inclusively.

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57. The Plaintiff is a legally blind man who is a "qualified individual with a disability" under the ADA.

58. Through the acts and omissions alleged herein, Defendant has acted to coerce, intimidate, threaten or interfere with Plaintiff's exercise or enjoyment of rights granted or protected by the ADA.

59. Title V of the Americans with Disabilities Act states in pertinent part that "It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter." 42 U.S.C.A. § 12203(b).

60. By promulgating the ABA Standards for Approval of Law Schools, and specifically Standard 503 thereunder, Defendant has required law school applicants to take the Law School Admission Test which it has deemed valid and reliable.

61. Standard 503 of the ABA standards for Approval of Law Schools, and the corresponding sanctions contained in Rule 13 of the Rules of Procedure for Approval of Law Schools, directly discriminate against Plaintiff, and other qualified individuals with disabilities, by mandating that the Plaintiff takes an inherently discriminatory examination and disallowing any law school from waiving the examination as a reasonable accommodation.

62. Plaintiff has requested this examination be waived as a reasonable accommodation and because of the Law School Admission Test requirement imposed by Defendant in Standard 503, has been denied admission by three law schools in the Eastern District of Michigan, thus forcing the law schools to take into consideration for

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admission purposes his poor performance on a test that discriminates against the blind and visually impaired.

63. The examination which the Defendant's rules require applicants to take, demands spatial reasoning and the ability to diagram, skills that are impossible for a blind or visually impaired applicant to competitively engage in.

64. Because the Plaintiff is legally blind, he cannot competitively complete significant portions of the examination using the methods that are required of all test takers. Specifically, by requiring Plaintiff to answer questions that deal with spatial relationships and diagramming, the test does not effectively measure the Plaintiff's aptitude for the study of law, which is the purported intent of the exam, but rather illegally reflects Plaintiff's impaired sensory skills in violation of 28 CFR 36.309(b)(1)(i).

65. Upon information and belief, the American Bar Association has been, and continues to be aware of, the discriminatory effects of their accreditation requirements and yet has taken no action to mitigate the effects of its policy.

66. As the entity responsible for accrediting law schools, and promulgating rules and regulations for the testing of prospective law school applicants, the Defendant's actions have caused, and will continue to cause, significant injury and irreparable harm to the Plaintiff, and others with disabilities. Plaintiff's injuries include, but are not limited to, emotional distress, time lost from education, time lost from profession, time lost from social interaction, loss of earning capacity, loss of camaraderie, and pain and suffering.

67. Quite simply, the Defendant American Bar Association, by promulgating and enforcing Standard 503, has made it impossible for the Plaintiff, and those similarly situated, to apply to law school without being forced to take a discriminatory exam

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being offered illegally in violation of Title III and Title V of the Americans with Disabilities Act.

68. Standard 503 of the ABA standards for Approval of Law Schools thus "interferes" with Plaintiff's rights under the Americans with Disabilities Act, including but not limited to, his right to pursue a legal education without being forced to take a discriminatory examination prior to his admission to law school.

WHEREFORE, Plaintiff requests the relief set forth below.

PRAYER FOR RELIEF

Plaintiff prays for the following relief:

69. A declaration that the American Bar Association's acts and omissions unlawfully violate Plaintiff's rights under the American's with Disabilities Act of 1990 (ADA).

70. An injunction restraining the American Bar Association from engaging in the accreditation of law schools unless, and until it complies with the requirements of Title III and Title V of the Americans with Disabilities Act, and ceases its implementation of Standard 503 of the ABA Standards for Approval of Law Schools, which discriminates against Plaintiff and other individuals with disabilities.

71. An injunction restraining the American Bar Association from applying Standard 503 of the ABA Standards for Approval of Law Schools to the Plaintiff and others with disabilities for whom the rule would have a discriminatory effect.

72. A further injunction requiring the American Bar Association to provide individuals with disabilities with full and equal access to the programs and services of the institutions that they accredit, and restraining the American Bar Association from discriminating against individuals with disabilities who wish to apply and attend law schools accredited by them.

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73. Although Plaintiff seeks no compensatory damages at this time, Plaintiff wishes to reserve the right to amend and request compensatory damages should it become necessary to encourage the American Bar Association to comply with federal law.

74. Although Plaintiff seeks no actual attorney's fees or costs, Plaintiff wishes to reserve the right to amend and request attorney's fees and costs should it become necessary to encourage the American Bar Association to comply with federal law.

75. All other relief that this Court deems just and proper.

Respectfully submitted,

By _____

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Dated: August 30, 2011

I hereby certify that on August 30, 2011, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notice of such filing to all counsel of record.

/s/ Richard H. Bernstein (P58551)
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PLAINTIFF'S FIRST AMENDED COMPLAINT

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Exhibit A

Printout from the Law School Admission Council (LSAC) Website

LSAC

THE LSAT

ABOUT THE LSAT

Register Now

The Law School Admission Test (LSAT) is a half-day, standardized test administered four times each year at designated testing centers throughout the world. All American Bar Association (ABA)-approved law schools, most Canadian law schools, and many other law schools require applicants to take the LSAT as part of their admission process. It provides a standard measure of acquired reading and verbal reasoning skills that law schools can use as one of several factors in assessing applicants.

In the United States, Canada, the Caribbean, and some other countries, the LSAT is administered on a Saturday, except in June, when it is generally administered on a Monday. For Saturday Sabbath observers, the test is also administered on a weekday following Saturday administrations.

Many law schools require that the LSAT be taken by December for admission the following fall. However, taking the test earlier—in June or September—is often advised.

Some schools place greater weight than others on the LSAT; most law schools do evaluate your full range of credentials.

View Video: About the LSAT

Test Format

The test consists of five 35-minute sections of multiple-choice questions. Four of the five sections contribute to the test taker's score. The unscored section, commonly referred to as the variable section, typically is used to pretest new test questions or to preequate new test forms. The placement of this section will vary. A 35-minute writing sample is administered at the end of the test. LSAC does not score the writing sample, but copies of the writing sample are sent to all law schools to which you apply.

What the Test Measures

The LSAT is designed to measure skills that are considered essential for success in law school: the reading and comprehension of complex texts with accuracy and insight; the organization and management of information and the ability to draw reasonable inferences from it; the ability to think critically; and the analysis and evaluation of the reasoning and arguments of others.

The three multiple-choice question types in the LSAT are:

- *Reading Comprehension Questions*
  These questions measure the ability to read, with understanding and insight, examples of lengthy and complex materials similar to those commonly encountered in law school. The Reading Comprehension section contains four sets of reading questions, each consisting of a selection of reading material, followed by five to eight questions that test reading and reasoning abilities.
- *Analytical Reasoning Questions*

These questions measure the ability to understand a structure of relationships and to draw logical conclusions about that structure. You are asked to reason deductively from a set of statements and rules or principles that describe relationships among persons, things, or events. Analytical Reasoning questions reflect the kinds of complex analyses that a law student performs in the course of legal problem solving.

- *Logical Reasoning Questions*
  These questions assess the ability to analyze, critically evaluate, and complete arguments as they occur in ordinary language. Each Logical Reasoning question requires the test taker to read and comprehend a short passage, then answer a question about it. The questions are designed to assess a wide range of skills involved in thinking critically, with an emphasis on skills that are central to legal reasoning. These skills include drawing well-supported conclusions, reasoning by analogy, determining how additional evidence affects an argument, applying principles or rules, and identifying argument flaws.

Repeating the Test

Test takers frequently wonder whether they can improve their LSAT score by taking the test a second time. If you believe that your test score does not reflect your true ability—for example, if some circumstance such as illness or anxiety prevented you from performing as well as you might have expected—you should consider taking the test again. Data show (PDF) that scores for repeat test takers often rise slightly. However, if your score is a fairly accurate indicator of your ability, it is unlikely that taking the test again will result in a substantially different score. You should also be aware that there is a chance your score will drop. Law schools must have access to your complete test record, not just your highest score; therefore, LSAC will not honor requests for partial score reports.

Unusually large score differences are routinely reviewed by LSAC. This could involve handwriting analysis of the writing sample and other documents, a comparison of thumbprints, or comparison of a test taker's answers to the answers of other test takers seated nearby in the testing room. The same comparisons may be performed in cases of alleged misconduct or irregularity.

Law schools may compare your original test score to your scores on subsequent tests. You should notify law schools of any facts relevant to the interpretation of your test results, such as illness or extenuating circumstances. If there is no reason to believe that one score represents a truer estimate of an applicant's ability, schools are advised that the average score is probably the best estimate of ability—especially if the tests were taken over a short period of time.

NOTE: LSAC does not automatically inform law schools of a candidate's registration for a retest. It is your responsibility to inform law schools directly about your registration for additional tests.

Limitations on Test Taking

Normally, you may not take the LSAT more than three times in any two-year period. This policy applies even if you cancel your score or it is not otherwise reported. LSAC reserves the right to cancel your registration, rescind your admission ticket, or take any other steps necessary to enforce this policy. However, you may retake the LSAT if a law school to which you are applying requires a more recent score than any you have on record or approves your retaking the test, and the school provides LSAC with written proof of its requirements or approval no later than the last day of registration for the test.

LSAT Fees

Exhibit B

Example of a Law School Admission Test (LSAT) Logical Reasoning Question

LSAC

June 2007

LSAT

Form 8LSN75

SECTION I

Time—35 minutes

23 Questions

Directions: Each group of questions in this section is based on a set of conditions. In answering some of the questions, it may be useful to draw a rough diagram. Choose the response that most accurately and completely answers each question and blacken the corresponding space on your answer sheet.

Questions 1–5

A company employee generates a series of five-digit product codes in accordance with the following rules:

The codes use the digits 0, 1, 2, 3, and 4, and no others.
Each digit occurs exactly once in any code.
The second digit has a value exactly twice that of the first digit.
The value of the third digit is less than the value of the fifth digit.

1. If the last digit of an acceptable product code is 1, it must be true that the

   (A) first digit is 2
   (B) second digit is 0
   (C) third digit is 3
   (D) fourth digit is 4
   (E) fourth digit is 0

2. Which one of the following must be true about any acceptable product code?

   (A) The digit 1 appears in some position before the digit 2.
   (B) The digit 1 appears in some position before the digit 3.
   (C) The digit 2 appears in some position before the digit 3.
   (D) The digit 3 appears in some position before the digit 0.
   (E) The digit 4 appears in some position before the digit 3.

3. If the third digit of an acceptable product code is not 0, which one of the following must be true?

   (A) The second digit of the product code is 2.
   (B) The third digit of the product code is 3.
   (C) The fourth digit of the product code is 0.
   (D) The fifth digit of the product code is 3.
   (E) The fifth digit of the product code is 1.

4. Any of the following pairs could be the third and fourth digits, respectively, of an acceptable product code, EXCEPT:

   (A) 0, 1
   (B) 0, 3
   (C) 1, 0
   (D) 3, 0
   (E) 3, 4

5. Which one of the following must be true about any acceptable product code?

   (A) There is exactly one digit between the digit 0 and the digit 1.
   (B) There is exactly one digit between the digit 1 and the digit 2.
   (C) There are at most two digits between the digit 1 and the digit 3.
   (D) There are at most two digits between the digit 2 and the digit 3.
   (E) There are at most two digits between the digit 2 and the digit 4.

GO ON TO THE NEXT PAGE.

Exhibit C

Letter from the Law School Admission Council (LSAC) Dated May 25, 1995

Law School Admission Services
Box 2000T
Newtown, PA 18940-0995

Test Administration Group
215.968.1001
FAX 215.968.1277

May 25, 1995

Richard H. Bernstein
3256 Bloomfield Shore Drive
West Bloomfield, MI 48323

Dear Mr. Bernstein:

Your request for additional test time for the June 12, 1995 LSAT has been forwarded to me for response.

Due to the amount of additional test time you are requesting, it may be more beneficial for you to request that the law schools waive the LSAT test requirement.

To request that the law schools waive the LSAT requirement, you shoul refer to the procedures covered in the paragraph on page 11 of the 1995-96 LSAT/LSDAS Registration and Information Book concerning the waiving of the LSAT requirement.

Since accommodated conditions have not been established for the June 12, 1995 LSAT, you will be refunded $79.00 for the LSAT registration fee. Please allow approximately two weeks for receipt of your refund check.

If you have any questions concerning the above, please do not hesitate to contact Law Services at (215)968-1001.

Sincerely,

Tom Ruck
Manager, Test Administration

Exhibit D

American Bar Association's August 2009 "Consultant's Memo"

CONSULTANT'S MEMO # 1—Revision 1
August 2009

Standard 503

Introduction

Over the last several months there has been significant publicity about the plans of several law schools to initiate special admission programs for cohorts of entering students that do not require the use of the LSAT. We believe that all of these programs have been brought to the attention of the Accreditation Committee, and the Committee has had ongoing dialogue with the schools about these programs and their compliance with the Standards. Rule 25 does not permit me to release compliance information tied to individual schools, but I am able to provide general information about the approach taken by the Accreditation Committee and the Council in dealing with these special admissions programs.

Standard 503 In General

Standard 503 says in relevant part: **A law school shall require each applicant for admission as a first year J.D. student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's educational program.** Additionally, Interpretation 503-1 says: *A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall establish that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's educational program.*

Interpretation 503-1 makes it clear that the burden is on the law school to demonstrate the validity and reliability of any test or assessment methodology, other than the LSAT, that is used for law school admission purposes. I should note that "validity" and "reliability" are terms of art in the world of testing. Validity asks if the scores reflect what the test or assessment method is intended to measure. Reliability asks if repeated applications of the test or assessment method will produce substantially the same results. The LSAT has been determined to be a valid and reliable test for law school admission purposes. For each of the law schools proposing to use something other than the LSAT for admissions purposes, the Accreditation Committee has asked that the school provide certain information so that the Committee can determine if Standard 503 and Interpretation 503-1 are satisfied, and if not, whether a variance pursuant to Standard 802 is warranted. In each case where an admissions program implicating the concerns of Standard 503 has been brought to the attention of the Committee, the school has been asked to answer the following questions:

> Is the Law School using the SAT, ACT, or some test other than the LSAT for admissions purposes; and if so, what evidence does the School have that the test is "... a valid and reliable test to assist the school in assessing the applicant's capability to satisfactorily complete the school's educational program"?

Does the Law School intend to seek and obtain a variance of Standard 503 from the Council?

The basic issue for the Committee to decide under Standard 503 is whether admissions criteria being employed by the special admissions program are comparable to the admissions criteria being applied under the standard admissions program (i.e. the admissions program under which most incoming J.D. students are admitted). The assessment methods used should be shown to be valid for the intended purpose (i.e., to assess "the applicant's capability of satisfactorily completing the school's educational program"), by demonstrating that the performance of students admitted under the special criteria is, in general, about as good or better than that for students admitted under the standard criteria.

Once the Committee has received and reviewed the requested information, it will make a determination as to compliance with Standard 503, and Interpretation 503-1. If the school satisfies the requirements, that ends the inquiry. If the school is not able to demonstrate compliance through the documentation and evidence it submits, it can either end the program or seek a variance from Standard 503 pursuant to Standard 802.

Variances Under Standard 802

Standard 802 provides: *If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance, may impose conditions, and shall impose time limits it considers appropriate.* The relevant part of Standard 802 is the one relating to experimental programs. Interpretation 802-1 permits the granting of a variance for an experimental program based on all of the following:

(1) Good reason to believe that there is a likelihood of success;

(2) High quality experimental design;

(3) Clear and measurable criteria for assessing the success of the experimental program;

(4) Strong reason to believe that the benefits of the experiment will be greater than its risks; and

(5) Adequately informed participation by students involved in the experiment.

The Accreditation Committee, in assessing the application for a variance, will consider (among other things) whether the program in question is one that might, with further evidence from experience, be found to be in compliance with Standard 503 and Interpretation 503-1. It is also important to keep in mind that under Standard 802 and Interpretation 802-5, variances are school-specific and based on the circumstances existing at the law school filing the request.

Committee and Council Determinations To Date

The Accreditation Committee, at its April 2009 meeting voted to find one admissions program that uses a test other than the LSAT in its admissions process in compliance with Standard 503. The Committee also voted to recommend, and the Council at its June 2009 meeting voted to approve, variances to Standard 503 for several other law school admission programs. The applications for variances in these cases were found to comply with the requirements of Standard 802. The Committee has since recommended, and the Council approved at its July meeting, a variance for one additional school. Thus, there are currently five programs not relying on the LSAT for admissions purposes that have received variances to Standard 503. One school was able to demonstrate compliance with Standard 503 despite not using the LSAT because it has a joint degree program that has been using a different admissions test for many years. The school was able to present historical data showing that the students admitted using the other test performed as well as, or better than, students admitted who presented an LSAT score.

Each school that was granted a variance received a letter detailing the terms of the variance and the response required by the law school over the five year period of the variance. Even though the details of the variances are confidential pursuant to Rule 25, the critical part of the letter that each school received reads in part:

CONCLUSIONS:

(2) In accordance with Standards 503 and Interpretations 503-1 and 503-2, the Committee concludes that it has reason to believe the admissions criteria employed under the Program may be comparable to the admissions criteria applied by the Law School under its regular admissions program, and that the assessment methods used in connection with the Program may be valid and reliable for the purpose of assisting the Law School and applicants to assess the applicant's capability to successfully complete the Law School's educational program.

(3) The Committee further concludes that the Program is consistent with the general purposes of the Standards, within the meaning of Standard 802.

(4) The Committee further concludes that the Program is an experimental program based on all of the following:

(1) Good reason to believe that there is a likelihood of success;

(2) High quality experimental design;

(3) Clear and measurable criteria for assessing the success of the experimental program;

(4) Strong reason to believe that the benefits of the experiment will be greater than its risks; and

(5) *Adequately informed participation by students involved in the experiment.*

(5) *The Committee recommends that the Council grant a variance under Standard 802 and Interpretations 802-1(b) and 802-5 for five years to the Law School with respect to the Program, as presented by the Law School, and to the admissions criteria used in connection with the Program.*

RESPONSE REQUESTED:

In the event the Council grants a variance, the Committee requests that the Law School report by September 15 of each year regarding the following:

(a) *For the most recent entering class, the number of students who applied for admission under the Program, the number of those students admitted, and the number who matriculated.*

(b) *For the various student populations referred to in paragraph (a), the distribution, mean, median, and standard deviation of the following: SAT score; ACT score; UGPA; and LSAT scores for those applicants under the Program who took the LSAT and reported LSAT scores.*

(c) *A report on the reliability of the assessment method used in connection with the Program.*

(d) *A report on the performance (including means, medians, and standard deviations) of students who matriculated under the Program, with respect to first semester Law School GPA, first year Law School GPA, cumulative GPA, attrition, graduation rate, bar passage, and employment; and a comparison of such data with corresponding data for students who matriculated under the Law School's regular admission program.*

(e) *A report on any other evidence or studies regarding the validity of the assessment method used in connection with the Program and the comparability of that assessment method with the assessment method used under the Law School's regular admission program.*

(f) *A description of the regular admission program of the Law School then in effect and the assessment method used under it.*

(g) *A description of the person or persons who performed the psychometric and other analyses reported to the Committee in connection with paragraphs (a)-(e), above.*

(h) *A report on the impact of the Program on the Law School's obligation to comply with Standard 212(a), and a description of the actions undertaken by the Law School to assure compliance with Standard 212(a) in light of the implementation of the Program.*

(i) *The information provided to applicants to the Law School under the Program regarding the experimental character of the admissions aspects of the Program.*

(j) *The information provided to applicants to the Law School under the Program regarding the possible need for such students to take the LSAT in order to apply to another law school as either first-year or transfer students.*

(k) *A report on the means by which the Law School complies with Standard 509 and Interpretation 509-1(1), concerning the publishing of basic consumer information regarding admissions, for students admitted to the Law School under the Program. Such consumer information shall include information on the LSAT scores of students admitted under the Program, both separately for such students and in the aggregate with all students admitted to the Law School.*

Summary

The Committee urges any school that is considering implementing a special admission program not requiring the use of the LSAT to consider the analysis above, to give notice to the Consultant's Office, and to be prepared to address all the issues identified and provide the documentation and evidence outlined above.