

**Section on Legal Education & Admission to the Bar  
American Bar Association  
Council Meeting, Open Session  
Friday, June 2, 2017  
Portland, Oregon**

Report to Membership  
Attendee: Wanda M. Temm

**Bar Passage – Standard 316**

The Council considered various actions to take, including no action leaving the current standard in place. Ultimately, they heeded the advice of constituent groups and decided it needed more data on the effects of a 75% ultimate pass requirement. As such, each law school will be sent a questionnaire asking specific data for a two year period to see the result if a 75% ultimate pass requirements had been in effect during that time period.

I urge you to have your school comply with this request. Only with the actual data and not just anecdotal evidence will the Council be persuaded. It was clear the Council members considered the 75% requirement within two years of graduation as not asking too much of any law school and that if a law school could not meet that requirement, than perhaps the law school is not needed. Several members of the Council mentioned that it did not feel the Council's role was to protect law schools, but to protect consumers and law students. This data will be due on September 15, 2017.

At its November 2017 meeting, the Council will consider the data and make a determination whether to change the revised standard or to keep the revised standard as-is and submit to the House of Delegates with the research to back it up at the House of Delegates' February 2018 meeting.

The Council did note the particular problems with California's rate. Thus, if you are with a California school or any other state with a historically low pass rate, it is just critical that you get this information to them. I know California schools presently aren't receiving the information from your state board, but the Council will be asking for 2014-2015 data, I believe.

On the UBE side, the Council is sticking with its "first-time fail" label even if the student transfers their UBE score to another jurisdiction and never takes the bar again. Apparently the deans asked for a standard that a student would be considered a "first-time pass" if the student's score met ANY jurisdiction's pass rate. That was almost laughed off. The academic support community is considering drafting a standard/interpretation to address.

**Organization of Council and Committees**

The Executive Director, Barry Currier, proposed a reorganization of the Council and Committees, merging them into one body. This body would meet four times a year. This would save considerably staff time (and the budget is tight) and travel time for members with its resultant expenses.

## **Annual Questionnaire**

The Council staff is making revisions in the questionnaire to simplify it and streamline data collection, particularly libraries. They are improving technology such that a school up for a site visit would not have to fill out both the annual questionnaire and the site visit questionnaire. Other considerations are switching to an academic year rather than a calendar year for reporting, streamlining the faculty profile section, and better information for submission with links to information rather than a narrative in the questionnaire. Bar Passage and Employment data would both be separate questionnaires.