

**AMERICAN BAR ASSOCIATION**  
**ADOPTED BY THE HOUSE OF DELEGATES**  
**2022 MIDYEAR MEETING**  
**FEBRUARY 14, 2022**

**RESOLUTION**

RESOLVED, That the American Bar Association House of Delegates concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2022 to Standards 205, 303, 507, and 508 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*:

- Standard 205: Non-Discrimination and Equality of Opportunity
- Standard 303: Curriculum
- Standard 507: Student Loan Programs
- Standard 508: Student Support Services.



**American Bar Association**  
**Section of Legal Education and Admissions to the Bar**  
**Revised Standards for Approval of Law Schools**  
**February 2022**

(Insertions underlined; deletions ~~struckthrough~~.)

1 **Standard 205: Non-Discrimination and Equality of Opportunity**

2 (a) A law school shall ~~not~~ adopt, publish, and adhere to a policy of non-discrimination  
 3 that prohibits the use of admission policies or ~~take~~ other actions to preclude admission  
 4 of applicants or retention of students on the basis of race, color, ethnicity, religion,  
 5 national origin, gender, gender identity or expression, sexual orientation, age, ~~or~~  
 6 disability, or military status.

7  
 8 (b) A law school shall adopt, publish, and adhere to policies that foster and maintain  
 9 equality of opportunity for students, faculty, and staff, without discrimination or  
 10 segregation on the basis of race, color, ethnicity, religion, national origin, gender,  
 11 gender identity or expression, sexual orientation, age, ~~or~~ disability, or military status.

12  
 13 (c) This Standard does not prevent a law school from having a religious affiliation or  
 14 purpose and ~~adopting and~~ applying policies of admission of students and employment  
 15 of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice  
 16 of these policies has been given to applicants, students, faculty, and staff before their  
 17 affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not  
 18 contravene any other Standard, including Standard 405(b) concerning academic  
 19 freedom. These policies may provide a preference for persons adhering to the religious  
 20 affiliation or purpose of the law school, but may not be applied to use admission policies  
 21 or take other action to preclude admission of applicants or retention of students on the  
 22 basis of race, color, ethnicity, religion, national origin, gender, gender identity or  
 23 expression, sexual orientation, age, ~~or~~ disability, or military status. This Standard  
 24 permits religious affiliation or purpose policies as to admission, retention, and  
 25 employment only to the extent that these policies are protected by the United States  
 26 Constitution. It is administered as though the First Amendment of the United States  
 27 Constitution governs its application.

28  
 29 (d) Non-discrimination and equality of opportunity in legal education includes equal  
 30 employment opportunity. A law school shall communicate to every employer to whom  
 31 it furnishes assistance and facilities for interviewing and other placement services the  
 32 school's firm expectation that the employer will observe the principles of non-  
 33 discrimination and equality of opportunity on the basis of race, color, ethnicity, religion,  
 34 national origin, gender, gender identity or expression, sexual orientation, age, ~~and~~  
 35 disability, or military status in regard to hiring, promotion, retention, and conditions of  
 36 employment.

37  
 38 *Interpretation 205-1*

39 *A law school may not require applicants, students, faculty, or employees to disclose*

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40 *their sexual orientation, although they may provide opportunities for them to do so*  
41 *voluntarily.*

42  
43 *Interpretation 205-2*

44 *So long as a school complies with Standard 205(c), the prohibition concerning sexual*  
45 *orientation and gender identity or expression does not require a religiously affiliated*  
46 *school to act inconsistently with the essential elements of its religious values and*  
47 *beliefs. For example, Standard 205(c) does not require a school to recognize or support*  
48 *organizations whose purposes or objectives with respect to sexual orientation or*  
49 *gender identity or expression conflict with the essential elements of the religious values*  
50 *and beliefs held by the school.*

51  
52 *Interpretation 205-3*

53 *Standard 205(d) applies to all employers, including government agencies and*  
54 *religiously affiliated organizations, to which a school furnishes assistance and facilities*  
55 *for interviewing and other placement services. However, this Standard does not require*  
56 *a law school to implement its terms by excluding any employer unless that employer*  
57 *discriminates unlawfully.*

58  
59 *Interpretation 205-4*

60 *The denial by a law school of admission to a qualified applicant is treated as made upon*  
61 *the basis of race, color, ethnicity, religion, national origin, gender, gender identity or*  
62 *expression, sexual orientation, age, or disability, or military status if the basis of denial*  
63 *relied upon is an admission qualification of the school that is intended to prevent the*  
64 *admission of applicants on the basis of race, color, ethnicity, religion, national origin,*  
65 *gender, gender identity or expression, sexual orientation, age, or disability, or military*  
66 *status though not purporting to do so.*

67  
68 *Interpretation 205-5*

69 *The denial by a law school of employment to a qualified individual is treated as made*  
70 *upon the basis of race, color, ethnicity, religion, national origin, gender, gender identity*  
71 *or expression, sexual orientation, age, or disability, or military status if the basis of denial*  
72 *relied upon is an employment policy of the school that is intended to prevent the*  
73 *employment of individuals on the basis of race, color, ethnicity, religion, national origin,*  
74 *gender, gender identity or expression, sexual orientation, age, or disability, or military*  
75 *status though not purporting to do so.*

76  
77 *Interpretation 205-6*

78 *The requirements stated in Standards 205(a) and 205(b) that a law school adopt,*  
79 *publish, and adhere to policies regarding non-discrimination and equality of opportunity*  
80 *may be satisfied by adopting, publishing, and adhering to policies of a parent institution*  
81 *that comply with this Standard.*

82  
83 **Standard 303: Curriculum**

84 (a) A law school shall offer a curriculum that requires each student to satisfactorily  
85 complete at least the following:

86 (1) one course of at least two credit hours in professional responsibility that  
 87 includes substantial instruction in rules of professional conduct, and the values and  
 88 responsibilities of the legal profession and its members;

89  
 90 (2) one writing experience in the first year and at least one additional writing  
 91 experience after the first year, both of which are faculty supervised; and  
 92

93 (3) one or more experiential course(s) totaling at least six credit hours. An  
 94 experiential course must be a simulation course, a law clinic, or a field placement,  
 95 as defined in Standard 304.  
 96

97 (b) A law school shall provide substantial opportunities to students for:

98  
 99 (1) law clinics or field placement(s); ~~and~~

100  
 101 (2) student participation in pro bono legal services, including law-related public  
 102 service activities; and

103  
 104 (3) the development of a professional identity.  
 105

106 (c) A law school shall provide education to law students on bias, cross-cultural  
 107 competency, and racism:

108 (1) at the start of the program of legal education, and

109 (2) at least once again before graduation.  
 110

111 For students engaged in law clinics or field placements, the second educational occasion  
 112 will take place before, concurrently with, or as part of their enrollment in clinical or field  
 113 placement courses.

114  
 115 . . .

116  
 117 *Interpretation 303-5*

118 *Professional identity focuses on what it means to be a lawyer and the special obligations*  
 119 *lawyers have to their clients and society. The development of professional identity should*  
 120 *involve an intentional exploration of the values, guiding principles, and well-being*  
 121 *practices considered foundational to successful legal practice. Because developing a*  
 122 *professional identity requires reflection and growth over time, students should have*  
 123 *frequent opportunities for such development during each year of law school and in a*  
 124 *variety of courses and co-curricular and professional development activities.*  
 125

126 *Interpretation 303-6*

127 *With respect to 303(a)(1), the importance of cross-cultural competency to professionally*  
 128 *responsible representation and the obligation of lawyers to promote a justice system that*  
 129 *provides equal access and eliminates bias, discrimination, and racism in the law should*  
 130 *be among the values and responsibilities of the legal profession to which students are*

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131 introduced.

132

133 Interpretation 303-7

134 Standard 303(c)'s requirement that law schools provide education on bias, cross-cultural  
135 competency, and racism may be satisfied by, among other things, the following:

136 (1) Orientation sessions for incoming students;

137 (2) Lectures on these topics;

138 (3) Courses incorporating these topics; or

139 (4) Other educational experiences incorporating these topics.

140

141 While law schools need not add a required upper-division course to satisfy this  
142 requirement, law schools must demonstrate that all law students are required to  
143 participate in a substantial activity designed to reinforce the skill of cultural competency  
144 and their obligation as future lawyers to work to eliminate racism in the legal profession.

145

146 Interpretation 303-8

147 Standard 303 does not prescribe the form or content of the education on bias, cross-  
148 cultural competency, and racism required by Standard 303(c).

149

## 150 **Standard 507: Student Loan Programs**

151 (a) A law school shall demonstrate reasonable steps to minimize student loan  
152 defaults, including provision of debt counseling at the inception of a student's loan  
153 obligations and again before graduation.

154

155 (b) A law school shall provide each admitted applicant information on resources related  
156 to financial aid and student loan debt and the availability of individual student loan  
157 counseling at the law school, the university of which it is a part, or from third party  
158 sources. Such information shall also be posted on the law school's financial aid  
159 webpage.

160

161 ...

162

163 Interpretation 507-2

164 For a law school not affiliated with a university or not receiving access to Title IV through  
165 a university, the school's student loan cohort default rate is sufficient if it is not greater  
166 than 10% for any of the three most recently published annual cohort default rates. Failure  
167 to comply with Title IV of the Higher Education Act of 1965, as amended, or having a  
168 student loan cohort default rate greater than the rate permitted by Title IV is cause for  
169 review of a law school's compliance with the Standards. A school shall demonstrate that  
170 it has resolved all areas of deficiency identified in financial or compliance audits, program  
171 reviews, or other information provided by the United States Department of Education.

172

173 **Standard 508: Student Support Services**

174

175 A law school shall provide all its students, regardless of enrollment or scheduling option,  
176 with

177

178 (a) Basic student services, including maintenance of accurate student records,  
179 academic advising and counseling, financial aid and debt counseling, and career  
180 counseling to assist students in making sound career choices and obtaining  
181 employment-; and

182

183 (b) Information on law student well-being resources.

184

185 If a law school does not provide these student services in (a) directly, it shall demonstrate  
186 that its students have reasonable access to such services from the university of which it  
187 is a part or from other sources.

188

189 Interpretation 508-1

190 Law student well-being resources include information or services related to mental  
191 health, including substance use disorders. Other law student well-being resources may  
192 include information for students in need of critical services such as food pantries or  
193 emergency financial assistance. Such resources encompass counseling services  
194 provided in-house by the law school, through the university of which the law school is a  
195 part, or by a lawyer assistance program. Law schools should strive to mitigate barriers  
196 or stigma to accessing such services, whether within the law school or larger  
197 professional community.

198

199 Interpretation 508-2

200 Reasonable access, at a minimum, involves informing law students and providing  
201 guidance regarding relevant information and services, including assistance on where the  
202 information and services can be found or accessed.



## REPORT

The Council of the Section of Legal Education and Admissions to the Bar (Council) submits to the House of Delegates (HOD) for its concurrence the attached changes to Standards 205, 303, 507, and 508 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.<sup>1</sup>

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the Council of the Section of Legal Education and Admissions to the Bar files a resolution to the HOD seeking concurrence of the HOD in any actions of the Council to adopt, revise, or repeal the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The HOD may either concur with the Council's decision or refer the decision back to the Council for further consideration. A decision by the Council is subject to a maximum of two referrals back to the Council by the HOD. The decision of the Council following the second referral shall be final.

The Council approved the amendments to Standards 205, 303, 507, and 508 for Notice and Comment at its May 13-15, 2021, meeting. The Council also approved Standards 303 and 508 for Notice and Comment at its February 18-20, 2021, meeting; these two Standards went out for Notice and Comment twice. The Council approved all amendments at its meeting on August 19-21, 2021.

**Standard 205: Non-Discrimination and Equality of Opportunity.** The amendments add ethnicity, gender identity and expression, and military status as bases for non-discrimination in the Standard and its Interpretations. Interpretation 205-6 clarifies that a law school that is part of a university may rely on the university's non-discrimination policy provided the policy complies with the Standard.

**Standard 303: Curriculum.** The amendments include a new section of the Standard and new Interpretations 303-6, 303-7, and 303-8 requiring law schools to provide education on bias, cross-cultural competency, and racism at the start of the program of legal education and at least once again before graduation. For students engaged in law clinics or field placements, the second educational opportunity will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses. No particular form or content of the education on bias, cross-cultural competency, and racism is required by the Standard. Additionally, the Standard was amended to require law schools to provide substantial opportunities for students to develop a professional identity, with a new Interpretation 303-5 defining professional identity.

**Standard 507: Student Loan Programs.** The amendment to the Standard requires law schools to provide each admitted applicant information on resources related to financial aid and student loan debt as well as the availability of individual student loan counseling so that applicants have information and counseling services to make responsible choices

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<sup>1</sup> "2021-2022 ABA Standards and Rules of Procedure for Approval of Law Schools," [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html).

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about financial aid and student loans before taking out such loans. The amendment to Interpretation 507-2 clarifies that it also applies to law schools not receiving access to Title IV through a university

**Standard 508: Student Support Services.** The amendment to the Standard requires law schools to provide students with information on law student well-being resources. New Interpretations 508-1 and 508-2 define “law student well-being resources” and “reasonable access,” respectively. Interpretation 508-1 also states that law schools should strive to mitigate barriers or stigma to accessing well-being resources.

Respectfully submitted,

Leo Martinez  
Chair, Council of the Section of Legal Education  
and Admissions to the Bar  
February 2022

**GENERAL INFORMATION FORM**

Submitting Entity: Section of Legal Education and Admissions to the Bar

Submitted By: Leo Martinez, Chair

1. Summary of the Resolution(s).

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2022 to Standards 205, 303, 507, and 508 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. These amendment include, respectively, adding additional bases for non-discrimination in legal education; requiring law schools to provide education on bias, cross-cultural competency, and racism to law students well as substantial opportunities for law students to develop a professional identity; requiring law schools to provide information on resources related to financial aid and student loan debt and the availability of individual student loan counseling to admitted applicants; and requiring law schools to provide information on law student well-being resources.

2. Indicate which of the ABA's Four goals the resolution seeks to advance (1-Serve our Members; 2-Improve our Profession; 3-Eliminate Bias and Enhance Diversity; 4-Advance the Rule of Law) and provide an explanation on how it accomplishes this.

For Goal 1, the amendments codify the provision of information on financial aid and law student well-being resources. For Goal 3, the amendments broaden the bases for non-discrimination and require law schools to provide education on bias, cross-cultural competency, and racism to students.

3. Approval by Submitting Entity.

The Council approved the amendments to Standards 205, 303, 507, and 508 for Notice and Comment at its May 13-15, 2021, meeting. The Council also approved Standards 303 and 508 for Notice and Comment at its February 18-20, 2021, meeting; these two Standards went out for Notice and Comment twice. The Council approved all amendments at its meeting on August 19-21, 2021.

4. Has this or a similar resolution been submitted to the House or Board previously?

No.

5. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

The amendments modify the existing *ABA Standards and Rules of Procedure for Approval of Law Schools*.

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6. If this is a late report, what urgency exists which requires action at this meeting of the House?

Not applicable.

7. Status of Legislation. (If applicable)

Not applicable.

8. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

The Council will notify ABA-approved law schools and other interested entities of the approved changes to the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

9. Cost to the Association. (Both direct and indirect costs)

Not applicable.

10. Disclosure of Interest. (If applicable)

Not applicable.

11. Referrals.

ABA Entities

ABA Diversity and Inclusion Center plus:

Coalition on Racial and Ethnic Justice

Commission on Disability Rights

Commission on Hispanic Legal Rights & Responsibilities

Commission on Racial and Ethnic Diversity in the Profession

Commission on Sexual Orientation and Gender Identity

Commission on Women in the Profession

Council for Diversity in the Educational Pipeline

ABA Diversity and Inclusion Advisory Council

ABA Law Student Division

All ABA Section Directors and Delegates

ABA Standing and Special Committees, Task Forces, and Commission Chairs

ABA Young Lawyers Division

Conference of State Delegates

Minority Caucus

National Caucus of State Bar Associations

Non-ABA Entities

AccessLex Institute

American Association of Law Libraries  
Association of American Law Schools  
Association of Legal Writing Directors  
Clinical Legal Education Association  
Conference of Chief Justices  
Deans and Associate Deans of Law Schools  
Law School Admission Council  
National Association for Law Placement  
National Association of Bar Executives  
National Conference of Bar Examiners  
National Conference of Bar Presidents  
SBA Presidents  
Society of American Law Teachers  
University Presidents

12. Name and Contact Information (Prior to the Meeting. Please include name, telephone number and e-mail address). *Be aware that this information will be available to anyone who views the House of Delegates agenda online.*)

William Adams

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13. Name and Contact Information. (Who will present the Resolution with Report to the House?) Please include best contact information to use when on-site at the meeting. *Be aware that this information will be available to anyone who views the House of Delegates agenda online.*

Joan S. Howland

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**EXECUTIVE SUMMARY**1. Summary of the Resolution.

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2022 to Standards 205, 303, 507, and 508 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. These amendment include, respectively, adding additional bases for non-discrimination in legal education; requiring law schools to provide education on bias, cross-cultural competency, and racism to law students well as substantial opportunities for law students to develop a professional identity; requiring law schools to provide information on resources related to financial aid and student loan debt and the availability of individual student loan counseling to admitted applicants; and requiring law schools to provide information on law student well-being resources.

2. Summary of the issue that the resolution addresses.

The resolution addresses Standards 205, 303, 507, and 508 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. Amendments to Standards 507 and 508 codify the provision of information on financial aid and law student well-being resources. Amendments to Standards 205 and 303 broaden the bases for non-discrimination and require law schools to provide education on bias, cross-cultural competency, and racism to students.

3. Please explain how the proposed policy position will address the issue.

The proposals amend the 2021-2022 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.