

## APPENDIX B



### **Section of Legal Education and Admissions to the Bar**

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#### **COUNCIL DECISION**

#### **NOTICE OF DIRECTED SPECIFIC REMEDIAL ACTIONS**

#### **STANDARDS 301(a), 309(b), and 501(b); INTERPRETATIONS 501-1, and 501-2**

#### **Texas Southern University, Thurgood Marshall School of Law**

June 2017

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#### **Background**

At its June 2-3, 2017 meeting, the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (the "Council") conducted a hearing pursuant to Rules 2, 15 through 17, and 23 through 25 with respect to the compliance of the Texas Southern University, Thurgood Marshall School of Law (the "Law School") with, among other matters, ABA Standards 301(a), 309(b), and 501(b), and Interpretations 501-1 and 501-2. This hearing was on the appeal by the Law School from the October 2016 Decision Letter of the Accreditation Committee (the "Committee"), which concluded, *inter alia*, that the Law School had not demonstrated compliance with these Standards; and, consequently, must take specific remedial action.

The matter of the Law School's non-compliance with Standards 301(a), 309(b), 501(b), and Interpretations 501-1 and 501-2 relate to the combination of the size of the entering classes at the Law School in recent years, the admissions policies and processes in place at the Law School, the admissions credentials of entering students, the nature and scope of the academic support program, attrition data, and bar passage results.

The Committee carefully considered the facts in the record and the testimony of Law School representatives at a hearing. The Committee concluded that the Law School was not operating in compliance with these several Standards and directed that remedial action be taken.

The Law School appealed the Committee decision. Following a hearing on the appeal, and based on the record, the Council affirmed the Committee's conclusions that the Law School continues to be operating out of compliance with 301(a), 309(b), and 501(b), and Interpretations

501-1 and 501-2; and has directed the Law School to take the following described specific remedial actions, including, but not limited to, this public notice.

### **Specific Remedial Actions Required**

With respect to the Law School's non-compliance with Standards 301(a), 309(b), and 501(b) and Interpretations 501-1 and 501-2, the Council directs the Law School to take the following remedial actions:

- (1) Develop a written reliable plan for bringing the Law School into compliance with Standards 301(a), 309(b), and 501(b) and Interpretations 501-1 and 501-2. In developing its plan, the Law School must address, inter alia, each of the factors identified in Interpretation 501-1. The Law School shall submit that plan to the Managing Director by October 1, 2017.
- (2) By October 1, 2017, provide the Committee with admissions data and methodology, including the Law School's admissions practices and policies, for the fall 2017 entering class. Where factors other than undergraduate grade point average and LSAT were used to support an admissions decision, the Law School shall report those factors, explain how they were determined and applied in the review of applicant files, and report on any analyses that were done to review the outcomes of admissions decisions based on these factors.
- (3) By October 1, 2017, provide the Committee admissions data and methodology, including the Law School's admissions practices and policies, adopted for recruiting the fall 2018 entering class. Where factors other than undergraduate grade point average and LSAT will be used to support an admissions decision, the Law School shall outline those factors and how it intends to apply them and integrate them into the admissions process for the fall 2018 entering class.
- (4) The Law School shall, within five business days of the date of the Decision Letter reporting the Council's June 2017 decision resolving the school's appeal, provide to all admitted students and publish on its website in a manner acceptable to the Managing Director a statement of the specific remedial action the Law School is required to take. This statement, or a link to the statement on the Law School's website in a manner acceptable to the Managing Director, shall continue to be published until the Law School has been found to be operating in compliance with the Standards that are the subject of this action. This notice shall also be published on the website of the Section of Legal Education and Admissions to the Bar.
- (5) Until the Law School is determined by the Committee to be operating in compliance with Standards 301(a), 309(b), and 501(b) and Interpretations 501-1 and 501-2, each semester, within 30 days of the completion of the assignment and distribution of semester grades for the Law School's students, the Law School shall advise each law student, in writing, of the following, in the same communication: (a) the Texas first-time bar examination passage rates, by class quartiles, for Law School graduates sitting for the Texas bar examinations over the six administrations preceding the semester; and (b) the class quartile in which the student then falls. The Law School shall provide evidence to the Managing Directors office, within five days of its distribution to students, that the required information has been appropriately and timely communicated.

Further and pursuant to Rule 9 and Rule 12, a fact finder(s) shall be appointed to visit the Law School and submit a report regarding the above matters to the Managing Director. The report will be delivered to the Law School, which shall have 30 days to submit a response. The Committee will evaluate the Law School's compliance with Standards 301(a), 309(a), and 501(b) and Interpretations 501-1 and 501-2 based on the record, the fact finder's report, and the Law School's response. If, after considering the fact finder's report and the Law School's response, the Committee concludes that the Law School is not in compliance with Standards 301(a), 309(a), or 501(b) and Interpretations 501-1 and 501-2, the Committee or the Council may take any appropriate action pursuant to Rules 12(b) and 16-18.