

# LSAC STATEMENT OF GOOD ADMISSION AND FINANCIAL AID PRACTICES—LLM PROGRAMS

A Publication of the Law School Admission Council

## Introduction

This *Statement of Good Admission and Financial Aid Practices for LLM Programs* is designed to focus attention on principles that should guide law school LLM admission and financial aid activities. No attempt has been made to develop “legislative” guidelines, because no absolute rules apply to every situation. The *Statement* is intended to improve the LLM admission and financial aid processes in law schools and to promote fairness and the highest standards of professional conduct for all participants.

## General Principles

1. The primary purpose of the law school LLM admission process is to serve applicants, law schools, and the legal profession by making informed judgments about those who seek graduate legal education. The responsibility that this role carries with it demands the highest standards of professional conduct.
2. LLM admission professionals should avoid impropriety and the appearance of impropriety, as well as any conflict of interest or the appearance of conflict. They should not accept anything for themselves or the law school, or pursue any activity that might compromise or seem to compromise their integrity or that of the admission process.
3. Law schools should strive to achieve and maintain the highest standards of accuracy and candor in the development and publication of print, electronic, and other materials designed to inform or influence LLM applicants. A law school should provide any applicant or potential applicant with information that will enable the applicant to assess his or her prospects for successfully (1) seeking admission to that school, (2) financing his or her graduate education at that school, (3) securing a visa, (4) understanding the requirements for completing the educational program at that school, and (5) seeking employment with a degree from that school. If statistics are provided regarding admission, financial aid, and employment, law schools should provide the most current information and should present it in an easily understood form. Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.
4. Law schools should establish application procedures that inform applicants of relevant criteria, processes, and deadlines, respect the confidentiality of student records and admission data, and provide for timely notification of admission decisions. Law schools should also ensure that all parties concerned with the admission process are familiar with and observe relevant laws, ABA standards, and state bar rules.
5. In making admission decisions, law schools should give equal treatment to all eligible applicants. They should apply their admission requirements and review standards fairly and equally to all candidates. Schools should make reasonable efforts to understand and evaluate the individual context in which applicants have obtained their prior academic record and/or have had the opportunity to demonstrate other

qualities predicting success in graduate legal studies prior to rendering a decision. Schools should make reasonable accommodations to the special needs of applicants with disabilities. Law schools should make a special effort to provide the information noted in Number 3 above to as broad an audience of eligible applicants as possible.

## Admission Policy

1. Law schools should develop coherent and consistent LLM admission policies. The admission policies should serve law school applicants by clearly setting forth the criteria on which admission decisions are made and the manner in which the criteria will be applied. Law schools should develop and promulgate concise and coherent admission policies designed both to regularize the admission process and to inform fully prospective applicants of the means used to select new law students. The policies should include consideration of the various criteria and processes used to make admission decisions, such as English proficiency tests, prior academic performance, professional and other work experiences, equal opportunity considerations, disability status, country of origin, letters of recommendation, evaluations, personal statements, and personal interviews, if required. These and other considerations related to a law school’s institutional mission or objectives may result in a preference for certain applicants. Each law school’s admission policies should be adequately disclosed to all prospective applicants at the outset of the admission process.
2. Prior academic performance may be a significant indicator of potential success in a law school’s LLM program. In addition to being one measure of academic ability, a strong scholastic record may indicate perseverance, organization, and motivation, all important factors which have few direct measures. There are, of course, measures of intellectual ability other than academic grades. Unusual creativity, exceptional research skills, analytical prowess, and other factors may not be reflected on a candidate’s academic transcripts. In evaluating the academic record, law schools may choose to consider factors such as grade inflation, the age of the grades, discrepancies among the applicant’s grades, the quality of the institution(s) attended, difficulty of coursework, and time commitments while attending school.

LSAC has partnered with the American Association of Collegiate Registrars and Admissions Officers (AACRAO) to offer a credential authentication and evaluation service for applicants who completed their first law degree outside of the US. While AACRAO attempts to provide a fair assessment of the quality of an applicant’s prior academic record relative to other students from the applicant’s country, the AACRAO evaluation (if used to evaluate applicants) should constitute only one factor in an admission officer’s assessment of an applicant’s prior academic record. Admission professionals should consider the AACRAO

evaluation alongside the full version of an applicant's transcripts, drawing from professional experience to make an informed assessment of the caliber of an applicant's prior legal study.

Law schools may also take into consideration additional factors when choosing among various candidates. Letters of recommendation often have a significant impact on admission decisions. Some schools believe that letters of recommendation are usually more candid when the subject of the letter waives access to them and recommend that applicants limit their rights to inspect this portion of their admission files. However, waiver of access to letters of recommendation or of any part of the student's record should not be made a prerequisite to admission. The Buckley Amendment specifically mandates that US law schools must not require such a waiver.

## Recruitment and Promotion

1. Law schools are responsible for all people they involve in admission, promotional, and recruitment activities (including graduates, students, and faculty), and for educating them about the principles of good practice outlined in this *Statement*, as well as all relevant laws, accreditation standards, and institutional policies. Law schools that use admission management firms, consulting firms, or marketing partners are responsible for assuring that these firms adhere to sound admission practices. The use of compensated foreign education agents is discouraged; schools should deploy consistent recruitment practices for both US and foreign citizens.

The oversight role entrusted to law schools includes supervision of all personnel involved in the admission process. Law school personnel, students, and graduates who represent the law school at recruitment and other promotional activities should be informed of current law school programs and activities. They should be knowledgeable about the academic and financial requirements of attending the law school, and they should honestly and forthrightly respond to inquiries.

Professional recruiting organizations, though not formally affiliated with law schools, nonetheless are part of the admission process when they are engaged by law schools. Law schools engaging outside services are responsible for ensuring the integrity and the accuracy of the work performed for them. For example, errors or misleading statements appearing in recruitment brochures and law school catalogs may not be ascribed to the company performing the service. Law schools cannot abdicate the responsibility for accuracy by shifting blame to third parties.

2. Admission publications should contain an accurate and current admission calendar and information about financial aid opportunities and requirements.

In addition to containing a complete listing of all relevant admission and financial aid deadlines, admission material should also convey accurate information about optimum dates, if any, for submitting admission materials. Among the items that might usefully be included are guidelines for taking English proficiency tests; dates for submission of financial aid applications, including the best time for submission of materials to a financial aid need analysis service, if used; and the most useful date for submission of letters of recommendation to either LSAC or directly to the law school. This information is particularly useful when law schools begin to make admission decisions prior to the deadline date for receipt of application materials under a "rolling" admission system.

3. Law school admission professionals should be forthright and accurate in providing information about their institutions. Law school publications and any statements submitted for publication should contain current and accurate descriptions and representations of law school programs, campus life, and the surrounding community. Law schools should provide accurate, candid, and comprehensive information with respect to the law school opportunities sought by students and available to them.

Law school recruitment activities, such as law school forums and law school fairs, provide an opportunity for law school representatives to engage in personal contact with applicants. In many instances, these activities are not only the first, but often the only direct contact applicants have with law schools until registration. In all of these instances, law school representatives should conduct themselves in a professional manner. Representatives attending these activities have an obligation to familiarize themselves with all aspects of the admission process at their respective schools. Recruitment activities should not include unreasonable and unfounded comparisons with other law schools. The use of surveys and rankings that purport to compare the quality of law schools may be misleading to applicants and, for that reason, is discouraged.

4. Law schools should provide educational advisors, career counselors, and other referral sources with accurate and appropriate information to assist them in counseling applicants about advanced degree opportunities.

US law schools and foreign law faculties are important sources of information for students who are or may be interested in pursuing advanced legal studies. Admission professionals should keep interested advisors and referral sources informed of their admission requirements and institutional programs.

5. Law schools should refrain from making official representations about whether any program of study qualifies an applicant to take a state bar in the United States. Schools should provide information about how applicants may access information about bar eligibility rules.

6. Admission professionals should refer all visa questions to qualified designated school officials (DSOs) and keep such officials apprised of the school's admission policies and procedures, as they are an important dimension of international students' academic pursuits in the US.

## Application Procedures

1. Law schools should promptly notify applicants of admission decisions.

2. Law schools should respect the confidential nature of information received about applicants.

While a policy of openness and accessibility should form the basis for all communications with applicants, law schools should be scrupulous in maintaining the privacy of applicants. Without the expressed consent of the applicant involved and the author of the material in question, admission information relating to an applicant, English proficiency tests, prior academic record, letters of recommendation, and dean's reports, should not be released to persons other than admission decision makers, the candidate, and others with a legitimate interest in the admission process.

This restriction would not prevent schools from sharing information that is not in a personally identifiable form, but even in this case, law schools should take care that the information is released with appropriate discretion.

From time to time, information about law school applicants at a particular law school is provided by LSAC. Information contained in many of these periodic reports is also confidential and should not be released to persons outside of the admission process, except as required by law.

3. A law school application should state clearly what information is being sought. The application should also state the applicant's obligation continually to provide accurate, current, and complete information. Further, the application should define the consequences of providing false, misleading, or incomplete information.

If the law school believes that false or misleading information has been provided by an applicant, then the information should be submitted to the LSAC Subcommittee on Misconduct and Irregularities in the Admission Process for investigation under the Law School Admission Council Rules Governing Misconduct and Irregularities in the Admission Process. If misconduct or an irregularity is determined as a result of the investigation, all law schools to which the applicant has applied, or may apply, will be notified.

4. Except under binding early decision plans, law schools should not require applicants or other persons to indicate the order of applicants' law school preferences.

Law schools should allow applicants the freedom to explore as many opportunities to pursue legal education as possible. To preserve applicant options, law schools should not base admission decisions on the order of applicants' law school preferences, unless the school has established a binding early decision plan. A binding early decision plan is one under which an applicant and a law school mutually agree at the initial point of application that the applicant will be given an admission decision at a date earlier than usual in return for the applicant's commitment, at that date, to attend the school and withdraw all applications pending at other law schools, and not initiate new applications.

5. Except under binding early decision plans or for academic programs that observe nontraditional fall start dates, no law school should require an enrollment commitment of any kind to an offer of admission or scholarship prior to April 1. Law schools should pursue policies that enable all candidates to make informed decisions and consider options at schools that may have later application deadlines than their own. Admitted applicants who have submitted a timely financial aid application should not be required to commit to enroll by having to make a nonrefundable financial commitment until notified of financial aid awards that are within control of the law school.
6. Except under binding early decision plans, every accepted applicant should be free to accept a new offer from a law school even though a scholarship has been accepted, a deposit has been paid, or a commitment has been made to another school. To provide applicants with an uncoerced choice among various law schools, no excessive nonrefundable deposit should be required solely to maintain a place in the class.

7. Law schools should maintain a waiting list of reasonable length and only for a reasonable length of time.

Law schools using waiting lists should ensure that final decisions about applicants placed on the waiting lists are made and communicated to the applicant as soon as possible and, when necessary, with sufficient time to complete the visa application process before arriving for the academic year.

## Financial Assistance

For many, access to a legal education often depends on access to financial assistance. It is critical that law school admission officers have an understanding of the financial aid process in order to present accurate, coherent, and complete information to candidates. Law schools should address the financial need of applicants in a fair, timely, and responsible manner. This *Statement* is not intended to regulate this process, but rather to define good practices that will serve the needs of both students and law schools.

- A. The Admission Office should work with the Office of Financial Aid to:
  1. Establish and maintain realistic and accurate cost-of-attendance budgets that are based upon reasonable and current costs for tuition and fees, textbooks and supplies, room and board, transportation, as well as other costs and expenses related to attending law school. The cost-of-attendance budget should be based on an assessment of where students typically live. Cost-of-attendance budgets should be updated regularly to accurately reflect changes and to avoid unrealistically high, low, or misleading costs of attending law school.
  2. Keep abreast of institutional and federal financial aid policies on scholarships and grants, loans, and cost-of-attendance budgets in order to discuss and provide this information knowledgeably and candidly with prospective applicants. Law schools should notify applicants about deadlines for financial aid applications and the criteria used in awarding aid. To the extent reasonably practicable, law schools should disclose how parental income will affect the financial aid determination. Similarly, the availability of need-based and of merit-based aid should be disclosed.
- B. When extending institutional scholarship or grant offers the law school should:
  1. Establish a fair, coherent, and consistent process in selecting candidates for scholarship awards. It should also disclose if it has a policy or practice in which a candidate may appeal the offer or amount of a scholarship award, as well as the school's process, procedures, and criteria.
  2. Permit applicants to choose among offers of admission, scholarships, grants, institutional aid, and loans without the coercive effects of unreasonably quick or early deadlines. Except under binding early decision plans or for academic programs that observe nontraditional fall start dates, no law school should require a commitment of any kind to a scholarship or grant offer prior to April 1. Other than seat or tuition deposits required of all candidates, scholarship and grant recipients should not be required to submit an additional deposit to accept a scholarship or grant.

3. Provide clear information about the requirements and/or expectations of aid recipients (e.g., academic or service requirements). In the case of renewable or multiyear scholarships, maintain reasonable eligibility requirements and fully inform candidates, at the time the offer is made, of the criteria he or she must satisfy to maintain or renew eligibility for the institutional aid.
- C. Many law school admission officers maintain a dual responsibility within the program or institution as the financial aid professional or as the direct supervisor for the law school's financial aid administrator. In order to provide effective service to their students and the institution, a financial aid professional must work collaboratively with state and federal agencies and with private entities such as student loan providers. The NASFAA Board of Directors adopted a Code of Conduct for Institutional Financial Aid Professionals and has granted permission for the following sections of it to be included in the *Statement*:

An institutional financial aid professional is expected to always maintain exemplary standards of professional conduct

in all aspects of carrying out his or her responsibilities, specifically including all dealings with any entities involved in any manner in student financial aid, regardless of whether such entities are involved in a government sponsored, subsidized, or regulated activity. In doing so, a financial aid professional should:

1. Refrain from taking any action for his or her personal benefit.
2. Refrain from taking any action he or she believes is contrary to law, regulation, or the best interests of the students he or she serves.
3. Ensure that the information he or she provides is accurate, unbiased, and does not reflect any preference arising from actual or potential personal gain.
4. Be objective in making decisions and advising his or her institution regarding relationships with any entity involved in any aspect of student financial aid.
5. Disclose to his or her institution, in such manner as his or her institution may prescribe, any involvement with or interest in any entity involved in any aspect of student financial aid.

*Any inquiries concerning the LSAC Statement of Good Admission and Financial Aid Practices for LLM Programs should be directed to: LSAC, Office of Education and Prelaw Programs, 215.968.1228.*

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