

Exhibit A

Declaration of David R. Moss

1. The information contained in this affidavit is based on my personal knowledge, except where otherwise stated, and I am competent and able to testify regarding the matters contained herein.
2. I am the Director of Clinical Education and Assistant Professor (Clinical) at the Wayne State University Law School (hereinafter “the Law School”), teaching courses that among others include Disability Discrimination Law and the Disability Law Clinic. I hold a bachelors degree with Honors from Swarthmore College. I received my Juris Doctor degree from the Columbia University School of Law in 1985. I have been a member of the Law School’s faculty since 1998.
3. I served as a member of the Law School’s Admissions Committee from 2004 to 2009. As a past member of the Admissions Committee, I am familiar with the Law School’s admissions policies and procedures, as well as with the portions of the ABA Standards for Approval of Law Schools (hereinafter “the Standards”) that govern the admissions policies and procedures of law schools that wish to be accredited by the American Bar Association’s Section on Legal Education and Admission to the Bar (hereinafter “the ABA”).
4. The Standards, specifically Standard 503, preclude the Law School from considering the application of anyone who has not taken a “valid and reliable” admission test. The Standards presume that the Law School Admission Test (hereinafter “the LSAT”) is valid and reliable, but place the burden of proof on law schools that use tests other than the LSAT to either (a) establish that those tests are valid and reliable for law school admissions purposes, or (b) establish that a variance from Standard 503 should be granted.

5. In order to comply with the Standards, the Law School requires all applicants to its J.D. program to take the LSAT as a prerequisite to applying for admission.
6. During my time as a member of the Law School's Admissions Committee, the Dean of the Law School asked the Admissions Committee to exempt a blind individual who had not taken the LSAT from the Law School's requirement that all applicants must take the LSAT as a prerequisite to applying for admission. The Dean's request was predicated on the LSAT containing analytical reasoning questions that allegedly require vision to complete. The Admissions Committee considered the Dean's request, but ultimately concluded that it could not waive the LSAT requirement without violating Standard 503.
7. I have reviewed the facts alleged in the Amended Complaint and believe that the plaintiff possesses many positive attributes that would be looked favorably upon during the law school admissions process, including his ability to graduate from college despite the challenges presented by his blindness, his ability to speak three languages, and his work experience at the United States Department of Homeland Security.
8. If the Law School chose to admit a blind applicant with a low LSAT score based on other information in the candidate's application suggesting that he or she is capable of successfully completing the Law School's educational program, the Law School would be required to include the applicant's low LSAT score in the admissions statistics it reports to the ABA, statistics that are used in calculating the US News and World Report Rankings.

9. A blind applicant's low LSAT score, despite being taken under non-standard conditions and the Law School being cautioned by the Law School Admission Council of its unreliable nature, is part of the applicant's admissions file and is able to be considered by individual members of the Admissions Committee when reviewing the application.

FURTHER AFFIANT SAYETH NOT.



David R. Moss

Subscribed and sworn to before me this
17 day of October, 2011.


Notary Public