

## Exhibit D

### Supplemental Declaration of Hulett H. Askew

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANGELO BINNO,

Plaintiff,

Honorable Denise Page Hood

-vs-

Case 2:11-cv-12247

THE AMERICAN BAR ASSOCIATION,

Defendant.

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**SUPPLEMENTAL DECLARATION OF HULETT H. ASKEW**

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF COOK                    )

HULETT H. ASKEW, being first duly sworn states:

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1. The information 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 employed by the American Bar Association (the "ABA") in the position of Consultant on Legal Education and have held that position since 2006.

3. Before my employment with the ABA, I served in a number of capacities including the following: I served as the director of the Office of Bar Admissions for the Supreme Court of Georgia from 1990 to 2006. Prior to that, I was director of the civil division of the National Legal Aid and Defender Association and the director of field services for the Legal Services Corporation ("LSC"), a private, non-profit corporation established and funded by Congress to promote equal access to justice by dispensing grants to local programs providing civil legal assistance to those who otherwise would be unable to afford it. I was also appointed by President Clinton to the LSC Board for nine years and have been a member of the Board of Trustees of the Lawyers' Committee for Civil Rights Under Law and a member of the National Legal Aid and Defender Association.

4. I was also a member of the Multistate Performance Test Policy Committee and the Minority Affairs Committee of the National Conference of Bar Examiners.

5. I have also been a member of the governing Council of the Section of Legal Education and Admissions to the Bar ("Section") and of the Standing Committee on Legal Aid and Indigent Defendants of the ABA. I have served the Section in several other capacities, including as a member of the Accreditation Committee for six years, chair of a subcommittee to accredit foreign study programs that U.S. law schools provide for their students, and as Vice Chair of the Accreditation Committee. I also have been a member of the Section's Bar

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Admissions Committee, and of the ABA's Standing Committees on Professionalism and on Professional Discipline.

6. I received my law degree from Emory University School of Law in 1967 and my bachelor of arts degree in history from the University of North Carolina at Chapel Hill in 1964.

7. My role as the Consultant on Legal Education to the ABA, a full-time position, is to effectively administer the accreditation of law schools project of the ABA and to provide service, information, and consultation to the ABA, to bar admitting authorities, and to law schools regarding legal education in the United States. The Council of the Section of Legal Education and Admissions to the Bar is the national law school accrediting agency as recognized by the United States Department of Education.

8. As the Consultant on Legal Education of the ABA, I direct the ABA's program of accrediting law schools. I am, together with other persons at the ABA, responsible for assuring that requirements relating to the accreditation process are fulfilled. I represent the Council of the Section of Legal Education and Admissions to the Bar before the U.S. Department of Education. I support the Officers and Council of the Section of Legal Education and Admissions to the Bar in the formulation of policy, adoption of a budget, and the administration of the accreditation project. I also support the committees and other projects of the Section, especially those that relate directly to accreditation matters such as the Accreditation Committee and the Standards Review Committee. I am responsible for overseeing the training of site evaluation teams that conduct law school inspections, and for assuring the production of inspection reports in accordance with established Standards. I am responsible for ensuring that schools desiring ABA approval have the information necessary to facilitate their compliance with the Standards for Approval of Law Schools. My office conducts a Deans Workshop, a New Deans Seminar and a

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fall workshops for law school site evaluators and team chairs. I am responsible for the official collection and distribution of statistics relating to American legal education, and the preparation of publications, including the consumer publication, the Official Guide to ABA-Approved Law Schools.

9. I represent the ABA and the Section at significant legal education functions and meetings of various legal and higher education organizations, and provide information and counsel to law schools, their deans and faculties regarding accreditation. I interact with the Conference of Chief Justices and the National Conference of Bar Examiners on behalf of the ABA and the Section, and am responsible for legal education outreach, both nationally and internationally. I also work with the Section Officers and Council and the Section Staff Director in directing activities related to accreditation.

10. Based on my above-stated experience and duties with the ABA, I am familiar with the Standards for Approval of Law Schools and Rules of Procedure issued by the Council of the Section of Legal Education and Admissions of the ABA.

11. **The American Bar Association.** The ABA is a voluntary professional organization with over 380,000 members. The ABA provides multiple services to the legal profession and to the legal education of lawyers and students, including law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system as a whole.

12. **Legal Education.** The Council of the Section of Legal Education and Admissions to the Bar ("the Council") of the ABA is recognized by the U.S. Department of Education as the accrediting body for programs leading to the first professional degree in law (34 CFR Part 602). One of the Council's responsibilities is to grant full and provisional ABA

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approval (“accreditation”) to law schools in the United States, its territories, and possessions. It also establishes and adopts a set of Standards for Approval of Law Schools and the Interpretation of those Standards (“the Standards”), and the Rules of Procedure that govern the law school approval process.

13. **Admissions Test Standard.** Through its Standards the Council has historically required approved law schools to require applicants for admission take an admissions test and has adopted a Standard regarding the use of admissions tests.

The Council’s current admission test Standard is as follows:

**Standard 503. ADMISSION TEST:** A law school shall require each applicant for admission as a first year J.D. student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant’s capability of satisfactorily completing the school’s educational program. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.

**Interpretation 503-1** *A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall establish that such other test is a valid and reliable test to assist the school in assessing an applicant’s capability to satisfactorily complete the school’s educational program.*

**Interpretation 503-2** *This Standard does not prescribe the particular weight that a law school should give to an applicant’s admission test score in deciding whether to admit or deny admission to the applicant.*

**Interpretation 503-4** *The “Cautionary Policies Concerning LSAT Scores and Related Services” published by the Law School Admission Council is an example of the testing agency guidelines referred to in Standard 503.*

14. The Standards prohibit admission policies that preclude admission based on an applicant’s disability.

15. The Standards do not require that a law school use only the Law School Admission Test (“LSAT”) as its admission test. Nor do they require that an applicant take the

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LSAT as a prerequisite to admission. Several law schools which have achieved ABA accreditation use an admission test other than the LSAT.

16. Under Interpretation 503-2, ABA-approved law schools have the complete discretion to prescribe the weight given to admissions test scores, in general or on an individual basis, for purposes of admitting or denying admission to an applicant.

17. **The Law School Admission Test.** The LSAT is produced and published by the Law School Admission Council ("LSAC"). The LSAC is a private organization. It is not a division or section of the ABA, or otherwise affiliated with the ABA.

18. Neither the Section, nor the ABA as a whole, publishes or creates any test for the admission into an accredited law school, including the LSAT. Neither the Section nor the ABA as a whole establish any specific requirements for the content of an admissions test.

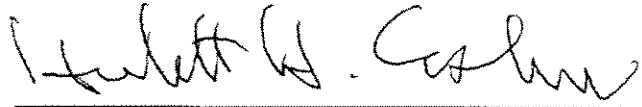
19. The Section does not process applications to take the LSAT. Applicants register with the LSAC to take the LSAT.

20. The Section undertakes no review of, nor establishes any protocol for, the administration or scoring of the LSAT by the LSAC. The LSAC is solely responsible for administration and scoring of the LSAT. The Standards do not require any specific format, condition, or manner for the administration of any admissions test, including administration of the LSAT.

21. The Council does not receive, review, or have input into, any request for accommodation made by an applicant as to the place or manner of administration of the LSAT. The LSAC decides whether to grant an applicant's requested accommodation as to the place or manner of the LSAT because of a documented disability or any other reason. *See* The Law

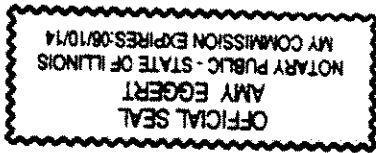
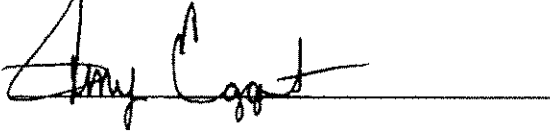
School Admission Council Official Website, including, <http://www.lscac.org/jd/LSAT/about-the-LSAT.asp>; and <http://www.lscac.org/JD/LSAT/accommodated-testing.asp>.

FURTHER AFFIANT SAYETH NOT.



Hulett H. Askew

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



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