



(/)

HOME (/)  
ABOUT  
BLOG (/BLOG)  
ONLINE ORIGINALS (/ONLINE-ORIGINALS)  
SYMPOSIUM  
SUBMISSIONS (/SUBMISSIONS)

# Not All Fun and Logic Games: The LSAT's Attempt to Ensure Inclusivity through Reformation

NOVEMBER 12, 2019

**Blog Post | 108 KY. L. J. ONLINE | November 12, 2019**

Not All Fun and Logic Games: The LSAT's Attempt to Ensure Inclusivity through Reformation

Paige Goins[1] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn1](#))



Nine years ago, law school hopeful Angelo Binno took the Law School Admissions Test (LSAT), making strides toward a career he had dreamed of since his days in middle school.[2] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn2](#)) As he progressed through the exam, Binno inevitably reached the infamous logic games section of the test and realized his unavoidable defeat.[3] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn3](#)) Because of the nature of the logic game questions, drawing and diagramming is usually a requirement for a successful score.[4] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn4](#)) Binno is legally blind, making the diagramming, and consequently the logic games portion as a whole, exceedingly difficult, if not impossible.[5] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn5](#)) Binno reportedly received a "very low" score on the admissions exam as a result of the section[6]

([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn6](#)) and further claims he was denied entry to three law schools because of his poor performance.[7] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn7](#))

Binno filed suit after the Law School Admissions Council (LSAC) denied his accommodation request to waive the logic games portion of the exam, a refusal which Binno asserts violated the Americans with Disabilities Act (ADA).[8] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn8](#)) The ADA defines "disability" as (1) a physical or mental impairment that substantially limits one or more major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.[9] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn9](#)) Section 309 of the ADA's Title III provides that any person who administers examinations related to applications of secondary/postsecondary education, professional, or trade purposes must do so in a place and manner that is accessible to persons with disabilities.[10] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn10](#)) If accessibility is hindered, the examiner must offer alternative accessibility accommodations.[11] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn11](#)) Section 503 of the ADA's Title IV protects from interference with an individual's enjoyment of any right the ADA protects.[12] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_edn12](#))

Binno argued because the LSAT required "spatial reasoning and visual diagramming for successful completion", the admissions exam has a discriminatory effect on individuals with visual impairments, resulting in their poor performance.[13] ([applewebdata://2440B03B-A96C-460C-802E-](#)

92E7EFDA8B75#\_edn13) This prevents those individuals from receiving admissions offers from accredited law schools, constituting a violation of Title III and IV of the ADA.[14] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn14)

Binno's argument is not without merit. Legal blindness falls within the ADA's definition of disability because it is a physical impairment that substantially limits Binno's ability to see, which qualifies as a "major life activity" under the statute.[15] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn15) As to Section 309, LSAC has been administering a test that includes a lofty portion where success hinges upon hand-drawn, visual aids, impeding success for those with sight deficiencies.[16] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn16) LSAC had an option under the statute to continue operation with the embedded inaccessibility if they furnished an alternative accessible arrangement.[17] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn17) The Complaint states LSAC provided Binno with multiple accommodations such as a two-day examination period with breaks, 150% additional time per section, use of an Excel spreadsheet, screen-reading software, and a tactile system which one could argue were sufficient to shield LSAC from liability.[18] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn18) This argument is unpersuasive, however, as none of the provided accommodations were adequate remedies for Binno's disability and therefore could not be reasonably presented as an alternative.[19] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn19) Finally, LSAC's actions can be argued to violate Section 503 as administering the exam in such a manner interferes with Binno's enjoyment of the right to take examinations without hinderance based upon his disability.[20] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn20)

Eight years after Binno filed suit, LSAC recently announced a settlement had been reached between the parties resulting in LSAC's elimination of the logic games section, entirely.[21] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn21) LSAC maintains they will continue to test logical analytics in different ways that do not involve logic games and purports to include Binno and his co-plaintiff in the reformation process to ensure the new and improved examination's inclusivity.[22] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_edn22)

[1] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref1) Staff Editor, *Kentucky Law Journal*, Volume 108; J.D. Candidate, The University of Kentucky College of Law (2021).

[2] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref2) Ryan Prior, *A Lawsuit Argued the LSAT Discriminates Against the Blind. Now it's Changing for Everyone*, CNN (Oct. 10, 2019), <https://www.cnn.com/2019/10/10/us/lsat-blind-people-trnd/index.html>.

[3] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref3) *Id.*

[4] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref4) Staci Zaretsky, *Major Changes Coming to the LSAT with Removal of Logic Games Section*, *Above the Law* (Oct. 8, 2019), <https://abovethelaw.com/2019/10/major-changes-coming-to-the-lsat-with-removal-of-logic-games-section/>.

[5] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref5) *Id.*

[6] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref6) Stephanie Francis Ward, *After Losing LSAT Lawsuit Against the ABA, Legally Blind Man Sues LSAC*, *ABA J.* (May 18, 2017), [http://www.abajournal.com/news/article/after\\_losing\\_lsat\\_lawsuit\\_against\\_the\\_aba\\_legally\\_blind\\_man\\_sues\\_lsac](http://www.abajournal.com/news/article/after_losing_lsat_lawsuit_against_the_aba_legally_blind_man_sues_lsac).

[7] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref7) *Binno v. ABA*, 826 F.3d 338, 341 (6th Cir. 2016).

[8] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref8) Nyman Turkish PC, *Statement on the Amicable Resolution of Binno v. LSAC Lawsuit*, *Cision PR Newswire* (Oct. 7, 2019), <https://www.prnewswire.com/news-releases/statement-on-the-amicable-resolution-of-binho-v-lsac-lawsuit-300931402.html>.

[9] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref9) Americans with Disabilities Act, 42 U.S.C. § 12102(1) (2019).

[10] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref10) Americans with Disabilities Act, 42 U.S.C. § 12189 (2019).

[11] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref11) *Id.*

[12] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref12) Americans with Disabilities Act, 42 U.S.C. § 12203(b) (2019).

[13] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref13) *Binno*, 826 F.3d at 341.

[14] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref14) *Id.*

[15] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref15) 42 U.S.C. § 12102(1) (2019).

[16] (applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\_ednref16) Zaretsky, *supra* note 4.

[17] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_ednref17](https://applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#_ednref17)) 42 U.S.C. § 12189 (2019).

[18] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_ednref18](https://applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#_ednref18)) Complaint at 14, *Binno v. LSAC*, No. 2:17-cv-11553-SFC-RSW (E.D. Mich. May 16, 2017).

[19] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_ednref19](https://applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#_ednref19)) *Ward*, *supra* note 6.

[20] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_ednref20](https://applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#_ednref20)) 42 U.S.C. § 12203(b) (2019).

[21] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_ednref21](https://applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#_ednref21)) *Prior*, *supra* note 2.

[22] ([applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#\\_ednref22](https://applewebdata://2440B03B-A96C-460C-802E-92E7EFDA8B75#_ednref22)) *Nyman Turkish PC*, *supra* note 8.

 (<https://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.kentuckylawjournal.org%2Fblog%2Fnot-all-fun-and-logic-games-the-lsats-attempt-to-ensure-inclusivity-th>)

 (<https://twitter.com/intent/tweet?url=https%3A%2F%2Fwww.kentuckylawjournal.org%2Fblog%2Fnot-all-fun-and-logic-games-the-lsats-attempt-to-ensure-inclusivity-through-refo>)



**PREVIOUS**

NCAA Takes Small Step in Long Process Towards Allowing Student-Athletes to Profit from Name, Image and Likeness Rights

(</blog/ncaa-takes-small-step-in-long-process-towards-allowing-student-athletes-to-profit-from-name-image-and-likeness-rights>)

**NEXT**

Hallelujah! We Have Waited 30 Years for Stark and AKS Reform. Sadly, it Still Is Not Enough.

(</blog/hallelujah-we-have-waited-30-years-for-stark-and-aks-reform-sadly-it-still-is-not-enough>)



(859) 257-1678 | [editors@kentuckylawjournal.org](mailto:editors@kentuckylawjournal.org) | 620 Limestone Lexington, KY 40508

(<https://kentuckylawjournal.org>)