

American Bar Association  
Section of Legal Education and Admissions to the Bar  
Standards Review Committee

Chapter 1 – General Purposes and Practices

March 14, 2011

Strike-outs and underlines show changes from the current standards.

**Standard 102. PROVISIONAL APPROVAL**

(a) A law school shall be granted provisional approval ~~only if~~ at the time it seeks approval it establishes that it ~~is in~~ has achieved substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval. A provisionally approved law school may apply for full approval after no earlier than two years after receiving provisional approval and must obtain full approval within five years. The Council may extend this period in an extraordinary case and for good cause shown.

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that the law school is no longer in substantial compliance with the Standards or that the law school is not making adequate progress toward ~~coming into~~ achieving full compliance with the Standards.

(c) If five years have elapsed since the law school was provisionally approved and it has not qualified been granted for full approval, provisional approval shall lapse and the law school shall automatically be removed from the list of approved law schools unless, prior to the end of the five year period, in an extraordinary case and for good cause shown, the Council extends the time within which the law school must obtain full approval.

~~(e) A law school shall confer the J.D. degree contemporaneously with the time academic requirements for the degree are completed.~~

(d) A provisionally approved school may shall not offer a post-J.D. degree program.

(e) A provisionally approved law school shall state that it is provisionally approved in all of its printed and electronic materials describing the law school and its program and in any other publication that references the law school's accreditation status.

(f) An unapproved law school seeking provisional approval or a provisionally approved law school shall make its status clear in any printed and electronic materials describing the law school and its program and in any other publication that references the law school's

**accreditation status. At a minimum, the law school shall state the following in such communications:**

**The Law School makes no representation to any applicant that it will receive accreditation from the American Bar Association prior to the graduation of any matriculating student.**

**(g) A law school seeking provisional approval shall not delay conferring a J.D. upon a student in anticipation of obtaining approval; an approved law school may not retroactively grant a J.D. degree to a student who graduated from the institution prior to its approval.**

**Interpretation 102-1**

~~Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval. Plans for construction, financing, library improvement, and recruitment of faculty which are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance.~~

**Interpretation 102-2 102-1**

In order to establish that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific steps that it plans to take to bring itself into full compliance and must show that there is a reasonable probability that such steps will be successful. Plans for construction, financing, library improvement, and recruitment of faculty which are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance.

**Interpretation 102-3**

~~A law school seeking provisional approval may not offer a post-J.D. degree program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the J.D. degree program.~~

**Interpretation 102-4**

~~A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are deemed by the Council to be entitled to the same recognition given to students and graduates of fully approved law schools.~~

**Interpretation 102-5**

~~An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution.~~

**Interpretation 102-6**

~~A provisionally approved law school shall state in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students that it is a provisionally approved law school. Similarly, when it refers to its approval status in publicity releases and communications with all~~

students, applicants or other interested parties, it shall state that it is a provisionally approved law school.

#### **Interpretation 102-7**

An unapproved law school seeking provisional approval must include the following language in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students:

~~The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student.~~

#### **Interpretation 102-8**

In most jurisdictions an individual cannot sit for the bar examination unless he or she has graduated from a law school fully or provisionally approved by the American Bar Association. However, the determination of qualifications and fitness to sit for the bar examination is made by the jurisdiction's bar admission authorities.

#### **Interpretation 102-9**

A law school seeking provisional approval shall not delay conferring a J.D. degree upon a student in anticipation of obtaining American Bar Association approval.

#### **Interpretation 102-10**

An individual who matriculates at a law school that is provisionally approved or who is a student enrolled in a law school at the time the school it receives provisional approval and who completes the course of study and graduates from that school within a typical and reasonable period of time is deemed by the Council to be a graduate of an approved law school, even though the school loses its provisional approval status while the individual is enrolled in the school.

### **Standard 103. FULL APPROVAL**

(a) A law school is granted full approval if it establishes that it is in full compliance with each of the Standards, ~~and it has been provisionally approved for not fewer than two years.~~

(b) ~~Sanctions, including probation and removal from the list of law schools approved by the Association,~~ for failure to comply with the each of the Standards may be imposed upon a law school as provided by the Rules of Procedure, ~~in Rules 16 and 17 of the Rules.~~

#### **Interpretation 103-1**

An individual who matriculates at a law school that is then approved and who completes the course of study and graduates in the normal period of time required therefore is deemed by the Council to be a graduate of an approved school, even though the school's approval was withdrawn while the individual was enrolled therein.

### **~~Interpretation 103-2~~**

~~In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 20 of the Rules of Procedure for Approval of Law Schools.~~

### **Standard 104. Reserved**

### **Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE**

**Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change. Subject to the additional requirements of subsections (1) and (2), a Acquiescence shall be granted only if the law school establishes that the change will not detract from the law school's ability to remain in compliance or adversely affect the school's efforts to come into compliance meet the requirements of with each of the Standards.**

~~(1) If the proposed major change is the establishment of a degree program other than the J.D. degree, the law school must also establish that it meets the requirements of Standard 308.~~

~~(2) If the proposed major change involves instituting a new full-time or part-time division, merging or affiliating with one or more approved or unapproved law schools, acquiring another law school or educational institution, or opening a Branch or Satellite campus, the law school must also establish that the law school is in compliance with the Standards or that the proposed major change will substantially enhance the law school's ability to comply with the Standards.~~

**[Interpretations 105-1 to 105-5 deleted and not shown here]**

### **Interpretation 105-6-1**

The Council has delegated to the Accreditation Committee the authority to grant acquiescence in the types of major changes listed in Interpretations 105-1 (4), (5), and (6) identified in Rules 20 and 21.

### **Standard 106 SEPARATE LOCATION**

**(a) A law school that offers courses for credit at a separate location (other than studies in a foreign country pursuant to Standard [307]) which is not within reasonable proximity to the main law school campus and at which a student could take the equivalent of 16 or more but not more than two thirds of the semester credits toward a J.D. degree must provide the following at the separate location:**

**(1) Full-time faculty of the law school who teach the major portion of the curriculum, including substantially all of the first one third of each student's coursework, and who are reasonably available at the separate location for consultation with students;**

**(2) Library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to students at the separate location;**

**(3) Academic advising, career services and other student support services that are adequate to support the program offered at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main campus;**

**(4) Access to co-curricular activities and other educational benefits that are reasonably equivalent to such activities and educational benefits offered to similarly situated students at the law school's main campus; and**

**(5) Physical facilities and technological capacities adequate to support the curriculum offered and the student body at the separate location.**

**(b) If a student could earn more than two thirds of the credit hours that a law school requires for the award of a J.D. degree at the separate location, the law school shall apply for approval for the separate location under the provisions of Standard 102 and 103.**

**(c) A separate location that meets the criteria of subsection (a) of this Standard shall be known as a satellite campus; a separate location that meets the criteria of subsection (b) shall be known as a branch campus.**

**Interpretation 106-1**

*It is sufficient for a school with satellite or branch campuses to have one dean for all campuses.*

**Interpretation 106-2**

*For purposes of compliance with Standards 101 and 509, the following reporting is required of satellite and branch campuses:*

*(a) Satellite campus reporting may be included in the main campus reports, provided distinctions are made sufficient to demonstrate compliance with 106(a).*

*(b) With the exception of demonstrating compliance with Interpretation 301-6, branch campuses are required to report separately from the main campus, unless the branch campus is unified with the main campus.*

*(1) A branch is presumed to be unified with the main campus if it meets the following criteria:*

- i. applicants apply for admission to the law school, not to an individual campus;*
- ii. admitted applicants can freely elect the campus at which they wish to commence study; and*
- iii. students can move back and forth between campuses from one semester to the next, or within the same semester if the campuses are close enough, without special permission.*

(2) A branch campus that is not presumptively unified may demonstrate that it is unified by meeting any of the presumptive factors and sufficient other factors to indicate the branch campus is part of the main law school. Other factors include but are not limited to:

- i. students who cannot move back and forth at will may do so on a space available basis;
- ii. more than half of the students enrolled in one campus take one third or more of their courses at the other campus;
- iii. students admitted to one campus may move freely move freely between campuses after their first year; or
- iv. faculty commonly move back and forth between campuses.

(c) Every law school with a branch campus, whether unified or not, shall report data disaggregated by campus in the Annual Questionnaire on matters of curriculum, library resources, and faculty. Campuses that are presumptively unified under 106-2(b)(1) may aggregate data for all campuses for purposes of reporting in the Annual Questionnaire on admissions, enrollment, placement and bar pass rates. Campuses that successfully demonstrate that they are unified under 106-2(b)(2) nonetheless, may be required by the Accreditation Committee or the Council under Standard 101 or by the Consultant under Rule 2(b) to disaggregate some data that a presumptively unified set of campuses would be permitted to report in the aggregate.