

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

Chapter 2
Draft for April 2011 Meeting

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

ORGANIZATION AND ADMINISTRATION

Standard 201 ~~205~~. GOVERNING BOARD AND LAW SCHOOL AUTHORITY

(a) ~~A~~ The policies of a governing board of a university ~~may establish general policies that are applicable to a law school if they are~~ shall be consistent with the Standards.

(b) The dean and faculty shall have primary responsibility for planning, implementing and administering ~~formulate and administer~~ the educational program of the law school, including curriculum,; methods of instruction and evaluation,; admissions policies and procedures,; and academic standards, ~~for retention, advancement, and graduation of students; and shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of the faculty.~~

(c) The dean and faculty shall have primary responsibility for the ~~recommend~~ the selection of members of the faculty, and shall recommend retention, promotion, and tenure (or granting of security of position) of members of the faculty.

Interpretation ~~205-2~~ 201-1

Admission of a student to a law school in contravention of the law school's admissions policies and procedures ~~without the approval of the dean and faculty of the law school~~ violates the Standards 201(b).

Interpretation ~~205-1~~

~~An action of a university committee may violate the standards if it deprives the dean and faculty of a law school of their appropriate roles for recommending faculty promotion and tenure or security of position.~~

Standard 202 ~~210~~. LAW SCHOOL-UNIVERSITY RELATIONSHIP

(a) If a law school is part of a university, that relationship shall serve to enhance the law school's program.

(b) Appropriate separate policies shall be established for the law school where ~~If a~~ university's general policies do not adequately facilitate the law school's efforts to attract and retain a ~~the recruitment and retention of competent law faculty or adequately protect academic freedom~~, appropriate separate policies should be established for the law school.

~~(c) The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education.~~

~~(d) A law school shall be given the opportunity to present its recommendations on budgetary matters to the university administration before the budget for the law school is submitted to the governing board for adoption.~~

Interpretation 210-1

~~A law school does not comply with the Standards if the charges and costs assessed against the law school's revenue by the university leave the law school with financial resources so inadequate as to have a negative and material effect on the education students receive.~~

Standard 203 204. RESOURCES FOR PROGRAM

~~(a) The present and anticipated financial resources of a law school shall be sufficient to enable the law school to fulfill the requirements of the Standards and carry out its educational program adequate to sustain a sound program of legal education and accomplish its mission.~~

~~(b) A law school shall be so organized and administered that its resources are used to provide a sound program of legal education and to accomplish its mission.~~

Interpretation 201-1

~~(b) A law school does not comply with the Standards if its current lack of financial resources are so inadequate as to have has a negative and material effect on the school's ability:~~

- ~~i. to fulfill the requirements of the Standards;~~
- ~~ii. or carry out its educational program.~~ education students receive.

~~(c) A law school also does not comply with the Standards if its anticipated lack of financial resources will have a negative and material effect in the immediate future on the schools' ability to:~~

- ~~i. fulfill the requirements of the Standards;~~
- ~~ii. or carry out its educational program.~~

Interpretation 210-2

~~The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education. "Resources generated" includes law school tuition and fees, endowment restricted to the law school, gifts to the law school, and income from grants, contracts, and property of the law school. The university should provide the law school with a satisfactory explanation for any use of resources generated by the law school to support non-law school activities and central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources.~~

Interpretation 201-2

A law school may not base the compensation paid any person for service to the law school (other than compensation paid a student or associate for reading and correcting papers or similar activity) on the number of persons enrolled in the law school or in any class or on the number of persons applying for admission to or registering in the law school.

Standard 204 206. DEAN

(a) A law school shall have a full-time dean, selected by the governing board or its designee, to whom the dean shall be responsible.

(b) A law school shall provide the dean with the authority and support needed to discharge the responsibilities of the position and those contemplated by the Standards.

[To be reviewed by Terms & Conditions Subcommittee:

(c) Except in extraordinary circumstances, a dean shall also hold appointment as a member of the faculty with tenure.]

(d) The law school or university, as appropriate, shall have and follow a procedure for decanal appointment that assures meaningful involvement by the faculty or a representative body of the faculty it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean. Except in extraordinary circumstances, a dean shall not be appointed or reappointed to a new term over the stated objections of a substantial majority of the faculty. While involvement by faculty in the appointment of an interim or acting dean will necessarily be more limited, there shall still be consultation with the faculty or a representative body of the faculty regarding the appointment of an interim or acting dean.

Interpretation 206-1

The faculty or a representative body of it should have substantial involvement in the selection of a dean. Except in circumstances demonstrating good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty.

Interpretation 204-1

For the purposes of Standard 204(d), the extension of an interim or acting dean's service beyond two years shall be treated as a regular decanal appointment or reappointment.

Standard 205 207. ALLOCATION OF AUTHORITY BETWEEN DEAN AND FACULTY

The allocation of authority between the dean and the law faculty is a matter for determination by the law school ~~each institution~~ as long as both the dean and the faculty have a significant role in determining educational policy.

Standard 208. INVOLVEMENT OF ALUMNI, STUDENTS AND OTHERS

~~A law school may involve alumni, students, and others in a participatory or advisory capacity; but the dean and faculty shall retain control over matters affecting the educational program of the law school.~~

[From the 202/203 Subcommittee:

~~202. SELF STUDY 203. STRATEGIC PLANNING AND ASSESSMENT]~~

Standard 206. REGULAR PLANNING AND ASSESSMENT

(a) The dean and faculty shall engage in a regular planning and assessment process, including ongoing assessment of the law school's effectiveness in achieving its mission and realizing its established goals. As part of this process, the law school will include regular, ongoing assessment of its institutional effectiveness as required by Standard 305 and regular, ongoing assessment of its effectiveness in carrying out the planning for the law library provided for in Standard 601 and Interpretation 601-2.

(b) When appropriate in light of assessments of effectiveness, the school shall revise its plans, goals, or mission.

(c) In addition, before each site evaluation visit a self study document shall be prepared in accordance with the requirements of Rule 2 of the Rules of Procedure for Approval of Law Schools.

Interpretation 206-1

To assure ongoing vitality and successful adaptation to the rapidly changing environment of legal education and the practice of law, law schools must establish periodic or cyclical institutional planning processes and activities. Planning efforts that have proven successful in law schools and other professional or business milieus typically involve the definition and periodic reassessment of both short-term and long-range goals for the successful accomplishment of institutional missions. By framing goals in terms of measurable outcomes wherever circumstances permit, a law school can more readily track progress towards their achievement. The manner in which a law school engages in institutional planning will vary according to available resources and local circumstances, but all law schools shall be able to document their vision, mission, and goals, evidence indicating their achievement, and strategies for periodic or ongoing reassessment of successes and unmet challenges.

Interpretation 206-2

The law school may invite other constituencies to participate in the planning and assessment process, including administrative staff, adjunct faculty, students, alumni, representatives of the university, and members of the legal community served by the law school.

Standard 207 204. GOVERNING BOARD OF AN INDEPENDENT LAW SCHOOL

A law school that is not part of a university shall be governed by a governing board composed of individuals dedicated to the maintenance of a sound program of legal education.

Interpretation 204-1 207-1

The governing board of a law school that is not part of a university should authorize the dean to serve as chief executive, or chief academic officer of the law school, or both, and shall define the scope of the dean's authority in compliance with the Standards. The dean shall be responsible to the governing board. The dean may be a member of the board but should not serve as chairperson of the board.

~~Standard 209. NON-UNIVERSITY AFFILIATED LAW SCHOOLS~~

~~If a law school is not part of a university or, although a part, is physically remote from the rest of the university, the law school should seek to provide its students and faculty with the benefits that usually result from a university connection, such as by enlarging its library collection to include materials generally found only in a university library and by developing working relationships with other educational institutions in the community.~~