

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

Chapter 1 – General Purposes and Practices  
DRAFT FOR November 7 – 8, 2010 Meeting

Footnotes show changes from the prior draft of April 2010  
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.<sup>1</sup>

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that the law school is no longer in substantial compliance with the Standards or that the law school is not making adequate progress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

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<sup>1</sup> Last sentence of Standard 102(a) deleted at April 2010 meeting.

**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.<sup>2</sup>~~

#### **~~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~~

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<sup>2</sup> Interpretation 102-4 deleted at April 2010 meeting.

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.<sup>3</sup>~~

### **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<sup>4</sup> 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~~

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<sup>3</sup> Interpretation 102-10 deleted at April 2010 meeting.

<sup>4</sup> Inserted "each of the" to Standard 103(b) at the April 2010 meeting.

Council to be a graduate of an approved school, even though the school's approval was withdrawn while the individual was enrolled therein.<sup>5</sup>

### **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<sup>6</sup> 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 semester credits toward a J.D. degree must comply with the following requirements provide the following at the separate location:**

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<sup>5</sup> Deleted Interpretation 103-1 at the April 2010 meeting.

<sup>6</sup> Language of the second sentence picks up on changes proposed by Ed B. and adds the "each of" provision suggested at the April 2010 meeting.

**(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 at the separate location 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) That students attending the separate campus have a 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 at the separate location that are 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 provisional approval for the separate location under the provisions of Standard 101-3 and relevant Rules.**

*\*Recommend an interpretation to 206 that clarifies that a separate location does not require separate dean. Also recommend modifications to 202 and 203, and to related rules to guide schools, site teams and the Accreditation Committee regarding the extent to which separate assessment is needed in the 106(a) and (b) situations. Some specific considerations:*

- 1. Should there be separate statistics kept? For example, with regard to 211 and 212 it would seem that separate statistics are important from any separate location. Admissions, student learning outcomes and assessment all suggest a need for separate reporting.*
- 2. Should there be a separate self-study, or should the separate location report in separate subsections or sections of the law school's self-study?*
- 3. Similarly, should the strategic planning and assessment be done for the separate location?*
- 4. Should separate reporting and so on only apply in the 106(b) circumstance, with 106(a) identified in subsections or sections of the law school's self study?*
- 5. Should location matter? If the test of "not within reasonable proximity" is met, will there be a distance that is considered close enough and thereafter all needs to be separately reported?*
- 6. Should the Standards require separate administration? We already suggest that the answer is no with regard to the dean, but what about other administration -- registrar,*

*dean of student affairs, academic affairs dean, career services, student support, and so on? Is it sufficient to show that the services are essentially the same as administered in both locations for purposes of 106(b)? To the extent that 106(a) requires less and is specific, what is adequate to support the program? What would be needed to demonstrate this in either case?*

7. *While it seems appropriate to handle a 106(a) evaluation as part of the law school's site visit, should there be a separate site visit for a 106(b) school? Should distance be determinative for all 106 evaluation?*