



AMERICAN BAR ASSOCIATION

Section of Legal Education
and Admissions to the Bar

American Bar Association
Section of Legal Education
and Admissions to the Bar

THE LAW SCHOOL ACCREDITATION PROCESS

OPEN >>>

table of contents

The Law School Accreditation Process

- 3** The Role of the ABA Section of Legal Education and Admissions to the Bar
- 5** The Approval Process
- 8** The Site Evaluation Process

the role of the ABA



THE ROLE OF THE ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR

Under Title 34, Chapter VI, §602 of the Code of Federal Regulations, the Council and the Accreditation Committee of the ABA Section of Legal Education and Admissions to the Bar are recognized by the United States Department of Education (DOE) as the accrediting agency for programs that lead to the J.D. degree. In this function, the Council and the Section are separate and independent from the ABA, as required by DOE regulations.

The Council of the Section promulgates the *Standards and Rules of Procedure for Approval of Law Schools* with which law schools must comply in order to be ABA-approved. The Standards establish requirements for providing a sound program of legal education. The law school approval process established by the Council is designed to provide a careful and comprehensive evaluation of a law school and its compliance with the Standards.

The Council is comprised of 21 voting members, no more than 10 of whom may be law school deans or faculty members. Other members of the Council include judges, practicing attorneys, one law student, and at least three public members. By tradition, the Chair rotates among a judge, an academic, and a practicing lawyer.

To assist in its accreditation function, the Council has created two Standing Committees. The Accreditation Committee assists the Council in evaluating schools seeking provisional or full approval and monitoring approved schools. The Standards Review Committee assists in reviewing the Standards to assure that they are transparent and focus on matters that are central to quality legal education, following the extensive process established by the Council to seek comment on current and proposed Standards. It also assists in the Section's data collection, policies, and procedures; including drafting the various questionnaires that must be completed by law schools as part of the accreditation process.

the role of the **ABA Section of Legal Education and Admissions to the Bar**

The Office of the Managing Director of Accreditation and Legal Education at the American Bar Association administers the accreditation project. Administrative functions include, but are not limited to, overseeing the training and appointment of law school site evaluation teams, the collection of law school data in accordance with the Standards for Approval of Law Schools, and the dissemination of site team reports and other relevant accreditation materials to the Council and the Accreditation Committee. The Managing Director's Office may also provide guidance on compliance with the Standards, although that guidance is not binding on decisions made by the Accreditation and the Council.

The Standards for Approval of Law Schools, the associated Rules of Procedure, additional information about the accreditation process, and other information about legal education may be found on the website of the Section of Legal Education and Admissions to the Bar:

www.americanbar.org/legaled.

the approval process



Provisional Approval

A law school may not apply for provisional approval by the ABA until it has been in operation for one year. Schools considering applying for provisional approval are strongly encouraged to contact the Managing Director's Office well before the year in which the school applies for provisional approval. The Managing Director or other senior staff members will meet with representatives of schools seeking provisional approval and provide them with extensive information about the Standards for Approval of Law Schools, the Rules of Procedure, and the accreditation process.

A school seeking provisional approval must notify the Managing Director's Office no later than March 15 in the academic year prior to the academic year in which the law school wishes to apply for provisional approval, so that a full site evaluation can be properly scheduled for late in the fall or early in the spring term. The site evaluation process is described below. The application for provisional approval must include a feasibility study that evaluates the nature of the educational program and goals of the law school, the profile of the students who are likely to apply, and the resources necessary to create and sustain the law school, including relation to the resources of a parent institution, if any. The school also completes an [Annual Questionnaire and a Self Study](#) that provide the information that a site evaluation team needs to ascertain the basic facts concerning the school and its operation.

the approval process

A school that applies for provisional approval must establish that it “is in substantial compliance with each of the Standards” and must present “a reliable plan for bringing the school into full compliance with the Standards within three years after receiving provisional approval.” The burden is on the school to establish that it fulfills these requirements. If the Accreditation Committee concludes that a school is in substantial compliance with the Standards and that the school has a reliable plan for coming into full compliance, the Committee will recommend that the Council grant provisional approval. If the Committee concludes either that the school is

When a school seeks provisional approval, the final decision on the school's application is made by the Council. The Accreditation Committee's findings of fact are binding on the Council unless those findings are not supported by substantial evidence in the record. However, the Accreditation Committee's conclusions and recommendations are not binding on the Council.

6

the approval process

From an accreditation perspective, a school that is provisionally approved is entitled to all the rights of a fully approved law school. Similarly, from an ABA perspective, graduates of provisionally approved law schools are entitled to the same recognition that is accorded graduates of fully approved schools.

Obtaining Full Approval

Once a school has obtained provisional approval, it remains in provisional status for at least three years. Unless extraordinary circumstances justify an extension, a school may not remain in provisional status for more than five years. In order to be granted full approval, a school must demonstrate that it is in full compliance with each of the Standards; substantial compliance does not suffice. Again, the burden is upon the school to establish full compliance.

During a school's provisional status, the progress of the school is closely monitored. A visit to the school by a full site evaluation team is conducted in years two and four after provisional approval. The Accreditation Committee has the discretion to order an additional site evaluation in any other year. After each such site visit, a site evaluation report is submitted to the school and the Accreditation Committee. The Committee reviews the site report and the school's response and sends the school a letter summarizing its findings and indicating any areas where

the Committee needs further information or where the school may require further work to achieve compliance.

In the year in which a school is considered for full approval, the process is identical to that undertaken in connection with an application for provisional approval. Decisions on full approval are made only by the Council, by reviewing the findings, conclusions, and recommendations of the Accreditation Committee. If the decision of the Council is to grant full approval, that decision is final and effective immediately upon notice to the school. If the decision of the Council is to deny full approval, the school has the right of appeal to the Appeals Panel.



the approval process

Oversight of Fully Approved Schools

After a school is granted full approval, its compliance with the Standards is monitored through an Annual Questionnaire and periodic site evaluations.

The Annual Questionnaire requests information relevant to continued compliance with the accreditation Standards, including data regarding curriculum, faculty, facilities, fiscal and administrative capacity, student retention, bar passage rates, and student placement. Information obtained is reviewed by the Accreditation Committee in accordance with Rule 6 on Interim Monitoring.

Fully approved law schools undergo a full site evaluation in the third year after full approval, and then a full site evaluation every seven years. Schools undergoing a site visit complete a Self Study, which elicits information about compliance with each Standard and requires schools to complete a Self Assessment. Following the site evaluation, the site evaluation team completes a report that is forwarded to the Accreditation Committee.

Site Evaluation Process

When a site evaluation is required under the Rules of Procedure, the Managing Director's Office appoints a site evaluation team typically of six or seven persons to undertake

an evaluation of the school. The team chairperson is always an experienced site evaluator and frequently a present or former law school dean. The team usually consists of one or two academic law school faculty members, a law librarian, one faculty member with an expertise in professional skills instruction (clinic, simulation skills, or legal writing), one judge or practitioner, and, except on teams visiting a law school that is not affiliated with a university or college, one university administrator who is not a member of a law faculty.

Most ABA-approved law schools are also members of the Association of American Law Schools (AALS). The AALS conducts its membership review process in parallel with the ABA sabbatical review process. This minimizes the burden on law schools. If the site visit is to a school that is an AALS member school, then one member of the ABA site visit team is appointed by the AALS. This person is a full member of the ABA site visit team and will participate in all of the team's work, including drafting portions of the report.

The site evaluation team carefully reviews the materials the school has provided and visits the school for a three-day period, often from Sunday afternoon through Wednesday morning. During that visit, the team meets with the dean and other leaders of the faculty and law school administration, with the president and other university administrators or, in the

the site evaluation process



case of an independent law school, with the leadership of the board of trustees), and tries to have one member of the team meet individually with every member of the faculty. The team also visits as many classes as it can during its visit in order to make judgments concerning the quality of instruction, holds an open meeting with students, and meets with student leaders. In addition, the team meets with alumni and members of the bar and judiciary who are familiar with the school.

At the end of the visit, the team meets with the dean and the president or, in the case of independent law schools, the board chair to provide an oral report of the team's findings. Shortly after leaving the school, the team drafts and finalizes an extensive written site evaluation report. The report covers all aspects of the school's operation including faculty and administration, the academic program, the student body and its success on the bar examination and in job placement, student services, library and information resources, financial resources, physical facilities, and technological capacities.

The site team is responsible for submitting to the Accreditation Committee a report that addresses the factual information relevant to each of the Standards so that the Accreditation Committee can determine whether a school is in compliance with the Standards. The Managing Director's Office conducts annual workshops to train evaluators and chairs of site evaluation teams. Workshops are also conducted to prepare schools for site evaluation visits.

Action by the Accreditation Committee

The site report and any response by the school, as well as historical information and responses to the Questionnaires, are sent to the Accreditation Committee, and, where appropriate, to the Council to make compliance determinations.

The Accreditation Committee's actions upon review of a site report on a fully approved school are likely to take one of three forms. If the Committee concludes that the school fully complies with all the Standards, it writes the school with that

the site evaluation process

conclusion and indicates that the school remains an approved law school. In the remainder of the cases, the Committee will conclude either that the school does not appear to comply with one or more of the Standards, or that the Committee lacks sufficient information to determine whether or not the school complies. In either case, the Committee's action letter will indicate with specificity the Standard or Standards with which the school does not comply, or to which Standard or Standards the Committee lacks sufficient information to determine compliance. The school will then be required, by a specific time, to indicate what steps the school has taken to bring itself into compliance or to provide the information necessary to enable the Committee to determine compliance.

If facts indicating possible noncompliance are presented from any source, the Accreditation Committee may, in its discretion, send a special fact finder to ascertain facts for the Accreditation Committee's consideration on whether the school is in compliance. In addition, major changes in the program or organizational structure of the school may constitute grounds for a special site visit and action by the Accreditation Committee.

Once a finding of noncompliance is made, the school is required to appear at a hearing to determine whether sanctions should be imposed. The school must bring itself into compliance within the time specified by the Accreditation Committee, which may not exceed two years except for good cause shown. If the school fails to come into compliance during specified time period, the Accreditation Committee initiates action to withdraw provisional or full approval.

Confidentiality

The Rules of Procedure for the Approval of Law Schools make clear that, in general, all matters relating to the accreditation of a law school are confidential.



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