

American Bar Association
Standards for Approval of Law Schools
and
Interpretations

**Rules of Procedure
for Approval of Law Schools**

**Criteria for Approval of
Semester Abroad Programs for Credit Granting
Foreign Segment of Approved J.D. Program**

&

**Foreign Summer Programs
of ABA Approved Law Schools**

&

**Individual Student Study Abroad
for Academic Credit**

&

Cooperative Programs for Foreign Study

**Policies of the Council of the Section of
Legal Education and Admissions to the Bar
and of the
Accreditation Committee**

**Compiled and Distributed by
The Office of the Consultant
on Legal Education to the
American Bar Association
550 West North Street
Indianapolis, Indiana 46202**

September, 1995

Organization of Contents

Foreword

Key Word Index to Standards and Interpretations

**Proposed Final Judgment between the American Bar Association
and the U.S. Department of Justice**

**Standards for Approval of Law Schools, Interpretations and
Annex I (White Pages)**

Rules of Procedure for Approval of Law Schools (Yellow Pages)

**Criteria for Approval of Semester Abroad Programs for Credit
Granting Foreign Segment of Approved J.D. Program (Pink
Pages)**

**Criteria for Approval of Foreign Summer Programs of ABA Ap-
proved Law Schools (Salmon Pages)**

**Criteria for Approval of Individual Student Study Abroad for
Academic Credit (Gray Pages)**

**Criteria for Approval of Cooperative Programs for Foreign Study
(Goldenrod Pages)**

**Policies of the Council of the Section of Legal Education and
Admissions to the Bar and of the Accreditation Committee
(Green Pages)**

Foreword

From its inception the American Bar Association has been devoted to the improvement of the legal profession through the improvement of the pre-legal and legal education of those who apply for admission to the Bar.¹ This objective is clearly stated in the By-Laws of the Section of Legal Education and Admissions to the Bar² of the American Bar Association:

Article 1-Section 3. Purposes. The purposes of the Section shall be to consider, discuss, recommend to the Association, and effectuate measures for the improvement of the systems of pre-legal and legal education in the United States; methods for inculcating in law students the sincere regard for the ethics and morals of the profession necessary to its high calling; and means for the establishment and maintenance in the several states of adequate and proper standards of general education, legal training, and moral character of applicants for admission to the Bar, including the manner of testing their qualifications.

The By-Laws of the Section of Legal Education and Admissions to the Bar, in Article 1, Section 4, empower the Section through its Council, subject to the approval of the House of Delegates:

(b) To recommend to the House of Delegates uniform standards and requirements to be met by the law schools for approval, or retention of approval, either provisional or full, by the Association.

(c) To establish procedures and requirements to be met and observed by law schools in obtaining and retaining the approval of the Association; to receive and process applications of law schools for approval; and to make recommendations thereon to the House of Delegates;

(d) To prescribe procedures for changing the status of a law school from provisional to full approval, or from full to provisional approval, or for withdrawal of either provisional or full approval from law schools;

(e) To establish conditions and procedures for the inspection and re-inspection of the approved law schools, with power in the Council to make the same at the expense of the school or schools in question;

(f) To observe and determine the adherence of the approved law schools to the Standards for Legal Education of the Association, and after investigation and hearing, and upon a finding of nonadherence in a given school, to recommend to the House of Delegates a change in the approval status of said law school.

¹ See, Harno *Legal Education in the United States* (1951); Sullivan, *The Professional Association and Legal Education*, 4 *Journal of Legal Education* 401 (1952).

² As approved by the House of Delegates of the ABA, February, 1961.

All of the standards, requirements and procedures recommended by the Section and approved by the House of Delegates are printed and distributed to law schools, universities, libraries, boards of bar examiners, professional groups or associations and others concerned with legal education.

Pursuant to these objectives and powers, the Section of Legal Education and Admissions to the Bar prepared the following Standards and Rules of Procedure for the Approval of Law Schools. A first draft was distributed for comment in December, 1971, to the chief appellate judge of each state, the bar examiners of all jurisdictions, the deans of all ABA approved law schools, and the members of the Section. In addition, the deans of over 100 law schools discussed the draft at a meeting with the Section Council and the drafting committee held February 4, 1972. A second draft was prepared and circulated on April 10, 1972 and in Chicago on May 13, 1972. Nearly 100 practitioners, judges, teachers and deans participated in the hearings. Thereafter, a final draft was prepared and adopted by the Section at its annual meeting on August 15, 1972. The House of Delegates approved and adopted the Standards and Rules of Procedure on February 12, 1973.

The Standards recognize the diversity in quality legal education and represent an important step in advancing the cause of quality legal education and the American Bar Association's concern therefor. Various Interpretations of the Standards have been adopted and others amended by the Council from time to time. Future Interpretations of the Standards that are recommended by the Council shall be approved by the House of Delegates.

The Rules of Procedure were prepared to implement the Standards and also were drafted to conform to the Criteria for Nationally Recognized Accrediting Agencies and Associations promulgated by the United States Department of Education. The Rules of Procedure were rewritten and so adopted in February, 1975, with further amendments adopted from time to time thereafter. Future Rules of Procedure that are recommended by the Council shall be approved by the House of Delegates.

The Criteria for Approval of Semester Abroad Programs for Credit-Granting Foreign Segment of Approved J.D. Program and the Criteria for Approval of Foreign Summer Programs were revised and adopted in June, 1994. The Criteria for Approval of Individual Student Study Abroad for Academic Credit and the Criteria for Approval of Cooperative Programs for Foreign Study were revised and adopted in August, 1993.

The Policies are statements that have been formally adopted from time to time by the Council of the Section of Legal Education and Admissions to the Bar and its Accreditation Committee. Future Policies that are recommended by the Council shall be approved by the House of Delegates.

Standards for Approval of Law Schools and Interpretations

General Purposes and Procedures; Definitions	Standards 101-106
Organization and Administration	Standards 201-215
Educational Program	Standards 301-308
Faculty	Standards 401-406
Admissions	Standards 501-506
Library	Standards 601-606
Physical Plant	Standards 701-706
Authority	Standards 801-805
Adoption and Amendment	Standards 901-902
Principles of Academic Freedom and Tenure	Annex I

**Key Word Index to the
American Bar Association
Standards for Approval of Law Schools and Interpretations**

<u>Key Words</u>	<u>Standards</u>	<u>Interpretations</u>
Academic freedom	S405(b)	I205, I207, I405(c)
Academic standards	S205, S304	I4-205
Academic year	S305(b)	
Accelerated graduation		I4-305
Adjuncts, use of	S403(b)	
Admission policies	S205, S211, S212, S304(c), S501, S502, S503, S505, S506	I209 & 501, I304(c) & 501, I1,2-505
Adoption and amendment of Interpretations, Rules and Policies	S801	
Advanced standing	S308	I1,2-308
Affiliated law schools	S210	I105 & 210
Affirmative action	S212	
Americans with Disabilities Act		I1-213, I2-213
Approval		
appeals to House	S803	
authority to grant	S104, S803	
full	S104(b), S803	
provisional	S104(a)(c)(e), S803	I104
withdrawal of	S104(c)(d)(f), S804	I104(c)
Approved schools, listing	S805	
Attendance policies	S305(c)	I7-305, I1-305 & 306
Auditors	S506	
Bachelor's degree	S502	I1-502(b)
Bar admissions	S102, S301, S504	I1-102 & 103
Bar review courses	S302(b)	I301
Bargaining unit		I1-205, I3-405
Boards of visitors	S208	
Branch campus		I3-201
Budget	S206	
Character and fitness	S504	
Class day defined		I6-305

<u>Key Words</u>	<u>Standards</u>	<u>Interpretations</u>
Class hour defined		I5-305
Class size	S302(a)(ii)	I303(a)
Committee of visitors	S208	
Community service		I2-403
Compensation based on class size	S209	
Compensation for externships		I306(a)
Consumer information	S215	I215, I501
Core subjects	S302(a)	I302 & 303
Correspondence study	S303(b)	
Council of the Section	S106(c), S801, S802, S803, S804, S805	
Curriculum	S205, S302, S902	
Dean		
as tenured member of faculty		I403 & 405
faculty confidence in		I1-403
responsibilities	S206, S207	I2-205
selection		I5-205
Debt		I209 & 210
Directed research	S303(a)(i)	
Disabled persons	S213	
Discrimination	S212	
Disqualified students	S505	I1,2-505
Dual division school		I1-402(a)
Educational policies	S205, S501	I2-205
Educational program	S301	
Employment limitation	S305(c)	I7-305
Endowments		I105 & 210
Equality of opportunity	S211	
Examination schedules		I205, 207 & 405(b)
Examinations	S304(b)	I304(b)
Externships and other study outside the law school	S306	I1-306, I306(a)
Facilities		I2-104(a)
Faculty		
clerical assistance		I3-405

<u>Key Words</u>	<u>Standards</u>	<u>Interpretations</u>
competence of	S401, S405	I401, I2-402(a)
computation of		I402, I1-402(b)
full-time, defined	S402(b)	I1,2-402(b)
minimum size of	S402(a)	I1-402(a)
research support		I3-405
selection and retention	S205, S210(c)	I3-403, I5-405
teaching load	S404	
travel support		I3-405
Field Placement programs	S306	I2-306, I306(a)
Foreign law study	S308	I3-307, I1,2,3-308
Full approval		
authority to determine	S104, S901	I901
financial position		I209, I210
reinspection		I3-205, I801(iii)
requirements	S104(b)	I104(c)
Full-time study	S305(c)(d)	I7-305, I8-305
Governance	S203, S207, S208, S403	I205, 403 & 405(c)
Governing board	S106(e), S204, S206	I203, I204, I205 & 206, I403 & 405, I3-403
Graduation from law school		
prerequisites	S302(b), S305	I2-302(a)(ii)
provisionally approved graduates	S104(e)	
withdrawal of approval	S104(f)	
House of Delegates	S104, S106(a), S803, S804, S901(a), S902	
Independent law schools	S210	I3-403
Information, submission of		I2-102 & 103, I3-102 & 103, I103, I1-104(a), I2- 104(a)
Inspections		I801(iii)
Instruction by full-time faculty	S403(a)	
Internships, see externships		
Joint degree program		I2-305, I2-305 & 306
LL.M. degree		I1,2,3-307
Law degree, defined	S106(d)	

<u>Key Words</u>	<u>Standards</u>	<u>Interpretations</u>
Law librarian	S603	I7-205, I603(a), I603(b), I603(d)
Library		
access to additional materials	S606(b)	I1-601(a), I3-606(a)
adequacy	S601, S602, S604-606	
autonomy	S602	I602
budget	S602(d)	
competent staff	S604	
completeness of materials	S605, S606	
core collection	S606(b)	I1-606(b)
information services	S606(c)	
library policy	S602(b)	
personnel, selection and retention	S602(c)	
physical facility	S704-706	
quality of collection	S606	
relationship with law school	S601(a)	
written plan for library support		I1-606(d)
LSAT	S503	
Merger		I1-201, 209 & 210
Mini-semester		I1-305
Minimum requirements	S105	I2-105
Mission		I1-105, I1-201
Moot court	S702(b)	
Non-degree candidates	S506	
Not-for-profit		I1-201 & 209
Objectives of standards	S101	
Overhead costs		I2-201, 209 & 210
Part-time employment of students	S305(c)	I7-305
Part-time study	S305(d)	I7-305, I8-305
Physical plant		
adequacy	S701-706	I1,2,3-701, I703
courtroom facilities	S702(b)	
exclusive control & use	S702(a)	
library	S704	
private faculty offices	S703	

<u>Key Words</u>	<u>Standards</u>	<u>Interpretations</u>
secretarial, administrative & library personnel	S705	
Placement facilities	S211(e), S214	I211, I214
Post-J.D. programs	S307	I5-104(a), I1,2,3-307
Pre-admission programs		I2-505
Private institutions		I1-104(a)
Professional responsibility	S302(a)(iv)	
Professional skills curriculum	S302(a)(iii)	I1,2,3,4-302(a)(iii), I302 & 303
evaluation of scholastic achievement	S304(b), S306(c)	I2-304(b), I2-306, I-306(c)
faculty		
competence		I2-405(c)
governance		I-205, 403 & 405(c)
security	S405(c)	I1,2-405(c)
short term appointments		I3-405(c)
Promotion and tenure	S205, S405(b)	I6-205, I7-205, I5-405, I1-405(b), I1-405(c)
Provisional approval		
advancing to full approval	S104(b)	I104, I3-104(a)
authority to determine	S104, S401(c), S901	I901
extension of time	S401(c)	
graduates	S104(c)	
requirements	S104(a)	I4-104(a)
transfer students		I2-308
withdrawal of approval	S104(c), S901	I104(c), I901
Questionnaires, submission of		I3-102 & 103, I210(c)
Readmission	S505	I1-505
Religious affiliation	S211(d)	
Residency	S305, S306	I1-305
Resources	S201(b), S209, S501	I105 & 210, I2-201 & 209, I2-201, 209 & 210, I210
Retention policies	S304(a), (c)	
Scholarship		I2-403, I3-405

<u>Key Words</u>	<u>Standards</u>	<u>Interpretations</u>
Scope of accreditation		I101
Section of Legal Education and Admissions to the Bar	S106(b)	
Self study	S201(a)	I3-205
Seminars	S303(a)(i)	I302 & 303, I303(a)
Sound educational policies	S103	
Sound educational program	S209	
Standards		
amendment of	S902	
effective date	S901	I901
Student body expansion		I-201, 209, 210 & 304(c), I209(a)
Student/faculty ratio		I-201 & 401-405, I3-402(a)
Substantial compliance		I3-104(a), I4-104(a)
Summer study	S305(e)	
Teaching effectiveness		I401
Teaching policies		I2-403
Transcript		I502
Transfer credit	S308	I3-305, I1,2,3-308
Tuition income	S209	I2-201, I1-201 & 209, I209 & 501
Unapproved schools, listing	S805	
Undergraduate institution, qualified	S502(b)	
Undergraduate requirements	S502	
University affiliation	S210	
Variance	S802	
Withdrawal of approval		
authority of ABA	S104, S804, S901	I901
graduates, impact on	S104(f)	
Writing experience	S302(a)(ii)	I302 & 303

Proposed Final Judgment

The U.S. Department of Justice filed a complaint against the American Bar Association on June 27, 1995, alleging that the ABA had violated federal antitrust law in connection with certain aspects of its law school accreditation program. *United States v. American Bar Ass'n*, No. 95-1221 (CRR) (D.D.C. filed June 27, 1995). In connection with that litigation, the ABA and the Department have entered into a proposed Final Judgment, a copy of which follows this statement.

The American Bar Association is committed to complying in all respects to with the proposed Final Judgment. At the time that this book was printed, the process for revising the Standards, Interpretations, Rules of Procedure, Criteria, and Policies to conform to the provisions of the proposed Final Judgment had not been completed. However, as noted at appropriate points throughout this book, the American Bar Association is not applying any provision that does not currently comply with the proposed Final Judgment and is in the process of revising such provisions to conform to that practice.

In the event that you have any questions concerning these matters, please do not hesitate to call Darryl L. DePriest, the General Counsel of the American Bar Association, at (312) 988-5215 or David R. Stewart of Sidley & Austin at (312) 853-2039.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)		
UNITED STATES OF AMERICA,)		
)		
Plaintiff,)		
)		
v.)	Civil Action No.	95 1211
)		
AMERICAN BAR ASSOCIATION,)	Filed:	
)		
Defendant.)		
_____)		

FINAL JUDGMENT

Plaintiff, United States of America, filed its Complaint on June 27, 1995. Plaintiff and defendant American Bar Association ("ABA"), by their attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law. This Final Judgment shall not be evidence or admission by any party with respect to any issue of fact or law. Therefore, before any testimony is taken, and without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is hereby ORDERED, ADJUDGED AND DECREED:

I.

JURISDICTION

This Court has jurisdiction of the subject matter of this action and of the parties consenting to this Final Judgment. The Complaint states a claim upon which relief may be granted against the ABA under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II.

DEFINITIONS

As used in this Final Judgment:

(A) "ABA" means the American Bar Association and all of its components.

(B) "Accreditation Committee" means the Accreditation Committee of the Section of Legal Education and Admissions to the Bar of the ABA.

(C) "Board" means the ABA Board of Governors.

(D) "Council" means the Council of the Section of Legal Education and Admissions to the Bar of the ABA.

(E) "Faculty" means all persons who teach classes (except adjunct professors), including administrators who teach, emeritus or senior faculty, visiting professors, joint-appointed faculty, clinical instructors, and instructors holding short-term appointments.

(F) "Section" means the ABA's Section of Legal Education and Admissions to the Bar.

(G) "Standards," "Interpretations" and "Rules" mean the Standards for Approval of Law Schools and Interpretations and Rules of Procedure for Approval of Law Schools and Policies of the Council of the Section and its Accreditation Committee.

III.

APPLICABILITY

This Final Judgment shall apply to the ABA and its governors, officers, employees, and full-time consultants involved in law school accreditation.

IV.

PROHIBITED CONDUCT

The ABA is enjoined and restrained from:

(A) adopting or enforcing any Standard, Interpretation or Rule, or taking any action that has the purpose or effect of imposing requirements as to the base salary, stipends, fringe benefits, or other compensation paid law school deans, associate deans, assistant deans, faculty, library directors, librarians, or other law school employees, or in any way conditioning the accreditation of any law school on the compensation paid law school deans, associate deans, assistant deans, faculty, library directors, librarians, or other law school employees;

(B) collecting from or disseminating to any law school data concerning compensation paid or to be paid to deans, administrators, faculty, librarians, or other employees;

(C) using law school compensation data in connection with the accreditation or review of any law school; and

(D) adopting or enforcing any Standard, Interpretation or Rule, or taking any action that has the purpose or effect of prohibiting a law school from:

(1) enrolling a member of the bar or graduate of a

state-accredited law school in an LL.M. program or other post-J.D. program;

- (2) offering transfer credits for any course successfully completed at a state-accredited law school, except that the ABA may require that two-thirds of the credits required for graduation must be successfully completed at an ABA-approved law school; or
- (3) being an institution organized as a for-profit entity.

V.

PERMITTED CONDUCT

Nothing herein shall be construed to prohibit the ABA from:

- (1) adopting or applying such other reasonable Standards, Interpretations or Rules, consistent with all other provisions of this Final Judgment, as are necessary to attract and retain a competent faculty; (2) investigating or reporting on whether a law school is in compliance with such Standards, Interpretations or Rules, or the cause of non-compliance; or (3) requiring that a law school take remedial action to comply with such Standards, Interpretations or Rules as a condition of obtaining or maintaining ABA approval.

VI.

ADDITIONAL RELIEF

The ABA shall:

- (A) require that all Interpretations and Rules be subjected

to the same public comment and review process and approval procedures that apply to proposed Standards;

(B) permit appeals from Accreditation Committee Action Letters to the Council;

(C) revise the Council's membership as follows:

(1) for a period of five years, all elections shall be subject to Board approval;

(2) members shall serve staggered three-year terms, with a two-term limit; however, officers may serve as officers for an additional term beyond the six-year limit; and

(3) no more than 50% of the members shall be law school deans or faculty;

(D) revise the Accreditation Committee's membership as follows:

(1) for a period of five years, all appointments shall be subject to Board approval;

(2) all members shall serve staggered three-year terms, with a two-term limit; and

(3) no more than 50% of the members shall be law school deans or faculty;

(E) revise the Standards Review Committee's membership as follows:

(1) for a period of five years, all appointments shall be subject to Board approval;

(2) members shall serve one three-year term; and

(3) no more than 50% of the members shall be law school deans or faculty;

(F) require that no more than 40% of the members of the Nominating Committee for officers of the Section shall be law school deans or faculty;

(G) require that each site evaluation team include, to the extent reasonably feasible, at least:

(1) one university administrator who is not a law school dean or faculty member; and

(2) one practicing lawyer, judge or public member;

(H) require the Accreditation Committee after each meeting to send a written report to the Council, that may be done on a confidential basis if necessary, identifying all actions taken by it, including a list identifying all law schools on report or under review, and for each law school, identifying the areas of actual or apparent non-compliance and the length of time the law school has been on report or under review;

(I) require the Council to send an annual report to the Board, that may be done on a confidential basis if necessary, on its accreditation activities during the preceding year, including a list identifying all law schools on report or under review, and for each law school, identifying the areas of actual or apparent non-compliance and the length of time the law school has been on report or under review;

(J) require Council approval and Board receipt of annual

and site inspection questionnaires before they are sent to law schools;

(K) publish annually in The ABA Journal and the Section's Review of Legal Education in the United States:

- (1) all proposed Standards, Interpretations, Rules, and Policies, and the name(s) of the sponsors of each; and
- (2) the date, place, and names of the evaluators for each law school and foreign program inspected; and

(L) hire, by October 31, 1995, an outside independent consultant who is an expert on education and accreditation and who is not a legal educator, to assist in validating all Standards and Interpretations, as required by the Department of Education, and develop a plan for validation by December 31, 1995.

VII.

SPECIAL COMMISSION

The ABA shall:

(A) establish a Special Commission to Review the Substance and Process of the ABA's Accreditation of American Law Schools to determine whether the Standards, Interpretations, and Rules, and their enforcement governing the following subjects should be revised:

- (1) faculty teaching-hours;
- (2) leaves of absence, compensated or otherwise, for faculty and other staff;

- (3) the calculation of the faculty component of student-faculty ratios;
- (4) physical facilities;
- (5) the allocation of resources to a law school by the law school or its parent university; and
- (6) the treatment of bar preparation courses;

(B) require that the Special Commission complete its review no later than February 29, 1996. The Special Commission shall file its report with the Board. Upon completing its review, the Board shall file its report with the Court and the United States setting out its analysis and any proposed revisions; and

(C) allow the United States 90 days in which to review the Special Commission's report and determine whether to challenge any of the proposals. The United States may challenge any such proposal and, if the ABA chooses to defend it, the challenge will be decided by this Court applying a Rule of Reason antitrust analysis.

VIII.

COMPLIANCE PROGRAM

The ABA is ordered to maintain an antitrust compliance program which shall include designating, within 30 days of the entry of this Final Judgment, an Antitrust Compliance Officer with responsibility for accomplishing the antitrust compliance program and with the purpose of achieving compliance with this Final Judgment. The Antitrust Compliance Officer shall, on a continuing basis, supervise the review of the current and

proposed activities of the ABA's law school accrediting activities to ensure that they comply with this Final Judgment. The Antitrust Compliance Officer shall be responsible for accomplishing the following activities:

(A) reviewing the ABA's Standards, Interpretations, Rules, and practices, and identifying and recommending the elimination of any provisions or activities that violate or are inconsistent with Sections IV or VI above to the Board or to the ABA's House of Delegates within 90 days of entry of this Final Judgment;

(B) distributing a copy of this Final Judgment within 30 days of entry to:

- (1) all members of the Board and officers of the ABA, the Section and the Law Student Division;
- (2) all members of the Council, Accreditation Committee and Standards Review Committee;
- (3) all university presidents with ABA-approved law schools, the deans of all ABA-approved law schools, the Chief Justices or Judges of the highest Courts of the States and other admitting jurisdictions, and to make a best effort to notify the deans of all state-accredited law schools; and
- (4) all persons serving on site inspection teams during the term of this Final Judgment;

(C) causing this Final Judgment to be published in the next issue of The ABA Journal and the Student Lawyer following the entry of the Final Judgment;

(D) providing the United States, during the term of the Final Judgment, a copy of all proposed changes to the Standards, Interpretations and Rules before they are acted on by the House of Delegates, and a copy of all Standards, Interpretations and Rules adopted by the House;

(E) briefing annually the Section's officers, all members of the Council, Committee and Standards Review Committee, the Consultant and the Consultant's staff, and all participants at site inspectors' workshops on the meaning and requirements of this Final Judgment;

(F) obtaining from all Section officers, all members of the Council, Accreditation Committee and Standards Review Committee, and the Consultant and the Consultant's staff an annual written certification that they: (1) have read, understand, and agree to abide by the terms of this Final Judgment; and (2) are not aware of any violation of this Final Judgment that they have not reported to the Antitrust Compliance Officer; and

(G) obtaining from the Executive Director of the ABA, the Consultant and the Consultant's staff, an annual written certification that they have been advised and understand that their failure to comply with the Final Judgment may result in conviction for contempt of court.

IX.

CERTIFICATION

(A) Within 90 days after the entry of this Final Judgment, the ABA shall certify to the United States whether it has

designated an Antitrust Compliance Officer and has distributed the Final Judgment in accordance with Section VIII above.

(B) For 10 years after the entry of this Final Judgment, on or before its anniversary date, the Antitrust Compliance Officer shall certify annually to the Court and the United States whether the ABA has complied with the provisions of Section VIII.

(C) At any time, if the Antitrust Compliance Officer learns of any past, current or anticipated violation of Sections IV or VI of this Final Judgment, the ABA shall, within 45 days after such knowledge is obtained, take action, or where appropriate initiate action, to terminate or modify the activity so as to comply with this Final Judgment.

X.

PLAINTIFF ACCESS

(A) To determine or secure compliance with this Final Judgment, duly authorized representatives of the United States shall, upon written request of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the ABA, be permitted:

- (1) access during the ABA's office hours to inspect and copy all records and documents in its possession or control relating to any matters contained in this Final Judgment; and
- (2) to interview the ABA's officers, employees, or agents, who may have counsel present, regarding such matters. The interviews shall be subject to

the ABA's reasonable convenience and without restraint or interference by the ABA.

(B) Upon the written request of the Assistant Attorney General in charge of the Antitrust Division, the ABA shall submit such written reports, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

(C) No information or documents obtained by the means provided in this Section X shall be divulged by the United States to any person other than a duly-authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

XI.

FURTHER ELEMENTS OF DECREE

(A) This Final Judgment shall expire 10 years from the date of entry.

(B) Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify or terminate any of its provisions, to enforce compliance, and to punish violations of its provisions.

(C) Entry of this Final Judgment is in the public interest.

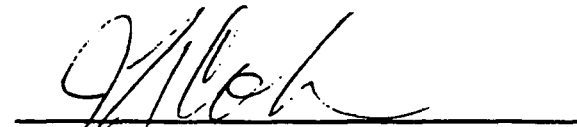
DATE: _____

UNITED STATES DISTRICT JUDGE

Certificate of Service

On June 27, 1995, I caused a copy of the foregoing Proposed Final Judgment to be served by facsimile and first-class mail upon:

David T. Pritikin, Esquire
Sidley & Austin
One First National Plaza
Chicago, Illinois 60603



Jessica N. Cohen

Standard 101

The American Bar Association is vitally and actively interested in ways and means of bringing about the improvement of the legal profession. These Standards for the Approval of Law Schools by the American Bar Association are promulgated in pursuance of that objective.

Interpretation of Standard 101:

The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association approves law schools located in the United States, its territories and possessions, including summer programs, semester abroad programs, cooperative programs for foreign study, and individual student study abroad programs conducted by ABA approved law schools outside the United States; and post J.D. Graduate Programs outside the United States conducted by ABA approved law schools. June, 1988.

Standard 102

The American Bar Association believes that every candidate for admission to the bar should have graduated from a law school approved by the American Bar Association, that graduation from a law school should not alone confer the right of admission to the bar, and that every candidate for admission should be examined by public authority to determine fitness for admission.

Interpretation 1 of Standards 102 and 103:

Support from the State Bar Association is not necessary in order for a school to be approved by the ABA, and a school which meets the Standards may be approved even though the local bar is opposed. However, actions and judgments by the bar or by individual members of the bar are not irrelevant. July, 1974.

Interpretation 2 of Standards 102 and 103:

It is the responsibility of a law school approved by the American Bar Association or seeking ABA approval to demonstrate compliance with the Standards. The Council cannot determine if a school is being operated in accordance with the Standards if the school refuses to submit information requested by the Council. Refusal to supply information could be determined a violation of the Standards. August, 1977.

Interpretation 3 of Standards 102 and 103:

It is the intent of the Standards that each approved law school or law school seeking provisional approval provide appropriate information to the Council and Accreditation Committee, including the completion of appropriate questionnaires and self-studies. July, 1977; August, 1977.

Standard 103

In order to obtain or retain approval by the American Bar Association, a law school must demonstrate that its program is consistent with sound educational policies. It shall do so by establishing that it is being operated in accordance with the Standards.

Interpretation 1 of Standards 102 and 103:

Support from the State Bar Association is not necessary in order for a school to be approved by the ABA, and a school which meets the Standards may be approved even though the local bar is opposed. However, actions and judgments by the bar or by individual members of the bar are not irrelevant. July, 1974.

Interpretation 2 of Standards 102 and 103:

It is the responsibility of a law school approved by the American Bar Association or seeking ABA approval to demonstrate compliance with the Standards. The Council cannot determine if a school is being operated in accordance with the Standards if the school refuses to submit information requested by the Council. Refusal to supply information could be determined a violation of the Standards. August, 1977.

Interpretation 3 of Standards 102 and 103:

It is the intent of the Standards that each approved law school or law school seeking provisional approval provide appropriate information to the Council and Accreditation Committee, including the completion of appropriate questionnaires and self-studies. July, 1977; August, 1977.

Interpretation of Standard 103:

The intent of Standard 103, in part, is to put the obligation on the school to demonstrate that its program is consistent with sound educational policy and to establish that it is being operated in accordance with the Standards. Each law school, to retain approval, shall, in accordance with Rule III(1) [Rule 38 in the 1983 Revised Rules], furnish the Council with such information as is requested by the Council. The reinspection and annual questionnaires distributed by the Consultant on behalf of the Council provide the means through which each school demonstrates continuing compliance with the Standards. The annual questionnaire not only furnishes the Council with information regarding the status of each school, but, in meeting its concern with legal education as a whole, furnishes the Council with information regarding American law schools generally, so that the Council can determine the areas in which improvements are being made and the areas in which appropriate action should be taken and to provide the Council with information which reflects the norms of legal education. The annual questionnaire provides a uniform and regular method for the Council to meet its responsibilities, and, accordingly, each school shall furnish all the information requested on the annual questionnaire. August, 1978.

Standard 104

The authority to grant and to withdraw approval is vested in the House of Delegates.

(a) A law school will be granted provisional approval when it establishes that it substantially complies with the Standards and gives assurance that it will be in full compliance with the Standards within three years after receiving provisional approval.

(b) A law school will be granted full approval when it establishes that it is in full compliance with the Standards and it has been provisionally approved for at least two years.

(c) A law school that is provisionally approved may have this approval withdrawn if it is determined that it is not substantially complying with the Standards, or if more than five years have elapsed since the law school was provisionally approved and it has not qualified for full approval and the Council has not extended the time within which full approval must be obtained.

(d) If it is determined that an approved school is no longer complying with the Standards, its approval may be withdrawn. However, if the school gives assurance that the deficiencies will be corrected within a reasonable time, as fixed by the Council, the school may remain an approved school.

(e) The Students at provisionally approved law schools and persons who graduate while a school is provisionally approved are entitled to the same recognition accorded to students and graduates of fully approved law schools.

(f) A person 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 therefor, shall be deemed a graduate of an approved school, even through the school's approval was withdrawn while that person was enrolled therein.

Interpretation of Standard 104:

Events since the granting of provisional approval may raise doubts as to the ability of an institution to fulfill commitments made in connection with the application for provisional approval and may nullify previously given assurance that a law school will be in full compliance with the Standards within three years of the initial granting of provisional approval. July, 1980.

Interpretation 1 of Standard 104(a):

A law school seeking provisional approval by the American Bar Association must furnish separate financial operating statements for the last three fiscal years. If the applicant institution is a private institution, the statements shall be certified. August, 1977.

Interpretation 2 of Standard 104(a):

A law school seeking provisional approval by the ABA shall provide appropriate supporting documents detailing the actual cost of all facilities used solely for the support of the law school.

If the applicant institution is a private institution, the institution shall state the MAI appraised fair market value of facilities used solely for support of the law school. August, 1977.

Interpretation 3 of 104(a): *Substantial compliance means appropriate and substantial compliance with each of the Standards for Approval of Law Schools and further, that a law school gives assurance that it will be in full compliance within three years after receiving provisional approval. June, 1978.*

Interpretation 4 of Standard 104(a):

Plans for construction, financing, library improvement, salary increases and employment of faculty which are presented by a law school seeking provisional approval are not, in themselves, matters of substantial compliance with the Standards. Substantial compliance means substantial compliance at the time a law school seeks provisional approval and not future realization of existing plans. June, 1978. [The American Bar Association does not apply this Interpretation with respect to “salary increases” and is in the process of revising this Interpretation to reflect that practice.]

Interpretation 5 of Standard 104(a):

A school seeking provisional approval shall not add a post-J.D. or other program until it has obtained full approval for its J.D. program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the first degree program. Additions to that program would add to the difficulty of achieving provisional approval. June, 1991.

Interpretation of Standard 104(c):

Provisional approval may be withdrawn if more than five years have elapsed since a law school was provisionally approved if the law school has not qualified for full approval by placing itself in full compliance with each and every Standard. June, 1978.

Interpretation of Standard 104(e):

A currently approved law school cannot retroactively grant a J.D. degree to a graduate of its predecessor institution. May, 1980.

Standard 105

An approved school shall seek to exceed the minimum requirements of the Standards.

Interpretation 1 of Standard 105:

A law school whose academic program does not meet its own stated goals and objectives does not comply with the Standards for Approval of Law Schools by the American Bar Association. August, 1977.

Interpretation 2 of Standard 105:

If an institution takes the view that the choice is between a law school meeting only the minimum requirements of the Standards and making no effort to exceed minimum requirements, the law school appears to violate Standard 105. May, 1979.

Interpretation of Standards 105 and 210:

In part, the intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts, and property interests committed to the law school. Serious questions concerning the adequacy of a law school's financial support arise when resources generated by a university-affiliated law school are not made available to the school to maintain and enhance its educational program. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. December, 1978.

Standard 106

As used in the Standards:

- (a) "House" or "House of Delegates" means the House of Delegates of the American Bar Association.**
- (b) "Section" means the Section of Legal Education and Admissions to the Bar of the American Bar Association.**
- (c) "Council" means the Council of the Section.**
- (d) "First professional law degree" means the degree granted by the law school upon the satisfactory completion of an educational program that meets the requirements of Standards 301-308.**
- (e) "Governing Board" means the Board of Trustees or comparable body having the ultimate policy-making authority for the law school or the university of which it is a part.**

Standard 201

- (a) Through development and periodic reevaluation of a written self-study, the law**

school shall articulate the objectives of the school's educational program consistent with the Standards.

(b) The law school shall have the resources necessary to provide a sound legal education and accomplish the objectives of its educational program, and shall be so organized and administered as to utilize fully those resources for those purposes.

Interpretation 1 of Standard 201:

Although a particular law school may satisfy minimal Standards, failure of a law school to achieve its own stated goals and objectives may place the school in violation of the Standards. August, 1977.

Interpretation 2 of Standard 201:

A law school which is almost totally dependent on tuition and fee income, has experienced operating deficits in recent years, and projects the necessity to more than double its entering class in order to meet projected budget deficits, is not in substantial compliance with the Standards. August, 1980.

Interpretation 3 of Standard 201:

The intent of the Standards is that the establishment of a branch campus of an approved law school would require the appointment of a permanent full-time faculty for the branch campus, the establishment of an adequate working library for the branch campus, an adequate physical facility, including plans for a permanent physical plant and adequate supporting staff for the program. February, 1979.

Interpretation 1 of Standards 201 and 209:

A law school, organized on a not-for-profit basis, does not meet the requirements of Standard 201 and of Standard 209 when:

- (1) A law school is almost entirely dependent upon tuition income;*
- (2) Operational and building conversion costs have exceeded income and have necessitated the borrowing of considerable sums of money;*
- (3) Acquisition of a permanent law school plant is dependent upon loan commitments which are themselves contingent upon the school's obtaining provisional accreditation by the American Bar Association; and*
- (4) Budget projections designed to cover debt service and operational expenses over the years 1975-81 contemplate and are dependent on substantial increases in the size of the student body, together with substantial increases in student tuition. June, 1978.*

Interpretation 2 of Standards 201 and 209:

A law school must have sufficient resources specifically allocated to the school in order to sustain the school's sound educational program and to accomplish the objectives of its educational program as set forth in its self-study. May, June, 1978.

Interpretation 1 of Standards 201, 209 and 210:

A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of Standards 201, 209 and 210:

The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978. [The American Bar Association does not apply this Interpretation with respect to "faculty salaries" and is in the process of revising this Interpretation to reflect that practice.]

Interpretation of Standards 201 and 401-405:**A. Background and Discussion of Educational Effect**

(1) Background. A series of actions by the Accreditation Committee, over the period 1975-78, together with the Committee's analysis of statistics from the last decade of law school growth in the United States, indicate a deterioration in legal education of the values and academic opportunities which Standards 201 and 401-405 are designed to insure. It has become clear that ratios of students to full-time faculty have increased remarkably. Attention to this fact and to the educational effects of the size of the full-time law faculty has increased its determination to become more rigorous.

(2) Every approved school is required by Standard 105 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

B. Educational Effect. *Inquiry into the effect of the size of a full-time faculty takes into account every aspect of Standards 201 and 401-405 and should consider, among other effects, the following:*

(1) Effect on Teaching Load. Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with Standard 404, a school should be prepared to demonstrate an acceptable allocation of

students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

(2) Effect on Small-Group Classes. Legal educators have traditionally found special value in classes of fewer than 30 students each. The Committee has recently, and in several cases, required extensive documentation on size of classes in schools which are before it, in an effort to find out whether the average student spends a significant amount of class time in groups where collaborative teaching techniques (simulation, clinical work, close discussion) are possible, and there can be hope for personal relationships with teachers. In most cases, these small classes are in either specially-sectioned required or core courses or in elective courses, and, typically, they are taught by full-time faculty. The intellectual difference is that required or core courses are in basic subjects (contracts, torts, corporations) and electives are in the more specialized areas to which a maturing teacher tends to devote special interest (legal history, estate planning, business planning, juvenile law, mass communications law, products liability). There are two disadvantages in a program which does not seek this small-class effect:

(a) Faculty are denied the experience of teaching small groups of students, with the attendant rapport and personal growth which the small group provides for a teacher.

(b) Faculty are denied the intellectual experience of ordering and teaching a subject which is more complex and specialized than elementary law school instruction.

Both disadvantages have student-centered implications. Legal educators assume that a full-time, experienced teacher knows how to use the advantages of small groups and specialized subject matter. The result of the teacher's opportunity in these courses will be better and more innovative teaching methods, methods which benefit students in ways students do not benefit from larger classes.

The typical law student should spend a substantial part of his or her education in small classes taught by full-time teachers. Students who are denied this experience are denied one of the principal benefits which Standards 401-405 are meant to give them.

(3) Effect of Pervasive Large Classes. A normal effect of a favorable student/faculty ratio is that some elementary law courses are taught in small groups. The advantages to student and teacher are similar to those of small classes in elective courses, but the advantages are more pervasive since the basic-course small class reaches all students. It is therefore peculiarly important to give some play to small-group teaching methods in basic courses. Some law schools provide these advantages in elementary courses (first-year courses in contracts and torts, for example) by employing enough faculty to provide every student with

one or more small-group classes. The learning effect beyond communication of information is almost certainly different in a class of 30 than in a class of 150. The psychological effect of learning in a group which is small enough to invite collaboration is one of the principal reasons law schools try to provide small classes. Classes of more than 50 students tend to be taught with impersonal methods (lecture, largely) and relatively structured syllabi.

(4) Effect on Student/Faculty Contact. The dominant model in law teaching is an academic model. The model of the academy assures personal contact between teachers and students. Standards 401-405 contemplate that a full-time teacher on a law faculty be able to spend time with each of his students in each of his courses. Heavy student-hour loads, and assignments which make significant student-teacher consultation difficult, tend to a law school climate in which only the occasional student, or the exceptional student, seeks the benefit of personal conference with his teachers.

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teachers. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing—because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

(8) Effect on Examinations. Most law school programs tend to depend on stiff, end-of-course examinations. An inquiry into the adequacy of the size of a full-time faculty should consider that it probably requires half an hour to grade a student in a three-hour course.

This burden may become so great that a teacher is not likely to have time to reorganize, redraft, and, most importantly, re-think what is done in the preparation of an examination. An unreasonable grading burden on teachers is certain to accelerate entropy in the examination process. Teachers who are required to spend an unreasonable amount of time in grading cannot fail to reduce the attention they pay to teaching and scholarship.

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time-equivalent student body.

A. Basic Computation of Ratio

(1) In computing student/faculty ratio, the Committee will consider as full-time those teachers who are employed as full-time teachers on tenure track, or its equivalent under Standard 405(c), and do not hold administrative office or perform administrative duties beyond those normally performed by a full-time teacher. Students who are registered in a part-time program [see Standard 305(a)] are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

(2) The Accreditation Committee will take into account neither graduate students nor graduate faculty (teachers who devote substantially all of their time to the graduate program) in computing FTE student/full-time faculty ratio. In those instances where there is a co-mingling of graduate and J.D. teachers and students which might result in a dilution of J.D. teaching resources, the Committee will consider the circumstances of the individual school in order to determine the teaching resources available to the J.D. program.

(3) Only for the purpose of computing full-time equivalent student/faculty ratio any part-time student who is registered for fourteen or more credit hours per week during any term (semester or quarter), shall be counted as a full-time student during that term. December, 1987.

B. Statement and Effect of Ratio. *Ratios are indicative and useful and, in the experience of the Committee and Council, provide an effective guide to compliance with Standards 201 and 401-405.*

(1) *A ratio of 20:1 or less is presumably in compliance with Standards 201 and 401-405, but the Committee and Council may inquire into the educational effects of faculty size, to make certain that the size and duties of the full-time faculty meet those Standards.*

(2) *A ratio of 30:1 or more is presumably not in compliance with Standards 201 and 401-405.*

(3) *The fact that a school has a ratio of under 30:1 does not preclude examination by the Committee and Council to determine whether the School is in compliance with Standards 201 and 401-405. In such an examination by the Committee, the Committee will consider, in light of the school's educational program, the administrators and librarians who teach, writing instructors and other full-time instructors, part-time adjunct faculty and other instructional resources not counted in the basic ratio computation.*

Interpretation 4 of Standard 201:

A statutorily imposed faculty and decanal salary maximum may place a school in noncompliance with the Standards. January, 1980; February, 1980. [The American Bar Association does not apply this Interpretation and is in the process of revising this Interpretation to reflect that practice.]

Interpretation of Standards 201, 209, 210 and 304(c):

Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 202 was rescinded in February, 1995.

Standard 203

The law school shall be governed by a Board whose members are dedicated to the maintenance of a sound educational institution, possess the capability of participating in the formulation and development of such an institution, and have no financial interest in the operation of the law school. [The American Bar Association does not apply this Standard with respect to a governing board's financial interest in the operation of the law school and is in the process of revising this Standard to reflect that practice.]

Interpretation of Standard 203:

The Governing Board of a law school not affiliated with a college or university should empower the dean to serve as chief executive or chief academic officer of the law school and should define the scope of the dean's authority in accordance with the Standards, with particular reference to Standards 204, 205, 206, 207 and 403. The dean should be responsible to the Governing Board. The dean should not serve as president or chairman of the Governing Board. It is desirable that the dean be present at all meetings of the Governing Board.

Standard 204

The Governing Board may establish general policies for the law school, provided they are consistent with a sound educational program and the Standards.

Interpretation of Standard 204:

The mere fact that the rules of a Board of Trustees regarding promotion and tenure vest in the Board final authority for all determinations of hiring, firing, promotion and tenure, and permit the Board to conduct its own investigation or hearings regarding tenure is not in itself violation of the Standards. June, 1980.

Standard 205

Within those general policies, the dean and faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards for retention, advancement, and graduation of students.

Interpretation 1 of Standard 205:

A law faculty as a professional faculty should not be required to be part of a general university bargaining unit. July, 1975.

Interpretation 2 of Standard 205:

The intent of Standard 205 is that there be full communication between the dean and faculty that the dean and faculty together join in the establishment of general educational policies and the development of the School's educational goals and objectives. July, 1977.

Interpretation 3 of Standard 205:

To facilitate the accomplishment of the objectives of the school, the dean and faculty must engage in and complete a self-study. This self-study, in its current form, is to be submitted by a school seeking provisional approval, by a provisionally approved law school having its annual inspection, and by a fully approved law school having a regular or special inspection. June, 1978.

Interpretation 4 of Standard 205:

A university policy which permits review and overriding of decisions of the law faculty as to sanctions imposed upon law students found guilty of academic dishonesty appears to violate the intent of Standard 205. July, 1978.

Interpretation 5 of Standard 205:

The law faculty shall have a substantial degree of involvement in the process by which a law

dean is selected, appointed, or (as to terms over one year) reappointed. The process should entail a joint effort by the law faculty and the university administration or governing board. Except in rare cases and for compelling reasons, a law dean shall not be appointed or reappointed over the objections of a majority of the law faculty. December, 1978.

Interpretation 6 of Standard 205:

Actions of a University Advisory Committee may violate Standard 205 because they deprive the dean and faculty of the law school of responsibility for promotion and tenure decisions. July, August, 1980.

Interpretation 7 of Standard 205:

It is inconsistent with Standard 205 for a law school to deny to a law librarian who is a member of the faculty the rights and procedures respecting reappointment or termination which are accorded to faculty members generally. July, August, 1980.

Interpretation of Standards 205 and 206:

Action of the Board of Trustees of a university authorizing the president of a university to determine a fixed percentage of an entering class without the approval of the dean and faculty of the law school violates Standards 205 and 206 of the Standards and places a law school in a posture of violation of the Standards, which would result in the withdrawing of ABA accreditation. December, 1975.

Interpretation of Standards 205, 207 and 405(b):

Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

Interpretation of Standards 205, 403 and 405(c):

A law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program an opportunity to participate in law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in Interpretation 3 of Standard 405(c). December, 1988.

Standard 206

The dean and faculty of the law school shall have the opportunity to present their recommendations on budgetary matters before the budget for the law school is submitted to the Governing Board.

Interpretation of Standards 205 and 206:

Action of the Board of Trustees of a university authorizing the president of a university to determine a fixed percentage of an entering class without the approval of the dean and faculty of the law school violates Standards 205 and 206 of the Standards and places a law school in a posture of violation of the Standards, which would result in the withdrawing of ABA accreditation. December, 1975.

Standard 207

The allocation of authority between the dean and the faculty is a matter for determination by each institution.

Interpretation of Standards 205, 207 and 405(b):

Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

Standard 208

The law school may involve a Committee of Visitors or current students, or both, in a participatory or advisory capacity. The dean and faculty shall retain control over matters that are entrusted to them under the Standards.

Standard 209

The present and anticipated financial resources of the law school shall be adequate to sustain a sound educational program.

(a) If tuition is a substantial source of the law school's income, the school is faced with a potential conflict of interest whenever the exercise of sound judgment in the application of admission policies or academic standards and retention policies might reduce enrollment below the level necessary to support its program. The law school shall not permit financial considerations detrimentally to affect those policies and their administration.

(b) The 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.

Interpretation of Standard 209(a):

Where a law school has a present student body which is only marginally qualified for the study of law and where this student body is considered with the school's reported plans to increase the size of its student body, at a time when the number of applications for admission to law school is declining, provoke a serious concern with regard to Standard 209(a). May, June, 1977.

Interpretation 1 of Standards 201 and 209:

A law school, organized on a not-for-profit basis, does not meet the requirements of Standard 201 and of Standard 209 when:

- (1) A law school is almost entirely dependent upon tuition income;*
- (2) Operational and building conversion costs have exceeded income and have necessitated the borrowing of considerable sums of money;*
- (3) Acquisition of a permanent law school plant is dependent upon loan commitments which are themselves contingent upon the school's obtaining provisional accreditation by the American Bar Association; and*
- (4) Budget projections designed to cover debt service and operational expenses over the years 1975-81 contemplate and are dependent on substantial increases in the size of the student body, together with substantial increases in student tuition. June, 1978.*

Interpretation 2 of Standards 201 and 209:

A law school must have sufficient resources specifically allocated to the school in order to sustain the school's sound educational program and to accomplish the objectives of its educational program as set forth in its self-study. May, June, 1978.

Interpretation 1 of Standards 201, 209 and 210:

A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of Standards 201, 209 and 210:

The financial resources of the law school may not be in conformance with Standards 201, 209

and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978. [The American Bar Association does not apply this Interpretation with respect to "faculty salaries" and is in the process of revising this Interpretation to reflect that practice.]

Interpretation of Standards 209 and 210:

Where a university has entered into an executory accord on most of its debt, where such debt is substantial, and where no significant payments have yet been made under this accord, the university does not appear to have achieved the stability and normalcy which should characterize a fully approved school and is not on a financial footing which satisfies Standards 209 and 210. November, 1980.

Interpretation of Standards 209 and 501:

A law school which denies almost no one admission for academic reasons and which is experiencing consistently declining average LSAT scores, combined with low GPA's, for admitted students and which has operating deficits and heavy dependence on tuition income, does not comply with Standards 209(a) and 501. August, 1980.

Interpretation of Standards 201, 209, 210 and 304(c):

Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 210

Affiliation between a law school and a University is desirable, but is not required for approval. If the law school is affiliated with or a part of a University, that relationship shall serve to enhance the program of the law school. If the law school is an independent institution, it shall endeavor to secure the advantages that would normally result from being part of a University.

(a) A University affiliation permits an educational program that extends beyond the traditional law school curriculum, the development of academic programs that involve other disciplines, and enables law students and faculty to enjoy the advantages of the University library and other facilities and to participate in the academic life of the University community.

(b) If a law school is separate, either because it is unaffiliated with a University, or although affiliated, is so located as to be physically remote from the rest of the University, it should take appropriate measures to supply the advantages of University affiliation, for example, by providing a more extensive library, particularly on non-legal sub-

jects, and by developing a working relationship with other institutions of higher learning in the community.

(c) If the University's general policies relating to rank, advancement, tenure, and compensation do not provide adequately for the recruitment and retention of a qualified law faculty, separate policies should be established for the law school. [The American Bar Association does not apply Standard 210(c) with respect to policies relating to compensation and is in the process of revising this Standard to reflect that practice.]

Interpretation of Standard 210:

When a school of law has inadequate resources to fund its program and its parent university is concurrently withholding excessive portions of revenue which should be available to the school of law, the school of law is not in compliance with the Standards. July, August, 1980.

Interpretation of Standard 210(c):

University tenure and promotion policies which are dependent upon the fiscal stability of the parent university may inadequately provide for the recruitment and retention of qualified law faculty as required by Standard 210(c). November, 1977.

Interpretation of Standards 105 and 210:

In part, the intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts, and property interests committed to the law school. Serious questions concerning the adequacy of a law school's financial support arise when resources generated by a university-affiliated law school are not made available to the school to maintain and enhance its educational program. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. December, 1978.

Interpretation 1 of Standards 201, 209 and 210:

A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of Standards 201, 209 and 210:

The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with

regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978. [The American Bar Association does not apply this Interpretation with respect to "faculty salaries" and is in the process of revising this Interpretation to reflect that practice.]

Interpretation of Standards 209 and 210:

Where a university has entered into an executory accord on most of its debt, where such debt is substantial, and where no significant payments have yet been made under this accord, the university does not appear to have achieved the stability and normalcy which should characterize a fully approved school and is not on a financial footing which satisfies Standards 209 and 210. November, 1980.

Interpretation of Standards 201, 209, 210 and 304(c):

Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 211

- (a) The law school shall maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground of race, color, religion, national origin, sex or sexual orientation.**
- (b) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex or sexual orientation.**
- (c) The denial by a law school of admission to a qualified applicant will be treated as made upon the ground of race, color, religion, national origin, sex or sexual orientation if the ground of denial relied upon is**
- (i) a state constitutional provision or statute that purports to forbid the admission of applicants to a school on the ground of race, color, religion, national origin, sex or sexual orientation; or**
 - (ii) an admissions qualification of the school that is intended to prevent the admission of applicants on the ground of race, color, religion, national origin, sex or sexual orientation though not purporting to do so.**
- (d) The denial by a law school of employment to a qualified individual will be treated as made upon the ground of race, color, religion, national origin, sex or sexual orientation if the ground of denial relied upon is an employment policy of the school which is intended to prevent the employment of individuals on the ground of race, color, religion,**

national origin, sex or sexual orientation though not purporting to do so.

(e) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty and staff before their affiliation with the law school, and (2) the religious affiliation, purpose or policies do not contravene any other Standard, including Standard 405(d) concerning academic freedom.

These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but shall not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex or sexual orientation. This Standard permits religious policies as to admission, retention and employment only to the extent that they are protected by the United States Constitution. It shall be administered as if the First Amendment of the United States Constitution governs its application.

(f) Equality of opportunity in legal education includes equal opportunity to obtain employment. Each school should communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principle of equal opportunity and will avoid objectionable practices such as

(i) refusing to hire or promote members of groups protected by this policy because of the prejudices of clients or of professional or official associates;

(ii) applying standards in the hiring and promoting of such individuals that are higher than those applied otherwise;

(iii) maintaining a starting or promotional salary scale as to such individuals that is lower than is applied otherwise; and

(iv) disregarding personal capabilities by assigning, in a predetermined or mechanical manner, such individuals to certain kinds of work or departments.

Interpretation 1 of Standard 211:

The Council has directed the Consultant on Legal Education to the American Bar Association to advise each approved law school that it is the opinion of the Council that, in those cases where a law firm (or lawyer professional corporation) holds out to prospective lawyer employees, expressly or by implication, the possibility or probability of eventual advancement in partnership (or equivalent status in a lawyer professional corporation) after a period of salaried employment, it is an improper practice for such law firm (or corporation) to discriminate in advancement of its employees to partnership (or such equivalent status) on ground of race,

color, religion, national origin, or sex. June, 1976.

Interpretation 2 of Standard 211:

Schools may not require applicants, students, or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily. August, 1994.

Interpretation 3 of Standard 211:

Nothing in the Standard requires a law school to adopt policies or take actions that would violate federal law applicable to that school. August, 1994.

Interpretation 1 of Standard 211(e):

As long as a school complies with the requirements of Standard 211(e), the prohibition based on sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, it does not require a school to recognize or fund organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school. August, 1994.

Interpretation 1 of Standard 211(f):

Standard 211(f) applies to all employers, including government agencies, to whom a school furnishes assistance and facilities for interviewing and other placement services. However, there is nothing in the Standard that requires a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully. August, 1994.

Standard 212

Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admission process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students.

Standard 213

The law school shall not discriminate against persons with disabilities in its program of

legal education. The law school shall provide full opportunities for the study of law and entry into the profession by qualified disabled persons. The law school shall not discriminate on the basis of disability in the hiring, promotion and retention of otherwise qualified faculty and staff.

Interpretation 1 of Standard 213:

Person with disability, for the purpose of this Standard, is defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 706, as further defined by the regulations on postsecondary education, 45 C.F.R. Section 84.3(k)(3) and by the Americans with Disabilities Act, 42 U.S.C. Sections 12101 et seq. February, 1993.

Interpretation 2 of Standard 213:

As to those matters covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, this Standard is not designed to impose obligations upon law schools beyond those provided by those statutes. February, 1993.

Interpretation 3 of Standard 213:

The essence of proper service to persons with disabilities is individualization and reasonable accommodation. Each person must be individually evaluated to determine if he or she meets the academic standards requisite to admission and participation in the law school program. The use of the term "qualified" in the Standard requires a careful and thorough consideration of each applicant and each student's qualifications in light of reasonable accommodations. Reasonable accommodations are those that do not fundamentally alter the nature of the program, that can be provided without undue financial or administrative burden, and that can be provided without lowering academic and other essential performance standards. February, 1993.

Standard 214

The law school should provide adequate staff, space and resources, in view of the size and program of the school, to maintain an active placement service to assist its graduates to make sound career choices.

Interpretation of Standard 214:

The Council does affirm that it encourages the establishment and effective operation of placement programs in all approved law schools. August, 1978.

Standard 215

A law school shall publish basic consumer information. The information must be published in a fair and accurate manner reflective of actual practice.

Interpretation 1 of Standard 215:

The following categories of consumer information are considered basic:

- a. admission data
- b. tuition, fees, living costs, financial aid, and refunds
- c. enrollment data and graduation rates
- d. composition and number of faculty and administrators
- e. curricular offerings
- f. library resources
- g. physical facilities
- h. placement rates and bar passage data.

Interpretation 2 of Standard 215:

To comply with its obligation to publish basic consumer information under the first sentence of this Standard, a law school may either provide the information to a publication designated by the Council or publish the information in its own publication. If the school chooses to meet this obligation through its own publication, the basic consumer information must be published in a manner comparable to that used in the Council-designated publication, and the school shall provide the publication to all of its applicants.

Standard 301

(a) A law school shall maintain an educational program that is designed to qualify its graduates for admission to the bar and to prepare them to participate effectively in the legal profession.

(b) A law school may offer an educational program designed to emphasize some aspects of the law or the legal profession and give less attention to others. If a school offers such a program, that program and its objectives shall be clearly stated in its publications, where appropriate.

(c) The educational program of the school shall be designed to prepare the students to deal with recognized problems of the present and anticipated problems of the future.

Interpretation of Standard 301:

Courses conducted specifically for improving student performance on bar examinations may be offered at law schools approved by the American Bar Association, but credit may not be given for courses conducted for this purpose. August, 1977.

Standard 302

(a) The law school shall:

(i) offer to all students instruction in those subjects generally regarded as the core of the law school curriculum;

(ii) offer to all students at least one rigorous writing experience;

(iii) offer instruction in professional skills;

(iv) require of all candidates for the first professional degree, instruction in the duties and responsibilities of the legal profession. Such required instruction need not be limited to any pedagogical method as long as the history, goals, structure and responsibilities of the legal profession and its members, including the ABA Model Rules of Professional Conduct, are all covered. Each law school is encouraged to involve members of the bench and bar in such instruction.

(b) The law school may not offer to its students for academic credit or as a condition to graduation, instruction that is designed as a bar examination review course.

Interpretation 1 of Standard 302(a)(iii):

This section requires training in professional skills. To which of the many professional skills the curriculum will give special attention is left to the individual schools. August, 1975; June, 1990.

Interpretation 2 of Standard 302(a)(iii):

A law school's failure to offer adequate training in professional skills, whether through clinics or otherwise, violates Standard 302(a)(iii). May, 1980.

Interpretation 3 of Standard 302(a)(iii):

Such instruction need not be limited to any specific skill or list of skills. Each law school is encouraged to be creative in developing programs of instruction in skills related to the various responsibilities which lawyers are called upon to meet, utilizing the strengths and resources available to the law school.

Thoughtful professional studies have urged that trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, and drafting be included in such programs. August, 1981; June, 1988.

Interpretation 4 of Standard 302(a)(iii):

There is no ABA ruling that a student requesting enrollment in an advocacy course must be admitted to that course. The Standard in question states merely that the law school shall offer training in professional skills. February, 1990.

Interpretation of Standards 302 and 303:

The academic program of a law school violates Standards 302 and 303 when the program of study lacks fundamental core subjects, and provides inadequate opportunities for training in writing, research, and professional skills and provides very few seminars and small class courses. August, 1978; February, 1990.

Standard 303

(a) The educational program of the law school shall provide adequate opportunity for:

- (i) study in seminars or by directed research;**
- (ii) small classes for at least some portion of the total instructional program.**

(b) The law school may not allow credit for study by correspondence.

Interpretation of Standard 303(a):

When a law school does not afford its students adequate opportunity for seminar and small class study, the school is in noncompliance with the Standards. July, August, 1980.

Interpretation of Standard 302 and 303:

The academic program of a law school violates Standards 302 and 303 when the program of study lacks fundamental core subjects, and provides inadequate training in writing, research, study techniques, and trial tactics and provides very few seminars and small class courses. August, 1978.

Standard 304

(a) The law school shall maintain and adhere to sound standards of legal scholarship, including clearly defined standards for good standing, advancement, and graduation.

(b) The scholastic achievement of students shall be evaluated from the inception of their studies. As part of the testing of scholastic achievement, a written examination of suitable length and complexity shall be required in every course for which credit is given, except clinical work, courses involving extensive written work such as moot court, practice court, legal writing and drafting, and seminars and individual research projects.

(c) A law school shall not, either by initial admission or subsequent retention, enroll or continue a person whose inability to do satisfactory work is sufficiently manifest that the

person's continuation in school would inculcate false hopes, constitute economic exploitation, or deleteriously affect the education of other students.

Interpretation 1 of Standard 304(b):

The examination should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent of the Standard is to have a meaningful faculty assessment of the student's work product. February, 1975.

Interpretation 2 of Standard 304(b):

Standard 304(b) does not relieve a law school from its obligation to evaluate the scholastic achievement of students in professional skills courses, including in-house and field placement clinics. February, 1990.

Interpretation of Standards 304(c) and 501:

A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work and may be inconsistent with the requirement of faculty control in the admissions process. July, August, 1978.

Interpretation of Standards 201, 209, 210 and 304(c):

Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 305

(a) The law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 1,120 class hours, including external study meeting the requirements of Standard 306, extending over not fewer than three academic years for a full-time student or four academic years for a part-time student.

(b) An academic year must consist of no fewer than 140 days on which classes are regularly scheduled in the law school, extending over no fewer than 8 calendar months. Time for reading periods, examinations or other activities may not be counted for this purpose.

(c) A full-time student, to satisfy residence study requirements, shall devote substantially all working hours to the study of law and shall not engage in remunerative employment for more than 20 hours per week, whether outside or inside the law school. Regu-

lar and punctual class attendance is necessary to satisfy residence and class hours requirements. The law school has the burden to show it has adopted and enforces policies relating to class attendance.

(d) To receive residence study credit for an academic period, a full-time student must be enrolled in a schedule requiring at least ten class hours a week and must receive credit for at least nine class hours, and a part-time student must be enrolled in a schedule requiring at least eight class hours a week and must receive credit for at least eight class hours. If a student is not enrolled in or fails to receive credit for the required number of hours specified in this subsection, the student may receive residence study credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified.

(e) Prorated credit for residence study may be awarded for study during summer sessions on a basis that fairly apportions a student's effort to the normal residence period.

Interpretation 1 of Standard 305:

The purpose of this Standard is to establish minimum periods of academic instruction as a condition of graduation. The Standard accommodates deviations from the conventional semester and quarter modes by permitting such arrangements as "mini-semester" or "interim" in the middle of the academic year. The imperative consideration is to insure that 140 days of instruction are offered in the academic year and that the academic year extends over at least 8 months.

Interpretation 2 of Standard 305:

In a joint degree program between the law school and another school or college,

(i) at least 900 hours out of the minimum of 1,120 hours of study required for the law degree must be in courses in residence in the law school;

(ii) the remaining 220 hours required to make up the 1,120 hours of study, may be in courses outside the law school if all of the hours applied in satisfaction of the requirements for the law degree are in studies or courses that satisfy the requirements of Standards 305 and 306 and have been specifically approved by the law school as appropriate for the educational program of the law school.

In a joint degree program between the law school and any other school or college, a school may permit up to 220 hours of study to be applied in satisfaction of the requirements of each of the degrees if the requirements of Standards 305 and 306 are met.

Interpretation 3 of Standard 305:

Rescinded.

Interpretation 4 of Standard 305:

A student may be permitted to graduate in fewer than three (full-time) or four (part-time) academic years by earning not more than one semester (or one quarter) of residency credit for taking summer courses, if (1) the student meets the class hour requirements consistent with Standard 305, (2) the student (if full time) meets the employment limitations of Standard 305(c), and (3) the summer instructional programs in which the student enrolls total at least 70 semester days (or 47 quarter days) over two or more summers during which classes are regularly scheduled in the law school.

Interpretation 5 of Standard 305:

For the purposes of the Standards, an hour of instruction is 50 minutes of actual class time or equivalent. The requirements of Standard 305 thus would mean that 1,120 class hours plus 80 hours for examinations equals 80 semester hours of credit. Accordingly, each semester hour of credit requires at least 700 minutes of instruction time plus time for an examination; a quarter hour of credit requires at least 450 minutes of instruction plus time for an examination (cf 304[b]). Equivalent in the case of academic work outside the classroom must meet the criteria of Interpretation 2 of Standard 306.

Interpretation 6 of Standard 305:

The number of class days in a year is the number of days on which classes are regularly scheduled throughout the day.

Scheduling of classes shall be in accordance with the school's obligation to insure that full-time students are engaged in full-time study. Days on which classes are not scheduled throughout the day do not constitute a "class day" for purposes of this Standard.

Interpretation 7 of Standard 305:

A full-time student is one who devotes substantially all working hours to the study of law, and who is enrolled in a schedule requiring at least 10 class hours per week. A full-time student shall not be employed more than 20 hours per week, whether inside or outside the law school. A part-time student is one who enrolls in a schedule requiring at least 8 class hours per week. A law school must demonstrate that it has adopted and enforces policies insuring that individuals enrolling as full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance, limitation on employment, time devoted to job interviewing and performance standards. The law school shall also take steps to control absenteeism by students involved in placement interviewing.

Interpretation 8 of Standard 305:

A student who is in a part-time status for part of his or her study and full-time for the other part of study, must complete a proportion of each program sufficient to yield a full degree program. August, 1990; Effective August 15, 1991.

Interpretation 1 of Standards 305 and 306:

A law school has the burden to show that it has adopted and enforces policies insuring that full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance requirements, and performance standards. November, 1980.

Interpretation 2 of Standards 305 and 306:

In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1,120 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 220 hours required to make up the minimum of 1,120 hours of study, may be in studies or courses outside the law school and may be used to satisfy requirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school. February, 1974.

Standard 306

If the law school has a program that permits or requires student participation in studies or activities away from the law school or in a format that does not involve attendance at regularly scheduled class sessions, the time spent in such studies or activities may be included as satisfying the residence and class hours requirements, provided the conditions of this section are satisfied.

(a) The residence and class hours credit allowed must be commensurate with the time and effort expended by and the educational benefits to the participating student.

(b) The studies or activities must be approved in advance, in accordance with the school's established procedures for curriculum approval and determination.

(c) Each such study or activity, and the participation of each student therein, must be conducted or periodically reviewed by a member of the faculty to insure that in its actual operation it is achieving its educational objectives and that the credit allowed therefore is, in fact, commensurate with the time and effort expended by, and the educational benefits to, the participating student.

(d) At least 900 hours of the total time credited towards satisfying the "in residence" and "class hours" requirements of this Chapter shall be in actual attendance in regularly scheduled class sessions in the law school conferring the degree, or, in the case of a

student receiving credit for studies at another law school, at the law school at which the credit was earned.

Interpretation 1 of Standard 306:

Credit may be granted for student participation in studies or activities in a foreign country only if the studies or activities are approved in accordance with the Rules, Criteria and Procedures as adopted by the Council. See Rule 35 and the Criteria. (August, 1979; December, 1993)

Interpretation 1 of Standard 306(a):

Student participants in a law school externship program may not receive compensation for a program for which they receive academic credit. November, December, 1979.

Interpretation 1 of Standard 306(c):

Lack of substantial supervision given by a law school faculty to law students working with practicing lawyers throughout a state does not conform with Standard 306(c). November, 1977.

Interpretation 2 of Standard 306(c): Regarding Field Placement Programs.

(a) A law school that has a program that permits or requires student participation in studies or activities away from the law school (except foreign programs) shall develop and publish a statement that defines the educational objectives of the program. Among educational objectives of these programs may be instruction in professional skills, legal writing, professional responsibilities, specific areas of the law, and legal process. The educational objectives shall be communicated to the students and field instructors.

(b) These programs shall be approved by the same procedures established by the law school for the approval of other parts of its academic program and shall be reviewed periodically in accordance with those procedures and in light of the educational objectives of the program.

(c) The field instructor or a full-time faculty member must engage the student on a regular basis throughout the term in a critical evaluation of the student's field experience.

(d) In field placement programs, as the number of students involved or the number of credits awarded increase, the level of instructional resources devoted to the program should also increase. The school and the Accreditation Committee shall evaluate programs in light of the following factors:

- (1) adequacy of instructional resources,*
- (2) classroom component,*
- (3) prerequisites for student participation,*
- (4) number of students participating,*
- (5) amount of credit awarded to each student,*
- (6) evaluation of student academic achievement,*

- (7) qualifications and training of field instructors,*
- (8) evaluation of field instructors, and*
- (9) visits to field placements.*

(e) In all field placements in which a field instructor is responsible for the direct supervision of students, the following criteria shall apply:

(1) A student shall not participate prior to successful completion of at least one year of study in an ABA-approved law school.

(2) The full-time faculty must review the program periodically to ensure that the law school and the faculty exercise their responsibilities in the implementation of the program and that it meets the stated educational objectives.

(3) There shall be some established and regularized communication among full-time faculty, student and field instructor during the field placement experience. An on-site visit by full-time faculty during the course of each field placement is preferred. The field instructor should participate with the full-time faculty in the evaluation of the student's academic achievement.

(4) In conducting the review of the program and the participation of each student required by Standard 306(c), the full-time faculty member shall consider the following factors:

(a) the time devoted by the student to the field placement,

(b) the tasks assigned to the student,

(c) selected work products of the student,

(d) the field instructor's performance.

(5) A contemporaneous classroom component is preferred.

(6) Teaching credit shall be given commensurate with the instructional responsibilities of the full-time faculty member in relation to the number of students and the credit hours granted.

(f) In extraordinary circumstances a school may apply to the Committee for a variance from this Interpretation to permit a law school administrator or a part-time faculty member whose experience makes him or her qualified to serve the functions of a full-time faculty member within the meaning of Standard 306.

(g) The Accreditation Committee will closely scrutinize field placement programs in which the

amount of academic credit awarded is substantial, the student/faculty ratio of the placement is high, the field placement occurs at a significant distance from the school, or the field placement is initiated by the student rather than by the faculty.

(h) In those field placement programs that award academic credit in excess of six credit hours per semester, the following additional criteria apply:

(1) A classroom component is required. If the classroom component is not contemporaneous, the school has the burden of demonstrating that its alternative is a functionally and educationally equivalent classroom experience involving full-time faculty. The alternative may be a meaningful pre- or post-field placement experience involving full-time faculty. The classroom component may be satisfied by regular tutorials conducted by the full-time faculty.

(2) A written appraisal of each program shall be conducted at least every three years by the law school to evaluate whether the program is meeting its stated educational objectives.

(3) The school shall ensure that there is careful and persistent full-time faculty monitoring of the academic achievement of each student. This shall include an on-site visit in each field placement by full-time faculty in the course of field placements. The school shall document this monitoring. February, 1993.

[The American Bar Association does not apply subparagraph (e)(1) of this Interpretation with respect to the requirement that students who participate in a field placement program must have successfully completed at least one year of study at an ABA-approved law school. The American Bar Association is in the process of revising this Interpretation to reflect that practice.]

Interpretation 1 of Standard 305 and 306:

A law school has the burden to show that it has adopted and enforces policies insuring that full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance requirements, and performance standards. November, 1980.

Interpretation 2 of Standard 305 and 306:

In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1,120 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 220 hours required to make up the minimum of 1,120 hours of study, may be in studies or courses outside the law school and may be used to satisfy requirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school. February, 1974.

Standard 307

Upon request, the Council may authorize a fully approved law school to establish a course of study leading to a degree other than the first professional law degree. Programs in addition to the first professional law degree may not detract from the law school's ability to maintain a sound educational program leading to that degree. A law school shall not undertake a program in addition to the first professional law degree unless the quality of its program leading to the first professional law degree exceeds the requirements of the Standards.

A program leading to a degree beyond the first degree in law must have sufficient resources beyond the first professional degree program to meet the goals set by the law school offering the advanced degree program, including at least one full-time faculty member or administrator who has primary responsibility for that advanced degree program. If an advanced degree program relates to a named field of legal study or research, at least one full-time faculty member or administrator who is identified with that field must be among the program's instructors.

Interpretation 1 of Standard 307:

The Accreditation Committee and Council in denying previous applications with regard to the proposed establishment of an LL.M. program gave as reasons for denial:

- (1) Inadequate full-time faculty sufficient to conduct the J.D. program of the School of Law.*
- (2) Lack of sufficient full-time faculty to direct and conduct a full-time LL.M. program.*
- (3) Lack of a fully adequate physical plant.*
- (4) Lack of an adequate law library to support both a J.D. and LL.M. program.*
- (5) A J.D. curriculum lacking sufficient diversity and richness in course offerings. August, 1977.*

Interpretation 2 of Standard 307:

The quality of the first-degree-in-law program of a law school must exceed the requirements of the Standards, in order for the law school to establish a graduate law program in compliance with Standard 307. June, 1978.

Interpretation 3 of Standard 307:

Rescinded.

Standard 308

The law school may admit with advanced standing and allow credit for studies at a law school outside the United States if the studies

- (i) either were “in residence” as provided in Section 305, or qualify for credit under Section 306, and
- (ii) the content of the studies was such that credit therefore would have been allowed towards satisfaction of degree requirements at the admitting school, and
- (iii) the admitting school is satisfied that the quality of the educational program at the prior school was at least equal to that required for an approved school.

Advanced standing and credit hours allowed for foreign study shall not exceed one-third of the total required by the school for its first professional degree.

Interpretation 1 of Standard 308:

Section 308 states the only circumstances under which an approved school may admit an applicant with advanced standing and allow credit for studies at a law school that is not on the list of law schools approved by the American Bar Association. Credit may be allowed for studies at a law school in the United States that is on the list of law schools approved by the American Bar Association in the discretion of the admitting school. Matriculation with advanced standing may be allowed for studies at a law school outside the United States only to the extent authorized by Standard 308. February, 1977. [The American Bar Association does not apply this Interpretation and is in the process of revising this Interpretation to reflect that practice.]

Interpretation 2 of Standard 308:

A candidate school for provisional approval may accept student transfer credit from an approved law school, but may not accept student transfer credit from unapproved law schools. December, 1977. [The American Bar Association does not apply this Interpretation and is in the process of revising this Interpretation to reflect that practice.]

Interpretation 3 of Standard 308:

This Standard applies only to graduates of foreign law schools or foreign students enrolled in a first degree granting law program in a foreign educational institution. August, 1987.

Standard 401

The members of the faculty shall possess a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing.

Interpretation of Standard 401:

A law school teaching effectiveness committee demonstrates a law school program designed to improve teaching effectiveness, a necessary requirement of a competent faculty. July, 1980.

Standard 402

(a) The law school shall have not fewer than six full-time faculty members, in addition to a full-time dean and a full-time law librarian. It shall have such additional members as are necessary to fulfill the requirements of this Chapter and the needs for its educational program, with due consideration for

(i) the size of the student body and the opportunity for students to meet with and consult faculty members on an individual basis,

(ii) the nature and scope of the educational program, and

(iii) adequate opportunity for effective participation by the faculty in the governance of the law school.

(b) A full-time faculty member is one who during the academic year devotes substantially all working time to teaching and legal scholarship, has no outside office or business activities and whose outside professional activities, if any, are limited to those which relate to major academic interests or enrich the faculty member's capacity as scholar and teacher, or are of service to the public generally, and do not unduly interfere with one's responsibilities as a faculty member.

Interpretation of Standard 402:

The historic interpretation of Standard 402 by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and its Accreditation Committee has been that the count of full-time faculty, under the provisions of Standard 402, does not include the dean, librarian, associate or assistant deans or other administrators holding academic appointment. The interpretation of Standard 402 by the Council and its Accreditation Committee continues to be that of not including the dean, librarian, associate or assistant deans or other administrators holding academic appointment, in any computation of full-time faculty, under the provisions of Standard 402. August, 1976.

Interpretation 1 of Standard 402(a):

The intent of Standard 402(a) is that a single division law school in its first year of operation should have a minimum of six full-time faculty, in addition to a full-time dean and law librarian. A dual division law school or a law school offering instruction in more than one year must have additional full-time faculty in a satisfactory proportional ratio. August, 1976.

Interpretation 2 of Standard 402(a):

A law school needs experienced core faculty to fulfill the needs of its educational program, to reduce teaching obligations and to provide reasonable opportunity for scholarly research and writing. August, 1977.

Interpretation 3 of Standard 402(a):

When a high student/faculty ratio exists, the hiring of additional full-time faculty or the reduction of admissions are necessary to fulfill the requirements of the Standards and the needs of the law school's educational program. November, 1977; December, 1977.

Interpretation 1 of Standard 402(b):

A full-time faculty member of an ABA approved law school who is teaching an additional full-time load at another ABA approved law school cannot be considered as full-time faculty for either institution. February, 1977.

Interpretation 2 of Standard 402(b):

Regularly engaging in law practice; having an ongoing relationship with a law firm or other business; being named on a law firm letterhead; or having a professional telephone listing is prima facie evidence that an individual has "outside office or business activities" and is not a full-time faculty member within the definition of Standard 402(b). If there is prima facie evidence that an individual is not a full-time faculty member, the burden is on the school to demonstrate that the individual has a full-time commitment to teaching, research and public service, is available to students, and is able to participate in the governance of the institution to the same extent expected of full-time faculty within Interpretation 2 of Standard 403. June, 1992.

Standard 403

The major burden of the educational program and the major responsibility for faculty participation in the governance of the law school rests upon the full-time faculty members.

(a) Students shall receive substantially all of their instruction in the first year of the full-time curriculum or the first two years of the part-time curriculum, and a major proportion of their total instruction from full-time faculty members.

(b) The proper use of qualified practicing lawyers and judges as part-time faculty members is an appropriate means of enriching the educational program.

Interpretation 1 of Standard 403:

In the usual course of events, a prospective appointee as dean or a person serving as dean who has failed to acquire or has lost the confidence of the substantial majority of the faculty should not be appointed or have his appointment as dean continued. The appointment of a law

school dean must be in both the spirit and the letter of ABA Standards and Regulations. June, 1978.

Interpretation 2 of Standard 403:

Each law school should have established policies with respect to faculty members' responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The purpose of this interpretation is not to develop uniformity among faculty members, but to assure that the faculty as a whole meets its academic and professional responsibilities by maximizing the talents and interests of each of its members. The established policies may be in any form the institution deems appropriate, either written or by established tradition. Such policies might appropriately address themselves to:

- (a) Faculty teaching responsibilities, such as carrying a fair share of the law school's course offerings, preparation for classes, availability for student consultation, and creation of an atmosphere in which students and faculty may voice opinions and exchange ideas;*
- (b) Research and publication, and integrity in the conduct of scholarship, such as appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;*
- (c) Obligations to the law school or university community, such as participation in the governance of the law school; and*
- (d) Conduct of professional activities outside the law school university community and their relationship to teaching responsibilities.*

In the absence of other provision, the dean is responsible for enforcement of this interpretation. May, 1980.

Interpretation 3 of Standard 403:

The procedures, used by a law school not affiliated with a college or university in considering and deciding on appointment, termination, promotion and tenure of faculty members should be in accordance with the same principles of fairness and due process that should be employed by an affiliated law school. Where the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or Governing Board. May, 1980.

Interpretation of Standard 403 and 405:

(1) The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.

(2) *Standard 405, in requiring “conditions adequate to attract and retain a competent faculty” includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.*

(3) *Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school’s university or governing board. December, 1979; February, 1980.*

Interpretation of Standards 205, 403 and 405(c):

A law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program an opportunity to participate in law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in Interpretation 3 of Standard 405(c). December, 1988.

Standard 404

(a) To the extent that a faculty member is teaching only regularly scheduled class sessions over fixed periods of time, the faculty member shall not teach more than

(i) an average of eight scheduled class hours per week, counting repetitions during the same academic period as one-half for this purpose, or

(ii) an average of ten scheduled class hours per week, counting repetitions during the same academic period at full value.

(b) To the extent that a faculty member’s teaching assignment is not limited to regularly scheduled class sessions over fixed periods of time, the total teaching responsibilities may not exceed a maximum comparable to that set forth in subsection (a).

(c) If the institutional responsibilities of a full-time faculty member include extensive participation in activities of the academic community, research, or public service, the maximum assignments permitted by this section shall be correspondingly adjusted.

Standard 405

(a) A law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

(b) A law school shall have an established and announced policy with respect to aca-

demic freedom and tenure of which Annex I herein is an example but is not obligatory.

(c) A law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program a form of security of position reasonably similar to tenure and perquisites reasonably similar to those provided other full-time faculty members by Standards 401, 402(b), 403 and 405. The law school should require these faculty members to meet standards and obligations reasonably similar to those required of full-time faculty members by Standards 401, 402(b), 403 and 405.

Interpretation 1 of Standard 405:

Any fixed limit on the percent of a law faculty that may hold tenure under any circumstances is in violation of the Standards, especially Standard 405. February, 1973.

Interpretation 2 of Standard 405:

The Council adopted the position in 1971 and reaffirmed it in July of 1975 and May of 1980 that "a law faculty as a professional faculty should not be required to be a part of the general university bargaining unit." July, 1975; May, 1980.

Interpretation 3 of Standard 405:

Adequate research, travel and secretarial support must be available to a faculty in order to enable it to develop academically and professionally. May, 1978; June, 1978.

Interpretation 4 of Standard 405:

A law school which appears to have no comprehensive system for evaluation for and granting of tenure is not in compliance with Standard 405. August, 1978.

Interpretation 5 of Standard 405:

The procedures, used by a law school not affiliated with a college or university in considering and deciding on appointment, termination, promotion and tenure of faculty members should be in accordance with the same principles of fairness and due process that should be employed by an affiliated law school. Where the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or Governing Board. May, 1980.

Interpretation of Standards 205, 207 and 405(b):

Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

Interpretation of Standards 403 and 405:

(1) *The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.*

(2) *Standard 405, in requiring "conditions adequate to attract and retain a competent faculty" includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.*

(3) *Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school's university or governing board. December, 1979; February, 1980.*

Interpretation of Standard 405(b):

Promotion and tenure criteria must be clearly defined and made available to the faculty. July 1980.

Interpretation of Standards 201 and 401-405:**A. Background and Discussion of Educational Effect**

(1) Background. *A series of actions by the Accreditation Committee, over the period 1975-78, together with the Committee's analysis of statistics from the last decade of law school growth in the United States, indicate a deterioration in legal education of the values and academic opportunities which Standards 201 and 401-405 are designed to insure. It has become clear that ratios of students to full-time faculty have increased remarkably. Attention to this fact and to the educational effects of the size of the full-time law faculty has increased its determination to become more rigorous.*

(2) *Every approved school is required by Standard 105 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.*

B. Educational Effect. *Inquiry into the effect of the size of a full-time faculty takes into account every aspect of Standards 201 and 401-405 and should consider, among other effects, the following:*

(1) Effect on Teaching Load. *Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with*

Standard 404, a school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

(2) Effect on Small-Group Classes. Legal educators have traditionally found special value in classes of fewer than 30 students each. The Committee has recently, and in several cases, required extensive documentation on size of classes in schools which are before it, in an effort to find out whether the average student spends a significant amount of class time in groups where collaborative teaching techniques (simulation, clinical work, close discussion) are possible, and there can be hope for personal relationships with teachers. In most cases, these small classes are in either specially-sectioned required or core courses or in elective courses, and, typically, they are taught by full-time faculty. The intellectual difference is that required or core courses are in basic subjects (contracts, torts, corporations) and electives are in the more specialized areas to which a maturing teacher tends to devote special interest (legal history, estate planning, business planning, juvenile law, mass communications law, products liability). There are two disadvantages in a program which does not seek this small-class effect:

(a) Faculty are denied the experience of teaching small groups of students, with the attendant rapport and personal growth which the small group provides for a teacher.

(b) Faculty are denied the intellectual experience of ordering and teaching a subject which is more complex and specialized than elementary law school instruction.

Both disadvantages have student-centered implications. Legal educators assume that a full-time, experienced teacher knows how to use the advantages of small groups and specialized subject matter. The result of the teacher's opportunity in these courses will be better and more innovative teaching methods, methods which benefit students in ways students do not benefit from larger classes.

The typical law student should spend a substantial part of his or her education in small classes taught by full-time teachers. Students who are denied this experience are denied one of the principal benefits which Standards 401-405 are meant to give them.

(3) Effect of Pervasive Large Classes. A normal effect of a favorable student/faculty ratio is that some elementary law courses are taught in small groups. The advantages to student and teacher are similar to those of small classes in elective courses, but the advantages are more pervasive since the basic-course small class reaches all students. It is therefore peculiarly important to give some play to small-group teaching methods in basic courses. Some law schools provide these advantages in elementary courses (first-year courses in contracts and torts, for example) by employing enough faculty to provide every student with

one or more small-group classes. The learning effect beyond communication of information is almost certainly different in a class of 30 than in a class of 150. The psychological effect of learning in a group which is small enough to invite collaboration is one of the principal reasons law schools try to provide small classes. Classes of more than 50 students tend to be taught with impersonal methods (lecture, largely) and relatively structured syllabi.

(4) Effect on Student/Faculty Contact. The dominant model in law teaching is an academic model. The model of the academy assures personal contact between teachers and students. Standards 401-405 contemplate that a full-time teacher on a law faculty be able to spend time with each of his students in each of his courses. Heavy student-hour loads, and assignments which make significant student-teacher consultation difficult, tend to a law school climate in which only the occasional student, or the exceptional student, seeks the benefit of personal conference with his teachers.

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teachers. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing—because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

(8) Effect on Examinations. Most law school programs tend to depend on stiff, end-of-course examinations. An inquiry into the adequacy of the size of a full-time faculty should consider that it probably requires half an hour to grade a student in a three-hour course. This burden may become so great that a teacher is not likely to have time to reorganize,

redraft, and, most importantly, re-think what is done in the preparation of an examination. An unreasonable grading burden on teachers is certain to accelerate entropy in the examination process. Teachers who are required to spend an unreasonable amount of time in grading cannot fail to reduce the attention they pay to teaching and scholarship.

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time-equivalent student body.

A. Basic Computation of Ratio

(1) In computing student/faculty ratio, the Committee will consider as full-time those teachers who are employed as full-time teachers on tenure track, or its equivalent under Standard 405(c), and do not hold administrative office or perform administrative duties beyond those normally performed by a full-time teacher. Students who are registered in a part-time program [see Standard 305(a)] are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

(2) The Accreditation Committee will take into account neither graduate students nor graduate faculty (teachers who devote substantially all of their time to the graduate program) in computing FTE student/full-time faculty ratio. In those instances where there is a co-mingling of graduate and J.D. teachers and students which might result in a dilution of J.D. teaching resources, the Committee will consider the circumstances of the individual school in order to determine the teaching resources available to the J.D. program.

(3) Only for the purpose of computing full-time equivalent student/faculty ratio any part-time student who is registered for fourteen or more credit hours per week during any term (semester or quarter), shall be counted as a full-time student during that term. December, 1987.

B. Statement and Effect of Ratio. *Ratios are indicative and useful and, in the experience of the Committee and Council, provide an effective guide to compliance with Standards 201 and 401-405.*

(1) A ratio of 20:1 or less is presumably in compliance with Standards 201 and 401-405,

but the Committee and Council may inquire into the educational effects of faculty size, to make certain that the size and duties of the full-time faculty meet those Standards.

(2) A ratio of 30:1 or more is presumably not in compliance with Standards 201 and 401-405.

(3) The fact that a school has a ratio of under 30:1 does not preclude examination by the Committee and Council to determine whether the School is in compliance with Standards 201 and 401-405. In such an examination by the Committee, the Committee will consider, in light of the school's educational program, the administrators and librarians who teach, writing instructors and other full-time instructors, part-time adjunct faculty and other instructional resources not counted in the basic ratio computation.

Interpretation 1 of Standard 405(c):

A form of security of position reasonably similar to tenure includes a separate tenure track or a renewable long-term contract. Under a separate tenure track, a full-time faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure as a faculty member in a professional skills program. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the professional skills program.

A program of renewable long-term contracts should provide that, after a probationary period reasonably similar to that for other full-time faculty, the services of a faculty member in a professional skills program may be either terminated or continued by the granting of a long-term contract that shall thereafter be renewable. During the initial long term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the professional skills program. August, 1984.

Interpretation 2 of Standard 405(c):

In determining if the members of the full-time faculty of a professional skills program meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of faculty members in the professional skills program. Each school should develop criteria for retention, promotion and security of employment of full-time faculty members in its professional skills program. August, 1984.

Interpretation 3 of Standard 405(c):

Standard 405(c) does not preclude a limited number of fixed, short-term appointments in a professional skills program predominantly staffed by full-time faculty members within the meaning of this Standard, or in an experimental program of limited duration. August, 1984.

Interpretation of Standards 205, 403 and 405(c):

A law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program an opportunity to participate in law school governance in a manner

reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in Interpretation 3 of Standard 405(c). December, 1988.

Standard 501

The admission policies of the law school shall be consistent with the objectives of its educational program and the resources available for implementing those objectives. The school may not admit applicants who do not appear capable of satisfactorily completing that program.

Interpretation of Standard 501:

In an effort to assist students in making informed judgments regarding law school programs, and in recognition of significant investment by students and institutions arising from such judgments, a school's bulletin of information, and other materials which are made available to students considering a course of study at the law school, should fairly and adequately reflect: the educational objectives of the school; its admission and financial aid policies; the nature of the curriculum; the composition and size of the faculty and library; and curricular placement opportunities.

Interpretation of Standards 209 and 501:

A law school which denies almost no one admission for academic reasons and which is experiencing consistently declining average LSAT scores combined with low GPA's for admitted students and which has operating deficits and heavy dependence on tuition income, does not comply with Standards 209(a) and 501. August, 1980.

Interpretation of Standards 304(c) and 501:

A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work and may be inconsistent with the requirement of faculty control in the admissions process. July, August, 1978.

Standard 502

(a) The educational requirement for admission as a degree candidate is either a bachelor's degree from a qualified institution, or successful completion of three-fourths of the work acceptable for a bachelor's degree at a qualified institution. In the latter case, not more than ten percent of the credits necessary for admission may be in courses without substantial intellectual content, and the pre-legal average on all subjects undertaken and, in addition, on all courses with substantial intellectual content,

whether passed or failed, must at least equal that required for graduation from the institution attended.

(b) A qualified institution is one that is accredited by or is a member of North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Southern Association of Colleges and Schools, Northwest Association of Secondary and Higher Schools, Western Association of Schools and Colleges or the Department of Education of the State of New York.

(c) In exceptional cases, applicants not possessing the educational requirements of subsection (a) may be admitted as degree candidates upon a clear showing of ability and aptitude for law study. The admitting officer shall sign and place in the admittee's file a statement of the consideration that led to the decision to admit the applicant.

Interpretation of Standard 502:

An official transcript means a transcript certified by the issuing school to the admitting school or delivered to the admitting school in a sealed envelope with seal intact. Copies supplied by LSDAS are not official transcripts and while adequate for preliminary determination as to eligibility for admission do not constitute official transcripts. An official transcript showing the receipt of a degree or degrees, if any, and all academic work undertaken prior to the date of registration of the applicant shall be on file at the time a student registers in the law school or within a reasonable time thereafter. February, 1974.

Interpretation 1 of Standard 502(b):

For purposes of Standard 502(a), a Degree granted by a qualified institution which requires a period of study equal to or longer than that required for a Bachelors Degree is a "Bachelors Degree," however it is designated. June, 1992.

Standard 503

All applicants, except those physically incapable of taking it, should be required to take an acceptable test for the purpose of determining apparent aptitude for law study. A law school that is not using the Law School Admission Test sponsored by Law School Admission Council should establish that it is using an acceptable test.

Standard 504

The law school shall advise each applicant to secure information regarding the character and other qualifications for admission to the bar in the state in which the applicant

intends to practice. The law school may, to the extent it deems appropriate, adopt such tests, questionnaires, or required references as the proper admission authorities may find useful and relevant, in determining the character and fitness of the applicants to the law school. If the law school considers an applicant's character qualifications, it shall exercise care that the consideration is not used as a reason to deny admission to a qualified applicant because of political, social, or economic views which might be considered unorthodox.

Standard 505

Admission or readmission may be granted a law student who has been previously disqualified for academic reasons, upon an affirmative showing that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete the course of study at the admitting school. In the case of an admission to another law school this showing shall be made either by letters from the dean or faculty of the school previously attended; or, when two or more years have elapsed since that disqualification, by the nature of interim work, activity, or studies which indicates a stronger potential for law study. In each case the admitting officer shall sign and place in the admittee's file a statement of the considerations that led to the decision to admit or readmit the applicant.

Interpretation 1 of Standard 505:

The two year period would begin on the date of determination that the student was disqualified for academic reasons. Any review, appeals or requests for reconsideration of that decision are in the nature of post-decision remedies.

Interpretation 2 of Standard 505:

Law school credit for work taken in pre-admission is in violation of the Standards for Approval of Law Schools by the American Bar Association. Students enrolled in special pre-admission programs may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion to the pre-admission program. Credit for law school course work is only given after the law student has matriculated in the school. Students not selected to enroll in the next semester/quarter of the law school should not be considered as having suffered academic disqualification under Standard 505. February, 1978; June, 1979.

Standard 506

Pursuant to an established policy, the law school, without requiring compliance with its admission standards and procedures, may permit the enrollment in a particular course

or limited number of courses, as auditors, as non-degree candidates, or as candidates for a degree other than a law degree, of:

- (i) students enrolled in other colleges or universities or in other departments of the university of which the law school is a part, and
- (ii) members of the bar, graduates of other approved law schools, and other persons satisfying the requirements for admission set forth in Standard 502.

Standard 601

(a) A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library's effective support of the school's teaching, research and service programs requires a direct, continuing and informed relationship with the faculty, students and administration of the law school.

(b) A law library must have sufficient financial resources to support the law school's teaching, research and service programs. These resources shall be supplied on a consistent basis.

Interpretation 1 of Standard 601(a):

Standard 601 is not satisfied by arranging for the students and faculty to have access to other law libraries within the region.

Interpretation 2 of Standard 601(a):

A law library shall keep abreast of contemporary technology and adopt it when appropriate.

Standard 602

(a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.

(b) The dean and director of the law library, in consultation with the faculty of the law school, shall determine library policy.

(c) The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.

(d) The budget for the law library should be determined as part of, and administered in

the same manner as, the law school budget.

Interpretation of Standard 602:

This Standard recognizes that substantial operating autonomy rests with the dean and faculty of a law school with regard to the operation of the law school library. The Standards require that decisions that materially affect the law library be enlightened by the needs of the law school educational program. This envisions law library participation in university library decisions that may affect the law library. While the preferred structure for administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, director of the law library, and faculty are responsible for the determination of basic law library policies.

Standard 603

(a) A law library shall be administered by a full-time director whose principal responsibility is the management of the law library.

(b) The selection and retention of the director of the law library shall be determined by the law school.

(c) A director of a law library should have a law degree and a degree in library or information science and shall have a sound knowledge of and experience in library administration.

(d) The law library director shall hold a law faculty appointment.

Interpretation 1 of Standard 603(a):

The director of the law library is responsible for the management of the law library staff.

Interpretation 1 of Standard 603(b):

The dean and faculty of the law school shall select the director of the law library.

Interpretation 1 of Standard 603(d):

The granting of faculty appointment to the director of the law library under this Standard normally is a tenure or tenure-track appointment. If a director is granted tenure, this tenure is not in the administrative position of director.

Standard 604

A law library shall have a competent staff, sufficient in number to provide appropriate

library services.

Interpretation 1 of Standard 604:

Factors relevant to the number of librarians and other library staff needed to meet this Standard include the following: the number of faculty and students, research programs of faculty and students, a dual division program in the school, graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities of the library staff for computing services.

Standard 605

A law library shall provide the appropriate range and depth of reference, bibliographic, and other services to meet the needs of the law school's teaching, research, and service programs.

Interpretation 1 of Standard 605:

Appropriate services include having adequate reference services, providing intellectual access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school's mission.

Standard 606

(a) A law library collection shall:

- (1) meet the research needs of the law school's students, satisfy the demands of the law school curriculum, and facilitate the education of its students;**
- (2) support the teaching, research, and service interests of faculty; and**
- (3) serve the school's special teaching, research, and service objectives.**

(b) A law library shall provide within the law school's facilities, through ownership or reliable access, a core collection of essential materials.

(c) A law library shall also provide additional collections, equipment and services which are sufficient in quality, level, scope, quantity and currency to support fully the law school's programs.

(d) A law library should maintain a written plan for development of the collection.

(e) A law library shall provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection.

Interpretation 1 of Standard 606(a):

The word "collection" includes printed sources, microforms, audiovisual works, and access to electronic formats.

Interpretation 2 of Standard 606(a):

All materials necessary to the programs of the law school shall be complete and current. The library shall insure continuing access to all information necessary to the law school's programs.

Interpretation 3 of Standard 606(a):

A library shall acquire additional copies or provide sufficient access to materials that are heavily used.

Interpretation 4 of Standard 606(a):

At present, no single publishing medium (electronic, print, microform, audiovisual) provides sufficient access to the breadth and depth of recorded knowledge and information needed to bring a law school into compliance with Standard 606. Consequently, a collection that consists of a single format may violate Standard 606.

Interpretation 5 of Standard 606(a):

Agreements for the sharing of information resources, except for the core collection, satisfy Standard 606 if:

(i) The agreements are in writing; and

(ii) The agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school. However, these cooperative relationships cannot be a substitute for a school's responsibility to provide its own adequate and accessible core collection and services.

Interpretation 6 of Standard 606(a):

Off-site storage for nonessential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner.

Interpretation 1 of Standard 606(b):

A law library core collection must include the following:

(1) all reported federal court decisions and reported decisions of the highest appellate court of each state,

- (2) all federal codes and session laws, and at least one current annotated code for each state,*
- (3) all published treaties and international agreements of the United States,*
- (4) all published regulations (codified and uncodified) of the federal government and the codified regulations of the state in which the law school is located,*
- (5) those federal and state administrative decisions appropriate to the programs of the law school,*
- (6) U.S. Congressional materials appropriate to the programs of the law school,*
- (7) significant secondary works necessary to support the programs of the law school, and*
- (8) those tools, such as citators and periodical indexes, necessary to identify primary and secondary legal information and update primary legal information.*

Interpretation 2 of Standard 606(b):

The format of the core materials depends on the needs of the library and its clientele.

Interpretation 1 of Standard 606(d):

The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan.

Interpretation 1 of Standard 606(e):

This Standard requires the law library to furnish the equipment to print microform and electronic documents and to view and listen to audiovisual materials in the collection.

Standard 701

The law school shall have a physical plant that is adequate both for its current program and for such growth in enrollment or program as should be anticipated in the immediate future.

Interpretation 1 of Standard 701:

Full approval will not be considered by the Council or its Accreditation Committee until a law school is conducting its operations in permanent and adequate facilities. The Accreditation Committee will not act on plans presented for building construction or if construction or remodeling is in process. This Standard does not contemplate leased or rented facilities for permanent facilities owned by the law school or its parent educational institution. This Standard requires that the adequate physical facilities must be completed and occupied before a law

school can be granted full approval. May, 1977; July, 1977; August, 1977.

Interpretation 2 of Standard 701:

If satisfactory steps are not taken by an approved law school to correct the inadequacies of an existing physical plant, then the law school is not in compliance with Standard 701 and a proceeding for removal of approval should be begun. August, 1977.

Interpretation 3 of Standard 701:

Where the issue of physical facilities has been before the Accreditation Committee and Council for more than two years, without progress toward compliance, a law school is not making appropriate progress toward meeting Standard 701 and may be grounds for removal of accreditation. June, 1978.

Standard 702

There shall be adequate classrooms and seminar rooms to permit reasonable scheduling of all courses and there shall be such additional rooms as may be necessary adequately to provide for all other aspects of the law school's program.

(a) The physical facilities shall be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, then the arrangements must permit proper scheduling of all law classes and other law school activities.

(b) Adequate provision should be made for the conduct of moot court programs, both at the trial and appellate level, either by a separate courtroom, or one or more classrooms that can readily be adapted to such a program, or by reasonably available public courtroom facilities.

Standard 703

Each full-time member of the faculty shall have a private office. In addition, suitable office space shall be provided for the use of part-time faculty members.

Interpretation of Standard 703:

An approved law school must provide appropriate office space for use of its part-time faculty. August, 1976.

Standard 704

The physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school's programs and enrollment, to accommodate the law school's students and faculty and the law library's services, collections, staff, operations, and equipment.

Interpretation 1 of Standard 704:

A law library must have sufficient seating to meet the needs of the law school's students and faculty.

Standard 705

There shall be adequate areas for secretarial, and administrative and library personnel and for the maintenance of all necessary records. These areas shall be in proximity to the persons and offices served.

Standard 706

A law school shall provide, on site, sufficient quiet study and research seating for its students and faculty. A law school should provide suitable group study rooms.

Interpretation 1 of Standard 706:

A law school which does not provide study seating for at least 50 percent of its larger division enrollment presumptively does not comply with this Standard. An important factor to be considered is whether seating meets user demand.

Interpretation 2 of Standard 706:

Group study rooms should be available whenever the law library is open.

Standard 801

The Council shall have the authority to:

- (i) interpret the Standards,
- (ii) adopt rules implementing the Standards,

(iii) adopt procedural rules for the initial application by and approval of law schools and for the review and reinspection of approved schools, provided that until procedural rules are so adopted, the procedural rules in effect on the adoption of the Standards apply, and

(iv) amend any rules from time to time.

All interpretations and rules shall be published and shall be available to all interested persons. *[All future Interpretations and Rules of Procedure shall be submitted for approval to the House of Delegates of the American Bar Association after public comment and review. This Standard is currently in the process of being revised to reflect that practice.]*

Interpretation of Standard 801(iii):

Routine inspection of fully approved law schools shall be held in the academic year in which they were scheduled. The Consultant may, in his discretion, postpone a routine reinspection of a fully approved law school until the next academic year if the law school will occupy new physical facilities during the coming academic year. July, 1977; August, 1977.

Standard 802

A law school proposing to offer a program of legal education contrary to the terms of the Standards may apply to the Council for a variance. The variance may be granted if the Council finds that the proposal is consistent with the general purposes of the Standards. The Council may impose such conditions or qualifications as it deems appropriate.

Standard 803

The Council shall have the authority to consider any request for provisional or full approval. If the Council's decision is that approval should be granted, it shall so recommend to the House. If the Council's decision is that approval should not be granted, its action shall be communicated to the school which then has the right of appeal to the House of Delegates as described in the Rules of Procedure of the House of Delegates.

Standard 804

The House of Delegates will not act on any request for the withdrawal of approval until it has first received the advice and recommendations of the Council.

Standard 805

The Council shall, from time to time, publish the names of those law schools which have been approved and those schools which have not been approved and shall make these publications available to interested persons.

Standard 901

(a) These Standards become effective upon their adoption by the House of Delegates. The Standards for Legal Education and the Factors Bearing on the Approval of Law Schools by the American Bar Association, heretofore in effect, are repealed.

(b) For a period of two years after these Standards become effective a law school that was provisionally or fully approved at the time these Standards became effective will not have its approval withdrawn if it either continues to be in compliance with the Standards heretofore in effect or complies with these Standards.

(c) Two years after these Standards become effective, all approved law schools must comply with them.

(d) After these Standards become effective, an unapproved law school will not be granted provisional approval and a provisionally approved law school will not be granted full approval unless it complies with these Standards.

Interpretation of Standard 901:

In an action by the Committee on Standards, which was adopted by the Council of the Section of Legal Education and Admissions to the Bar on August 13, 1974, the following interpretation was proposed:

“Schools that were approved at the time the Standards were adopted are allowed until the start of the academic year commencing after February 1, 1975, to comply with the new Standards.”

Therefore, Standard 901(b) and, by implication, Standard 901(c) are interpreted to provide that the two year period should not run from February, 1973 to February, 1975, but that schools should be required to be in compliance commencing with the start of the first academic year commencing after February 1, 1975, in other words, after the 1975-76 academic year.

Standard 902

(a) The power to approve an amendment of the Standards is vested in the House of Delegates, but the House of Delegates will not act on any amendment until the Council, the Section, and the Board of Governors have been given a reasonable opportunity to consider the proposed amendment and report thereon to the House of Delegates.

(b) A member of the Section of Legal Education and Admissions to the Bar may propose an amendment of these Standards by submitting the proposed amendment and a statement of its purpose to the Secretary of the Section, who shall transmit the proposed amendment and the statement of purposes to the members of the Council. The Council shall consider such a proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. The Council shall submit to the Section at the next annual meeting such proposed amendments of the Standards as it, by majority vote, deems appropriate. If an amendment proposed by a member as described above is not submitted favorably by the Council to the Section, the amendment shall be submitted to the Section at the next following annual meeting, if a petition signed by 100 or more Section members requesting its submission is filed with the Secretary at least 30 days prior to the annual meeting at which the amendment is to be submitted to the Section. The Section may consider only those amendments of the Standards that are submitted to it by the procedures described above. If a majority of the members of the Section present at an annual meeting and voting approve, the amendment is adopted. The amendment becomes effective when it is approved by the House of Delegates after a report by the Board of Governors.

Interpretation of Standard 902:

Standard 902(a) now provides that the House will not consider an amendment to the Standards until the Council of the Section of Legal Education and Admissions to the Bar, the Section of Legal Education and Admissions to the Bar, and the Board of Governors have been given a reasonable opportunity to consider any proposed amendment. In compliance with this change, the Consultant will notify deans of ABA approved law schools and other appropriate parties of any proposed changes in the ABA Standards in order to permit comment on any proposed change. The Council will then make a recommendation, based upon such comments, to the Board of Governors of the American Bar Association. September, 1975.

Annex I*

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

The teacher¹ is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

* The text of the statement follows the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors.

¹ The word teacher as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

Academic Tenure

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

**Rules of Procedure
for
Approval of Law Schools
by the
American Bar Association**

Preamble

Provisional and full approval of a law school is granted, approval withdrawn or other sanctions imposed as provided in the Standards for Approval of Law Schools by the American Bar Association and the Rules of Procedure.

Table of Contents

Rules of Procedure for Approval of Law Schools

	<u>Page</u>
Rule 1 - Definitions As Used in These Rules	1
Rule 2 - Accreditation Committee	1
Rule 3 - Council	2
Rule 4 - Association Services to Institutions Considering Creating a Law School or Applying for Approval	2
Rule 5 - Institutional Procedures in Establishing a Law School	2
Rule 6 - Preparation for Application for Provisional Approval	3
Rule 7 - Application for Provisional Approval	3
Rule 8 - Site Evaluation of a Law School Applying for Provisional Approval	4
Rule 9 - Committee Consideration of Application for Provisional Approval	5
Rule 10 - Council Consideration of Committee Recommendation that Application for Provisional Approval Be Granted	6
Rule 11 - House of Delegates Consideration of Council Recommendation that Application for Provisional Approval Be Granted	7
Rule 12 - Reconsideration of or Appeal from Committee Action on Application for Provisional Approval	7
Rule 13 - Council Consideration of Appeal from Committee Action on Application for Provisional Approval	8
Rule 14 - Denial of Application for Provisional Approval	8
Rule 15 - Withdrawal of Application and Reapplication for Provisional Approval	9
Rule 16 - Annual Evaluation of Provisionally Approved Law Schools	9
Rule 17 - Application for Full Approval	11
Rule 18 - Site Evaluation of a Law School Applying for Full Approval	12
Rule 19 - Committee Consideration of Application for Full Approval	13
Rule 20 - Council Consideration of Committee Recommendation that Application for Full Approval Be Granted	13
Rule 21 - House of Delegates Consideration of Council Recommendation That Application for Full Approval Be Granted	14

	<u>Page</u>
Rule 22 - Reconsideration of or Appeal from Committee Action on Application for Full Approval	14
Rule 23 - Council Consideration of Appeal from Committee Action for Full Approval	15
Rule 24 - House of Delegates Consideration of Appeal from Denial of Application for Full Approval	15
Rule 25 - Withdrawal of Application and Application for Full Approval	16
Rule 26 - Periodic Evaluation of Fully Approved Law School	16
Rule 27 - Action Concerning Law School in Apparent Non-Compliance with Standards	18
Rule 28 - Fact Finder	18
Rule 29 - Committee Hearing on Show Cause Order	19
Rule 30 - Council Consideration of Committee Recommendation that Approval Be Withdrawn	20
Rule 31 - House of Delegates Consideration of Council Recommendation that Approval Be Withdrawn	22
Rule 32 - Status of Law School Pending Appeal	22
Rule 33A - Major Change in Program of Approved School	22
Rule 33B - A Proposed Major Change in the Structure of an Approved Law School	26
Rule 34 - Complaints Concerning Actions of Approved Law Schools	27
Rule 35 - Credit-Granting Foreign Programs	29
Rule 36 - Access to Site Evaluation Reports and Committee and Council Action	29
Rule 37 - Fees	30
Rule 38 - Information to be Furnished by Approved Schools	30
Rule 39 - Publication of List of Approved and Unapproved Schools	31
Rule 40 - Reinstatement as an Approved School	31
Rule 41 - Closure of Law School	31

Rule 1

Definitions As Used in These Rules

- (a) “Action letter” means a letter transmitted by the Consultant to the president and dean of a law school reporting Committee or Council action.
- (b) “Association” means the American Bar Association.
- (c) “Committee” means the Accreditation Committee of the Council.
- (d) “Consultant” means the Consultant on Legal Education to the American Bar Association.
- (e) “Council” means Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (f) “House of Delegates” means the House of Delegates of the American Bar Association.
- (g) “J.D.degree” means the first professional degree in law granted by a law school.
- (h) “President” means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.
- (i) “Rules” means the Rules of Procedure for Approval of Law Schools by the American Bar Association.
- (j) “Section” means the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (k) “Standards” means the Standards for Approval of Law Schools by the American Bar Association, as interpreted by the Council.
- (l) “University” means a post secondary educational institution that confers a baccalaureate degree and may grant other degrees, whether it is called university, college, or other name.

Rule 2

Accreditation Committee

- (a) The Council shall establish an Accreditation Committee that shall act on all matters relating to the accreditation of law schools.
- (b) The members of the Committee shall be appointed for staggered terms by the Chair-

person of the Section. The Committee shall include two or more non-lawyer public members.

(c) To be eligible for appointment as a lawyer member of the Committee, an individual must be knowledgeable and experienced in law and legal education.

(d) To be eligible for appointment as a non-lawyer public member, an individual must be knowledgeable and concerned about professional education and training and must not have a current employment or other relationship with the Association.

(e) Committee members must be guided by the interest of the public and by the standards of the legal profession.

[Appointments to the Accreditation Committee are currently approved by the Board of Governors of the American Bar Association. The American Bar Association is currently in the process of revising this Rule to reflect that practice.]

Rule 3

Council

The Council shall act on all accreditation matters upon which the Standards or Rules require it to act.

Rule 4

Association Services to Institutions Considering Creating a Law School or Applying for Approval

An institution considering the establishment of a law school or a law school applying for provisional approval should obtain information and advice from the Association as soon as feasible. Inquiries may be addressed to the Association, the Chairperson of the Section, or the Consultant. The Consultant shall supply a copy of the Standards, Council Interpretations, Rules of Procedure, other pertinent data, and a copy of the site evaluation questionnaire. Requests for additional information and advice should be addressed to the Consultant.

Rule 5

Institutional Procedures in Establishing a Law School

(a) Before establishing or acquiring a law school, an institution should complete a comprehensive feasibility study. This study should be designed to enable the institution to make a realistic and informed assessment of the viability of the proposed school and should include considerations of the nature of the educational program and goals of the proposed school, the characteristics and interests of the students who are likely to

apply, and the resources necessary to create and sustain the proposed school, including relation to the resources of a parent institution.

(b) In conducting the feasibility study, the institution should obtain the advice and assistance of a qualified advisor with experience in legal education and knowledge of the Standards and the Rules.

Rule 6

Preparation for Application for Provisional Approval

Before applying for provisional approval:

(a) The law school should obtain the advice and assistance of a qualified advisor with experience in legal education and knowledge of the Standards and Rules; and

(b) The dean and faculty of the school shall complete a self-study of the nature of the educational program and goals of the law school.

Rule 7

Application for Provisional Approval

(a) An applicant law school shall submit its application for provisional approval to the Consultant no later than November 15 in the academic year in which the law school is seeking provisional approval.

(b) The application must contain:

(1) A letter from the university president and dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the law school complies with each of the requirements of the Standards for provisional approval. If a law school seeking provisional approval is not part of a university, the letter required from that institution by this subsection must be from the Chairperson of the governing board and from the dean;

(2) A completed site evaluation questionnaire;

(3) A completed annual questionnaire;

- (4) A copy of the feasibility study;**
 - (5) A copy of the self-study;**
 - (6) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;**
 - (7) Appropriate documents detailing the law school and parent institution's ownership interest in any land or physical facilities used by the law school;**
 - (8) A request that the Consultant schedule a site evaluation at the school's expense; and,**
 - (9) Payment to the Association of the application fee.**
- (c) A law school may not apply for provisional approval until it has completed the first academic year of its program, except as in subsection (d).**
- (d) A law school, however, may apply for provisional approval before it has completed the first academic year of its program if the Council has acquiesced in a major structural change by the law school pursuant to Rule 33B and:**
- (1) the law school was created, or is to be created, by the transfer of all, or substantially all, of the academic programs or assets of a fully approved or provisionally approved law school to a new institution and all of the details of the transfer have been settled; or,**
 - (2) the law school was created by the opening of a branch operation by a fully approved law school.**
- (e) A law school seeking provisional approval shall provide in a timely manner all information requested by the Consultant, site evaluation team, Accreditation Committee and Council. Failure to supply timely the information in the form requested may result in the deferral or rejection of the application for provisional approval.**

Rule 8

Site Evaluation of a Law School Applying for Provisional Approval

- (a) When a law school submits a completed application for provisional approval, the Consultant shall arrange for a site evaluation by a team of qualified and objective per-**

sons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant who shall invite the agency or official to observe the site evaluation.

(b) The Consultant should schedule the site evaluation of the law school to take place within three months after receipt of the completed application, and shall schedule it during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community.

(c) Following a site evaluation, the team shall promptly prepare a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.

(d) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

Rule 9

Committee Consideration of Application for Provisional Approval

(a) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(b) The Consultant shall furnish to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school. These materials shall constitute the record.

(c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Committee meeting.

(d) Representatives of the law school may appear and make a presentation at the meeting of the Committee at which the school's application is considered.

(e) After the meeting of the Committee at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the applicant law school, the action letter shall contain the Committee's specific reasons therefor.

Rule 10

Council Consideration of Committee Recommendation that Application for Provisional Approval Be Granted

(a) After the meeting of the Committee at which the application was considered and the Committee determined to recommend to the Council that provisional approval be granted, the Consultant shall place the Committee recommendation on the agenda of a Council meeting.

(b) The Consultant shall furnish to the Council the law school's application, the site evaluation report, written material submitted timely by the school, and a written statement of the Committee action. These materials shall constitute the record.

(c) The Chairperson of the site evaluation team, or a member of the team designated by the Consultant, may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Council meeting.

(d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's application is considered.

(e) If the Council determines that the law school complies with the requirements of the Standards for provisional approval, it shall recommend to the House of Delegates that the school be granted provisional approval.

(f) After the meeting of the Council at which the application is considered, the Consult-

ant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Council action. If the action is adverse to the applicant law school, the action letter shall contain the Council's specific reasons therefor.

Rule 11

House of Delegates Consideration of Council Recommendation that Application for Provisional Approval Be Granted

(a) After the meeting of the Council at which it determined to recommend to the House of Delegates that provisional approval be granted, the Chairperson of the Council shall submit to the House of Delegates the recommendation of the Council that the law school's application for provisional approval be granted, and a written statement of the Council action.

(b) If the House of Delegates determines that the law school complies with the requirements of the Standards for provisional approval, it shall grant provisional approval.

(c) After the meeting of the House of Delegates at which the application is considered, the Consultant shall inform the president and dean of the applicant law school in writing of the action of the House of Delegates.

Rule 12

Reconsideration of or Appeal from Committee Action on Application for Provisional Approval

(a) A law school applying for provisional approval that is adversely affected by a Committee action may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the action. The petition shall demonstrate that on reconsideration the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made, and if so, grant the petition.

(b) If the Committee determines to not recommend that provisional approval be granted, the law school may appeal the Committee action to the Council. The school must file with the Consultant its written notice of appeal within one month after the Consultant mailed to the school notice of the Committee action.

Rule 13

Council Consideration of Appeal from Committee Action on Application for Provisional Approval

- (a) After the Consultant has received a timely notice of appeal to the Council from a law school not recommended for provisional approval by the Committee, the Consultant shall place the school's appeal on the agenda of a Council meeting.**
- (b) The Consultant shall furnish to the Council all documents that were before the Committee when it considered the law school's application for provisional approval, a written statement of the application for provisional approval, and a written statement of the Committee action and the school's written notice of appeal. These materials shall constitute the record.**
- (c) The Council may not consider any evidence that has not first been presented to the Committee, unless the Council, by a two-thirds vote of members present, decides that the best interests of the accreditation process would be served by consideration of the evidence.**
- (d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's appeal is considered.**
- (e) If the Council determines that the law school complies with the requirements of the Standards for provisional approval, it shall recommend to the House of Delegates that the school be granted provisional approval.**
- (f) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action. If the action is adverse to the applicant law school, the letter shall contain the Council's specific reasons therefor. The appeal to the Council shall constitute a de novo proceeding.**

Rule 14

Denial of Application for Provisional Approval

- (a) A law school that is not recommended for provisional approval by the Council may appeal to the House of Delegates. The appeal shall be conducted in accordance with the Rules of Procedure of the House.**
- (b) The Chairperson of the Council shall furnish to the Secretary of the Association a report including a copy of the site evaluation report and the Consultant's and Council's**

action letters to the law school written subsequent to the most recent site evaluation report. The law school's appeal to the House constitutes a waiver of any confidentiality of the information contained in the site evaluation report and letters reporting the action of the Accreditation Committee and the Council.

Rule 15

Withdrawal of Application and Reapplication for Provisional Approval

(a) If an application for provisional approval is withdrawn by a law school, the school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

Whenever a law school withdraws its application for provisional approval after a site evaluation takes place, the site team shall prepare and file a site evaluation report with the Consultant.

(b) If the Committee recommends that provisional approval not be granted, the applicant law school may not reapply for provisional approval until at least ten months after the Committee recommendation is made. If the school petitions for Committee reconsideration or appeals to the Council or House of Delegates, the ten month period runs from the date of the Committee or Council or House of Delegates final action on the school's petition or appeal. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

Rule 16

Annual Evaluation of Provisionally Approved Law Schools

(a) A site evaluation of a provisionally approved law school shall be conducted each year. The school shall pay to the Association a site evaluation fee and shall reimburse the site evaluators for their expenses.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty.

(c) The Consultant shall arrange for an annual site evaluation of each provisionally approved law school by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the inspection.

(d) The Consultant shall schedule the annual site evaluation of the law school during the academic year at a time when regular classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students and other interested persons of the legal community.

(e) Following a site evaluation, the team shall promptly prepare a written report based on the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.

(f) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(g) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(h) The Consultant shall submit to the Committee the site evaluation questionnaire, the most recent annual questionnaire, the current self-study, site evaluation report and any written material submitted timely by the law school.

(i) After the meeting of the Committee at which the report is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action.

[A law school may appeal a Committee action, as reported in an action letter, to the Council. The American Bar Association is currently in the process of revising the Rules to reflect that practice.]

Rule 17

Application for Full Approval

(a) A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted by the House of Delegates.

(b) The law school shall submit its application for full approval to the Consultant.

(c) The application shall contain the following:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the law school fully complies with each of the Standards.

(2) A completed site evaluation questionnaire;

(3) A completed annual questionnaire;

(4) A copy of the current self-study;

(5) Financial operating statements and balance sheets for the last three fiscal years. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;

(6) Appropriate supporting documents detailing the fair market value and the interests of the law school and its parent institution in all facilities used solely by the law school;

(7) Payment to the Association of the application fee; and

(8) A request that the Consultant schedule a site evaluation at the school's expense.

(d) In applying for full approval, the school shall agree to supply additional information in a timely manner and in the form requested when information is requested by the Consultant on Legal Education, the site visit team, the Accreditation Committee, the Council or others involved in the consideration of the application for full approval. The failure to supply information in the form requested and in a timely fashion may result in the denial, deferral, or rejection of the application, or other appropriate sanctions.

Rule 18

Site Evaluation of a Law School Applying for Full Approval

- (a) When a law school submits a completed application for full approval, including supporting materials, and pays the fee, the Consultant shall arrange for site evaluations by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.
- (b) In applying for full approval, the school shall agree to supply additional information in a timely manner and in the form requested when information is requested by the Consultant on Legal Education, the site visit team, the Accreditation Committee, the Council or others involved in the consideration of the application for full approval. The failure to supply information in the form requested and in a timely fashion may result in the denial, deferral, or rejection of the application, or other appropriate sanctions.
- (c) The Consultant should schedule the site evaluation of the applicant law school to take place within three months after the receipt of the completed application and shall schedule it during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students, and other interested persons.
- (d) Following a site evaluation, the team shall promptly prepare a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.
- (e) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

Rule 19

Committee Consideration of Application for Full Approval

- (a) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.**
- (b) The Consultant shall furnish to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school. These materials shall constitute the record.**
- (c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Committee meeting.**
- (d) Representatives of the law school may appear at the meeting of the Committee at which the school's application is considered.**
- (e) After the meeting of the Committee at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the applicant law school, the action letter shall contain the Committee's specific reasons therefor.**

Rule 20

Council Consideration of Committee Recommendation that Application for Full Approval Be Granted

- (a) After the meeting of the Committee at which the application was considered and the Committee determined to recommend to the Council that full approval be granted, the Consultant shall place the Committee recommendation on the agenda of a Council meeting.**
- (b) The Consultant shall furnish to the Council the law school's application, the site evaluation report, the written material submitted timely by the school, and a written statement of the Committee action. These materials shall constitute the record.**

- (c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Council meeting.
- (d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's application is considered.
- (e) If the Council determines that the law school complies with the requirements of the Standards for full approval, it shall recommend to the House of Delegates that the school be granted full approval.
- (f) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action and the Council's reasons therefor.

Rule 21

House of Delegates Consideration of Council Recommendation that Application for Full Approval Be Granted

- (a) After the meeting of the Council at which the Council determined to recommend to the House of Delegates that full approval be granted, the Chairperson of the Council shall submit to the House of Delegates the recommendation of the Council that the law school's application for full approval be granted, and a written statement of the Council action.
- (b) If the House of Delegates determines that the law school complies with the requirements of the Standards for full approval, it shall grant full approval.
- (c) After the meeting of the House of Delegates at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the action of the House of Delegates.

Rule 22

Reconsideration of or Appeal from Committee Action on Application for Full Approval

- (a) A law school applying for full approval that is adversely affected by Committee action may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the Committee action. The petition shall demonstrate that

on reconsideration the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made and, if so, grant the petition.

(b) If the Committee determines to not recommend that full approval be granted, the law school may appeal that determination to the Council. The written notice of appeal must be filed with the Consultant within one month after the Consultant mailed to the school notice of the Committee action.

Rule 23

Council Consideration of Appeal from Committee Action for Full Approval

(a) After the Consultant has received a timely notice of appeal to the Council from a law school not recommended for full approval by the Committee, the Consultant shall place the school's appeal on the agenda of a Council meeting.

(b) The Consultant shall furnish to the Council all documents that were before the Committee when it considered the law school's application for full approval, a written statement of the Committee action, and the school's written notice of appeal. These materials shall constitute the record.

(c) The Council may not consider any evidence that has not first been presented to the Committee, unless the Council, by a two-thirds vote of members present, decides that the best interests of the accreditation process would be served by consideration of the evidence.

(d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's appeal is considered.

(e) After the meeting of the Council at which the application is considered, the Consultant shall inform the president and dean of the law school in writing of the Council action. If the action is adverse to the applicant law school, the action letter shall contain the Council's specific reasons therefor. The appeal to the Council shall constitute a de novo proceeding.

Rule 24

House of Delegates Consideration of Appeal from Denial of Application for Full Approval

(a) A law school that is not recommended for full approval by the Council may appeal to

the House of Delegates. The appeal shall be conducted in accordance with the Rules of Procedure of the House.

(b) The Chairperson of the Council shall furnish to the Secretary of the Association a report including a copy of the site evaluation report and the Consultant's and Council's action letters to the law school written subsequent to the most recent site evaluation report. The law school's appeal to the House constitutes a waiver of any confidentiality of the information contained in the site evaluation report and letters reporting the action of the Accreditation Committee and the Council.

Rule 25

Withdrawal of Application and Application for Full Approval

(a) If an application for full approval is withdrawn by a law school after the site evaluation, the law school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

(b) If the Committee recommends that full approval be not granted, the applicant law school may not reapply for full approval until at least ten months after the Committee recommendation is made. If the school petitions for Committee reconsideration or appeal to the Council or House of Delegates, the ten month period runs from the date of the Committee or Council or House of Delegates final action on the school's petition or appeal. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

Rule 26

Periodic Evaluation of Fully Approved Law School

(a) A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and in the seventh year following the first site evaluation after the granting of full approval. Thereafter, each fully approved school shall be subject to a site evaluation on a regular basis as determined by the Council. The Council or Committee may order additional site evaluations of a school when special circumstances warrant. The school shall pay to the Association a site evaluation fee and shall reimburse the site evaluators for their expenses.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty.

(c) The Consultant shall arrange for a site evaluation of each fully approved law school by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.

(d) The Consultant shall schedule the site evaluation of the law school during the academic year at a time when regular classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students and members of the legal community.

(e) Following a site evaluation, the team shall promptly prepare a written report based on the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.

(f) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(g) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(h) The Consultant shall submit to the Committee the site evaluation questionnaire, most recent annual questionnaire, current self-study, site evaluation report, and any written material submitted timely by the law school.

(i) After the meeting of the Committee at which the report is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action.

[A law school may appeal a Committee action, as reported in an action letter, to the Council. The American Bar Association is currently in the process of revising the Rules to reflect that practice.]

Rule 27

Action Concerning Law School in Apparent Non-Compliance with Standards

(a) If the Committee has reason to believe that a law school does not comply with the Standards, the Committee shall inform the school of its apparent non-compliance and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the Standards. The school shall furnish the requested information to the Committee.

(b) If, upon a review of the information furnished by the law school in response to the Committee's request and other relevant information, the Committee determines that the school has not demonstrated compliance with the Standards, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, or removed from the list of law schools approved by the Association.

(c) If the Committee finds that a law school has failed to comply with the Standards by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be removed from the list of law schools approved by the Association.

(d) The Consultant shall give the law school at least one month notice of the Committee hearing. The notice shall specify the apparent non-compliance with the Standards and state the time and place of the hearing. For good cause shown, the Chairperson of the Committee may grant the school additional time, not to exceed one month. Both the notice and the request for extension of time must be in writing. The Consultant shall send the notice of hearing to the dean and, where applicable, the president of the school by certified or registered United States mail.

Rule 28

Fact Finder

(a) The Chairperson of the Committee or the Chairperson of the Council may appoint a fact finder to elicit facts relevant to any matter before the Committee or Council. The law

school shall reimburse the fact finder for expenses incurred in the fact finding visit.

(b) The Consultant shall furnish the fact finder with a copy of the most recent site evaluation report, annual questionnaire, Consultant's action letters written subsequent to the most recent site evaluation report, notice of Committee hearing or Council meeting and other relevant written information.

(c) Following the fact finding visit, the fact finder shall promptly prepare a written report. The fact finder shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the fact finder should give as much pertinent information as feasible.

(d) The fact finder shall promptly submit the report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee or Council will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee or Council will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

Rule 29

Committee Hearing on Show Cause Order

(a) The Consultant shall furnish to the Committee:

- (1) The fact finder's report, if any;
- (2) The most recent site evaluation report;
- (3) Site evaluation questionnaire;
- (4) Annual questionnaire;
- (5) The Consultant's action letters written subsequent to the most recent site evaluation report;
- (6) Notice of Committee hearing; and

(7) Other relevant written information.

The written information furnished by the Consultant is evidence.

(b) Representatives of the law school may appear at the hearing and submit evidence to demonstrate that the school is currently in compliance with all of the Standards or to present a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time.

(c) The Committee may invite the fact finder, if any, and the Chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for expenses incurred in attending the hearing.

(d) After the hearing, the Committee shall determine whether the law school is in compliance with the Standards and, if not, whether remedial action or sanction is appropriate. Sanctions include either probation or removal of the school from the Association list of approved law schools. The Committee may take the following actions:

(1) Remedial action may be ordered pursuant to a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time.

(2) If matters of noncompliance are substantial or have been persistent, then the Committee may recommend that the school be placed on probation, regardless of whether the school has presented a reliable plan for bringing the school into compliance within a reasonable time.

(3) If matters of noncompliance are substantial or have been persistent, and the school fails to present a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time, the Committee may recommend that the school be removed from the list of approved schools.

(e) If the Committee determines that the law school is in compliance, it shall conclude the matter by adopting an appropriate resolution, a copy of which shall be transmitted to the president and dean of the school by the Consultant.

Rule 30

Council Consideration of Committee Recommendation for Imposition of Sanctions

(a) If the Committee determines that the law school is not in compliance with the Standards and recommends that the school be removed from the Association list of approved law schools, the Consultant shall place the Committee recommendation on the

agenda of a Council meeting. The Consultant shall notify the president and dean of the school of the time and place of the Council meeting.

(b) The Consultant shall furnish to the Council the Committee's written recommendation, the investigator's report, if any, the most recent site evaluation report and the Consultant's action letters to the school written subsequent to the most recent site evaluation report.

(c) Representatives of the law school may appear at the Council meeting at which the Committee recommendations are considered. The Chairperson of the Committee (or his or her designee) shall present the Committee findings, conclusions, and recommendations.

(d) The Council shall determine whether to affirm the Committee findings and conclusions, and whether to adopt the Committee's recommendations. The Committee findings and conclusions will be affirmed if there is substantial evidence to support them, unless the school presents new evidence to demonstrate compliance with the Standards.

(e) The Council may impose remedial action or place the law school on probation, regardless of whether the school has presented a reliable plan for bringing the school into compliance with all of the Standards. When placing the school on probation, the Council may establish a set period of time in which the school must come into compliance.

(f) If the Council decides to recommend that the House of Delegates remove the law school from the Association's list of approved law schools, the recommendation shall be placed on the agenda of a meeting of the House of Delegates.

(g) The Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action, and the Council's specific reasons therefor.

(h) If the Council places a school on probation in the absence of a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time, the Accreditation Committee shall monitor the steps taken by the school to come into compliance. If the Council places a school on probation pursuant to a reliable plan for bringing the school into compliance with the Standards, the Accreditation Committee shall monitor the steps taken by the school for meeting its plan. At any time that the school is not making progress toward compliance with all of the Standards, or at any time that the school is not meeting the obligations of its plan, or if at the end of a period of time set by the Council for coming into compliance the school has not achieved compliance with all of the Standards, the Committee shall forward a recommendation that the school be removed from the list of approved schools. This recommendation

shall be heard by the Council under the procedures of this Rule, but the only issue for Council consideration will be whether the school has met the terms of its plan or is in compliance with all of the Standards.

(i) At any time that the school presents evidence on which the Committee concludes that the school is in full compliance with the Standards, the Committee shall recommend to the Council that the school be taken off probation. This recommendation will be heard by the Council under the procedures of this Rule.

Rule 31

House of Delegates Consideration of Council Recommendation that Approval Be Withdrawn

When the Council recommends that a law school's approval be withdrawn, the Chairperson of the Council shall submit to the House of Delegates the Council's recommendation and its report in the form and manner prescribed by the House of Delegates.

Rule 32

Status of Law School Pending Appeal

While an appeal from an action of the Committee or Council is pending, the approval status of a law school is not affected. The Consultant shall inform the president and the dean of the law school of this Rule in communicating the action of the Committee or Council.

Rule 33A

Major Change in the Program of Legal Education of an Approved School

(a) A major change in the program of legal education of a law school raises concern about the school's continued compliance with the Standards. Before making a major change in its program of legal education, a provisionally or fully approved school shall apply for and obtain Council acquiescence in the proposed change.

(b) Major changes in the program of legal education of a law school which require Council acquiescence include:

(1) Instituting a new full-time or part-time division;

(2) Changing from a full-time to a part-time program or from a part-time to a full-time program;

(3) Establishing a two-year undergraduate/four-year law school or similar program;

(4) Establishing a new or different program leading to a degree in addition to the J.D. degree; and

(5) Merging or affiliating with one or more approved law schools.

(c) A law school's application for acquiescence may not be considered by the Accreditation Committee until at least 120 days after receipt of the application by the Consultant.

(d) The application must contain:

(1) A letter from the university president and dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire, and do certify that, in their respective opinions, the school fully complies with each of the Standards. If a law school seeking acquiescence is not part of a university, the letter may be from only the dean;

(2) A completed site evaluation questionnaire;

(3) A copy of the law school's most recent self-study;

(4) A description of the proposed change and a detailed analysis of the effect of the proposed change on the law school's compliance with the Standards;

(5) A request that the Consultant schedule a site evaluation at the school's expense; and,

(6) Payment to the Association of the application fee.

(e) When a law school submits a completed application, the Consultant shall timely arrange for a site evaluation by a team of qualified and disinterested persons. The applicant law school shall reimburse the site evaluation team members for reasonable and necessary expenses incurred in conducting the site evaluation. If there is a state agency or official that grants degree-conferring authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation. The Consultant shall schedule the site evaluation of the law school at a time during the academic year when regular classes are being conducted.

(f) A site evaluation of the school must be conducted before the Accreditation Committee or the Council considers the application. Upon review of the completed application and any material previously submitted to and considered by the Accreditation Committee, the Consultant, after consultation with the chairperson of the Accreditation Committee, may waive the site visit required by this subsection.

(g) The site evaluators shall inquire into the effect the proposed change may have on the school's continuing compliance with the Standards.

(h) The site evaluators shall prepare a written report based on the site evaluation. The site evaluators may not state whether the school is in compliance with the Standards, but shall report facts and observations that will enable the Accreditation Committee and the Council to determine the effect of the proposed change on the law school's continuing compliance.

(i) The chairperson of the site evaluation team shall promptly submit the report to the Consultant. After reviewing the report and conforming its format to that required by Council policies, the Consultant shall submit the report to the president and the dean of the law school to give them an opportunity to correct any misstatement of fact and make comments. In the transmittal letter for the report, the Consultant shall state the date on which the Accreditation Committee is scheduled to consider the school's application for acquiescence. The Consultant shall further inform the president and the dean of the date on which their response to the report must be received by the Consultant, which date must be at least thirty (30) days before the date of the meeting at which the Accreditation Committee is scheduled to consider the report. In any case, the school must be given at least thirty (30) days from the date on which the Consultant mailed the report to submit its response to the Consultant.

(j) Upon receipt of the school's response, the Consultant shall send a copy of the report, along with any response from the school, to members of the Accreditation Committee and the site evaluation team.

(k) The Consultant shall also submit to the Accreditation Committee the law school's application and any other relevant written material that was timely submitted by the school.

(l) The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant, unless the information is (1) received in writing by the Consultant at least three weeks before the Committee meeting at which the report is scheduled to be considered or (2), for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not timely received.

(m) The chairperson of the site evaluation team, or a member of the team designated by the Consultant, may be present when the Accreditation Committee considers the application. The applicant law school shall reimburse the site evaluation team members for reasonable and necessary expenses incurred in attending the Committee meeting.

(n) Representatives designated by the law school may appear at the Accreditation Committee meeting at which the application is considered.

(o) The Council shall acquiesce in the new program if the law school demonstrates (1) that the change will not detract from the law school's ability to maintain a sound educational program leading to the J.D. degree and (2) that the law school will be operated in compliance with the Standards, or, in the case of a degree beyond the J.D. degree, that the existing J.D. program exceeds the Standards and the requirements of Standard 307 will be satisfied.

(p) After the Accreditation Committee meeting at which the application is considered, the Consultant shall inform the president and dean of the applicant law school in writing of the Committee's action. If the action is adverse to the law school, the action letter must state the reasons for the Committee's action.

(q) If the Committee recommends that the Council not acquiesce in a major change in the educational program of a law school, the law school may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within thirty (30) days after the Consultant mailed a notice of the action to the school. The petition must demonstrate that, on reconsideration, the law school would submit information or make undertakings concerning matters that it could not have reasonably known or with due diligence discovered in sufficient time to make a timely submission to the Committee. After conferring with the Consultant, the Committee chairperson shall determine whether the required showing has been made and if it has, shall authorize reconsideration.

(r) If the Accreditation Committee recommends that the Council not acquiesce in a major change in the educational program of a law school, whether or not the school has applied for reconsideration, the applicant law school may not submit a new application for acquiescence until ten months after the date of the Committee's most recent recommendation.

(s) The Consultant shall timely place the Committee's recommendation on the agenda of a Council meeting. The Consultant shall furnish to the Council the Committee's recommendation and reasons therefor and the site evaluation report, if any.

(t) After the Council meeting at which the application is considered, the Consultant shall inform the president and the dean of the applicant law school in writing of the Council's

action. There is no appeal from the Council's action.

(u) Following Council acquiescence in a substantial major program change, the Consultant shall arrange for a limited site evaluation of the school no later than two years after the date of the acquiescence to determine whether the law school has realized the anticipated benefits and remains in compliance with the Standards.

Rule 33B

Major Change in the Organizational Structure of An Approved School

(a) A major change in the organizational structure of an approved law school raises concern about the school's continued compliance with the Standards.

(b) A major change in the organizational structure of an approved law school which requires Council acquiescence means:

(1) material modification of the law school's institutional relationship with a parent institution;

(2) merger or affiliation with an unapproved law school;

(3) acquisition of another law school or educational institution;

(4) Acquisition of or merger with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;

(5) transfer of all, or substantially all, of the academic program or assets of the approved law school to another law school or university;

(6) opening of a branch operation.

(c) An approved law school must inform the Consultant prior to implementing any proposed major structural change(s) so that a site evaluation visit may be promptly scheduled, if necessary.

(d) Accreditation or approval of a law school by the American Bar Association is not transferrable. A transfer of all, or substantially all, of the academic programs or assets of (1) a law school or (2) a university or college of which the law school is a part does not include the transfer of the law school's accreditation status.

(e) For purposes of this Rule:

(1) The transfer of all or substantially all of the academic program or assets of an approved law school to a new institution, whether a university or freestanding institution, constitutes a decision to close the approved law school and open a new law school. The approved law school shall present a plan of closure pursuant to Rule 41.

(2) Opening of a branch operation by an approved law school is treated as the creation of a new law school.

(3) The Accreditation Committee shall determine whether any other substantial structural change(s) constitutes creation of a new law school.

(f) After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether the proposed major structural change, if implemented, will create a different law school. If a different law school will be created by the proposed structural change, the different law school (1) is not approved and (2) must apply for provisional approval in compliance with the requirements of Rule 7 and the Standards. If the proposed change will not create a different law school, the law school shall request acquiescence by the Council in compliance with Rule 33A.

Rule 34

Complaints Concerning Actions of Approved Law Schools

(a) A current or former faculty member, applicant for faculty appointment, current or former student, applicant for admission, or any other person may file with the Consultant a written complaint alleging non-compliance with the Standards by an approved law school. A complaint must be filed within one calendar year of the complainant's learning of the facts comprising the allegation of non-compliance with the Standards. Pursuit of other remedies, whether inside or outside the law school, does not toll the one calendar year limit.

(b) When the complaint is filed, the Consultant shall acknowledge its receipt and inform the complainant of the Association complaint procedures. The Consultant shall direct the complainant to notify the Consultant in writing if, upon review of Rule 34, the complainant wishes to proceed with the complaint. If the complainant fails to affirm in writing which is received by the Consultant within 45 days after the notification request is mailed to the complainant, the Consultant shall dismiss the complaint and so inform the complainant.

(c) If the Consultant determines that the complaint does not allege facts constituting non-compliance with the Standards, the Consultant shall dismiss the complaint and so inform the complainant. A complaint alleging only a violation of a school's rule not

amounting to non-compliance with the Standards shall not be considered. Neither the American Bar Association nor any of its components determines the rights or remedies of individual complainants. The complainant shall not be afforded individual relief.

(d) If the Consultant determines that the complaint alleges facts that indicate that a law school is in non-compliance with the Standards, the Consultant shall inquire whether the complainant consents to the disclosure of the complaint and the identity of the complainant to the school. If the complainant fails to consent in writing which is received by the Consultant within 45 days after the consent for disclosure document is mailed to the complainant, the Consultant shall dismiss the complaint and so inform the complainant. If the complainant agrees to the disclosure, the Consultant shall send a copy of the complaint to the dean of the law school and request the dean to respond to the allegations in the complaint and to provide any additional information requested by the Consultant.

(e) Upon receipt of the response of the dean of the law school, the Consultant shall:

(1) Dismiss the complaint if the Consultant determines that the complaint and the dean's response considered together do not support a claim that the school is in non-compliance with the Standards. The Consultant shall notify the complainant and the dean of the school of this determination; or

(2) Place the complaint on the agenda for the next site evaluation of the law school if the Consultant determines that the complaint and the dean's response considered together indicate conditions or practices that raise a question concerning the school's compliance with the Standards. The Consultant shall notify the complainant and the dean of the school of the action taken; or

(3) Place the complaint on the agenda of a Committee meeting if the Consultant determines that the complaint and the dean's response considered together indicate a need for more complete investigation. The Consultant shall notify the complainant and the dean of the school of the action taken.

(f) If the Committee determines that the complaint and the dean's response referred to it by the Consultant considered together indicate a need for further investigation, the Committee shall order a special site evaluation under Rule 26(a). If the Committee determines that the complaint, the dean's response, and any special report considered together do not support a claim that the school is in non-compliance with the Standards, the Committee shall dismiss the complaint. If the Committee has reason to believe that the law school is in non-compliance with the Standards, the Committee shall proceed under Rule 27, et. seq. The Consultant shall inform the complainant and dean of the Committee action.

(g) The decision of the Consultant is final and is not subject to appeal within the Association. To ensure proper administration of the complaint process, a subcommittee of the Accreditation Committee shall periodically review all written complaints and the Consultant's disposition of them and report annually to the Committee and to the Council.

Rule 35

Credit-Granting Foreign Programs

(a) A law school may not undertake a credit-granting foreign program without first notifying the Consultant and obtaining Committee acquiescence in accordance with published Criteria for Approval of Foreign Summer Programs, Criteria for Approval of Semester Abroad Programs, Criteria for Cooperative Programs for Foreign Study, or, Criteria for Individual Student Study Abroad for Academic Credit, or other criteria applicable to the awarding of credit for foreign study.

(b) The review process of a law school includes review of any credit-granting foreign program.

Rule 36

Access to Site Evaluation Reports and Committee and Council Action

(a) Site evaluation reports are received in confidence by the site evaluation team, the Consultant and the Committee and the Council and neither the report nor any portion thereof may be disclosed by the Committee or the Council unless first disclosed by the law school or the University. The law school or the University may release the whole report or portions of it as it sees fit. If the law school makes public the site evaluation report or any portion thereof, notification must be given to the Consultant at the time of the disclosure, and disclosure of the report may be made by the Consultant, upon approval of the Chairperson of the Section. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.

(b) Discussion of the contents of a site evaluation report with, or release of the report to, the faculty, the university administration or the governing board of the university (or a free standing law school) does not constitute release of the report to the public within the meaning of Rule 36(a).

(c) The school is free to make use of the recommendations and decisions as contained in the Consultant's action letter addressed to the president and dean. However, any

release must be a full release and not selected excerpts. The Consultant and the ABA reserve the right to correct any incorrect or misleading information released or published by the institution through all appropriate means (including release of portions of the site evaluation report or the entire site evaluation report).

Rule 37

Fees

The Council shall fix fees for:

- (1) Filing an application for site evaluation for provisional approval.**
- (2) Annual site evaluation of a provisionally approved law school.**
- (3) Regular or special site evaluation of a fully approved law school, and**
- (4) Application for acquiescence in a major change in structure or operation of an approved school as provided in Rule 33.**
- (5) Other services and activities of the Section.**

Rule 38

Information to be Furnished by Approved Schools

- (a) An approved law school shall provide the Committee and Council information concerning legal education in the form required and at the times required by the Committee and the Council, to insure that the Standards are being maintained and to provide the Council with information relating to the state of legal education generally.**
- (b) Annual and site evaluation questionnaires are received in confidence by the Consultant, the Accreditation Committee and the Council.**
- (c) Statistical reports (“take-offs”) prepared from data contained in the annual questionnaires are for the use of the Council of the Section of Legal Education and Admissions to the Bar, the American Bar Association Consultant on Legal Education and Deans of ABA approved law schools and not for public release. Information provided in statistical reports is intended for exclusive and official use by those persons authorized by the Council to receive it.**

Rule 39

Publication of List of Approved and Unapproved Schools

The Council shall publish from time to time a complete list of all approved law schools and as many unapproved law schools as are known to the Consultant. The list shall be published annually in the *Review of Legal Education*, a publication which is published by the Section and single copies of which are distributed by the Consultant upon request, without charge.

Rule 40

Reinstatement as an Approved School

A law school that has been removed from the list of law schools approved by the Association may be reinstated by complying with the procedures for obtaining approval, as though it had never been approved.

Rule 41

Closure of Law School

(a) An approved law school and its parent institution, if any, agree to provide, in the event of closure or cessation of operation, an opportunity for currently enrolled students to complete their degrees under the terms of a closure plan which meets at least the conditions set out below and is found acceptable by the Accreditation Committee. Failure to have an acceptable plan or to follow the conditions of the plan should be deemed a breach of the school's contract with its students. Any rights acquired by students under this Rule are in addition to rights arising under general applicable law.

(b) A transfer of substantially all the assets of a law school to another institution shall be deemed a decision to cease operation of an approved law school unless the school receives prior approval for a major change under Rule 33 A or B.

(c) The conditions to be met by a closure plan shall include the following:

(l) As soon as the decision to close is made, the institution shall make a public announcement and notify the Consultant on Legal Education of that fact. The Consultant shall notify the Council so that the Council may advise the House of Delegates that it recommends that the law school's approval be withdrawn. Public announcement shall be made that the school will be removed from the list

of ABA approved law schools.

(2) The law school shall not thereafter admit or enroll any student (including a transfer or non-degree candidate) who was not a student at the time when the decision to close is announced.

(3) The governing body of the institution shall take all necessary steps to retain degree-granting authority for sufficient time to allow completion of degrees by those students who are degree candidates at the time the decision to close is announced and who complete degree requirements either at the law school or at another ABA approved law school in the normal period of time required for that student's course of study.

(4) Law school officials shall use their best efforts to assist students in transferring to, or acquiring visiting status at, another ABA approved law school for completion of their degree requirements. It is the policy of the American Bar Association to encourage all ABA approved schools to accept transfer or transient students from a closing law school.

(5) Until the date of closing the law school shall maintain:

(i) an educational program that is designed to qualify its graduates for admission to the bar;

(ii) library collection and services adequate to support the curriculum, either on-site or through arrangements with other law libraries in the immediate vicinity;

(iii) a student faculty ratio adequate to maintain a sound educational program;

(iv) an adequate administrative staff to handle student problems and record-keeping along with support of the academic program;

(v) the law school shall maintain its existing physical facilities unless prior approval of the Accreditation Committee is obtained.

(6) Tuition shall not be increased beyond the normal rate of inflation after the date that decision to close is made. Students transferring credit back to the law school shall not be charged fees beyond a reasonable administrative fee for the process of transfer.

(d) If the school discontinues instruction or makes a decision to do so prior to the end

of the normal period for completion of degrees by current students, then the following condition shall apply:

- (1) The school shall take all reasonable steps to avoid closing during an academic year. If the closing occurs during an academic year, then the school shall make adequate arrangements for students to enroll in other law schools for that current year at no additional cost to the student.
 - (2) The school shall permit currently enrolled students to complete their degree requirements at other ABA approved law schools; credit earned at other law schools shall be received as transfer credit toward the degree of the closing school.
 - (3) Students transferring credit back to the law school shall not be charged fees beyond a reasonable administrative fee for processing of records.
 - (4) The Consultant shall notify the Council of the school's decision and the date at which the school intends to cease operations.
- (e) Commitments for legal representation made during operation of a law school skills training program are not monitored by the accreditation process of the American Bar Association. The governing body, however, is reminded that those commitments constitute obligations both of the attorney who has taken the case and the institution employing that attorney. Satisfactory arrangements will need to be made for closing those cases either by concluding the matter or by retention of alternate counsel.
- (f) The governing body of the institution shall make arrangements for permanent retention and availability of student records.

**Criteria for Approval of
Semester Abroad Programs
For Credit Granting Foreign Segment
of Approved J.D. Program**

Criteria for Approval of Semester Abroad Programs for Credit Granting Foreign Segment of Approved J.D. Program

Revised June, 1994

I. The Program

A. The dean and faculty of the sponsoring law school shall assume full responsibility for formulating and administering the semester abroad program.

B. The academic content of the semester abroad program must be approved by the faculty of the sponsoring school in the same manner as the curriculum of the sponsoring school's on-campus program.

C. The academic content of the semester abroad program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school.

D. A substantial portion of the academic program must be related to the socio-legal environment of the host country or have an international or comparative focus.

E. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

F. Except as modified by these Criteria or by necessary implication, the ABA Standards for the Approval of Law Schools and adopted Interpretations thereof, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to semester abroad programs.

II. Faculty and Staff

A. Program Director

1. The program shall be directed by a full-time, on-site director who holds an academic appointment from the sponsoring law school.

a. The director must be on site for the duration of the program.

- b. The director may not participate concurrently in another program.
2. The director or other responsible member of the program faculty or staff shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.
3. The director shall be provided with appropriate assistance, including secretarial and student support services.

B. Faculty

1. In addition to the director, there shall be at least one additional faculty member from the full-time faculty of the sponsoring school who is present full time for the duration of the program.
2. Adjunct faculty members shall possess academic credentials equivalent to those of the faculty at the sponsoring law school and shall be appointed with the approval of the faculty at the sponsoring school.
3. Full-time and adjunct faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.
4. Faculty members shall be provided with adequate secretarial support services.
5. At least one member of the full-time faculty or on-site staff must:
 - a. Be fluent in both English and the language of the host country, and
 - b. Be familiar with the country in which the program is offered.

III. Educational Program

A. These Criteria apply to semester-long foreign programs offered by a law school.

B. Maximum Credit for Foreign Study

1. Although a student in an ABA approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segment programs shall not exceed one-third of the credits required for the J.D. degree at the school in which the student is regularly enrolled.

2. Granting of residency credit shall comply with the requirements of Standard 305.

C. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

D. Language of instruction

1. If instruction is not in English, students must be fluent in the foreign language in which courses are taught or provided with a translation.

2. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes, classes in which a translation is necessary may not count more than fifty (50) percent of actual class time expended.

E. Special requirements for award of credit:

1. Class-hour credit may be awarded for extracurricular lectures and field trips only when the content is academic in nature and related to the class for which the credit is awarded.

2. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 306(c) and Interpretations thereof.

F. The sponsoring school shall determine whether specific prerequisites are required for enrollment in certain courses.

G. The program shall include visits to legal institutions in the host country.

IV. Library

A. In accordance with Standards 601 and 704, the program must have or must provide acceptable access to a library and study facility adequate for its academic program. This requirement may entail development and supervision of the library holdings by the sponsoring law school librarian.

B. Library holdings must be adequate to support the course offerings of the academic program, including any research component.

V. Students

A. The sponsoring school determines the academic criteria for admission to the program.

B. Only students who have completed one year of full- or part-time law study, and who are in good standing at an ABA-approved law school may be enrolled.

[The American Bar Association does not apply this Criterion and is in the process of revising this Criterion to reflect that practice.]

C. Students from schools other than the sponsoring school must furnish a letter from their dean or registrar certifying their current good standing.

VI. Physical Facilities

A. An administrative office or offices must be provided through which students can effectively communicate with staff and faculty in a timely manner.

B. The faculty shall be provided with office space adequate to achieve the purposes of the program.

C. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

D. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

E. Adequate facilities for studying must be available to students.

F. Housing

1. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.

2. If the program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VII. Cancellation or Termination of Programs

A. If a program is subject to cancellation for insufficient enrollment or any other

reason, the circumstances under which cancellation will occur must be disclosed in application materials sent to prospective students.

B. If a program is subject to cancellation, application materials must include information regarding what arrangements will be made in the event of cancellation, as well as any history of prior cancellations.

C. If the program is cancelled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

D. State Department Advisories

1. Consular Information Sheets

a. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; “Areas of Instability” must be included. If the Consular Information Sheet is revised during a program to announce an “Area of Instability” in the region in which the program is being conducted, the updated information must be distributed promptly to students.

b. If the program is held in an “Area of Instability,” students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an “Area of Instability”.

2. Travel Warnings

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event the program is cancelled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of

withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

VII. Disclosures

A. The following information must be provided to each prospective registrant in writing in a timely fashion, usually in the initial announcement or brochure, but, in any event, prior to the date when the student's deposit becomes nonrefundable.

- 1. Dates, location(s), description of the program, and size of enrollment;**
- 2. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services;**
- 3. The number of students who participated in the program the previous year from the sponsoring institution and the number from other schools (if the program is open to other students);**
- 4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;**
- 5. Description of each course and number of credit hours;**
- 6. Schedule of classes with days and times for each class;**
- 7. Requirements for student performance and grading method;**
- 8. Enrollment limitations on any courses offered and criteria for enrollment;**
- 9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;**
- 10. Descriptive biographies of program director and each teacher;**
- 11. Name, address, telephone, and fax number of an informed contact person at the sponsoring institution;**
- 12. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;**

13. Description and location of classrooms and administrative offices;

14. The extent to which the country, city, and facilities are accessible to individuals with disabilities; and

15. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation, and prior cancellations, if any.

B. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all monies paid.

IX. Procedures for Approval

A. Established Programs

1. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every three years.

2. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire.

B. New Programs

1. A school seeking to establish a new program must submit an application in the form and at the time required by the Consultant's Office. The application shall contain the following information regarding the impact of the program on the sponsoring school:

a. The number of full-time faculty teaching at the parent campus during each semester of the year in which the program would first be offered and whether this number is changed either semester as a result of the semester abroad program;

b. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;

c. The current accreditation status of the sponsoring school; and

d. A statement of how the program relates to the academic program and

mission of the parent campus.

2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

3. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for three years. If it is determined that a program is no longer complying with the Criteria, its approval may be withdrawn.

**Criteria for Approval of
Foreign Summer Programs
of ABA Approved Law Schools**

Criteria for Approval of Foreign Summer Programs of ABA Approved Law Schools

Revised June, 1994

I. The Program

- A. The dean and faculty of the sponsoring law school shall assume full responsibility for formulating and administering the foreign summer program.**
- B. The academic content of the summer program must be approved by the faculty of the sponsoring school in the same manner as the curriculum of the sponsoring school's on-campus program.**
- C. The academic content of the summer program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school.**
- D. A substantial portion of the academic program must be related to the socio-legal environment of the host country or have an international or comparative focus.**
- E. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.**
- F. Except as modified by these Criteria or by necessary implication, the ABA Standards for the Approval of Law Schools and adopted Interpretations thereof, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to foreign summer programs.**

II. Faculty and Staff

A. Program Director

- 1. The sponsoring law school must provide a director who will be present on site for the duration of the program.**
- 2. Either the director or a member of the full-time faculty must be from an ABA-approved school.**
- 3. The director may not participate concurrently in another program.**

4. The director or other responsible member of the program faculty or staff shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

B. Faculty

1. There shall be at least one faculty member assigned to full-time duties with the program. This may be the same person as the director.

2. Faculty members shall possess academic credentials equivalent to those of the faculty at the sponsoring law school and shall be appointed with the approval of the faculty at the sponsoring school.

3. Full-time and adjunct faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.

C. At least one member of the full-time faculty or on-site staff must:

1. Be fluent in both English and the language of the host country, and

2. Be familiar with the country in which the program is offered.

III. Educational Program

A. Length of program

1. Foreign summer programs must provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.

2. The sponsoring school shall not permit any student to earn more than 1.5 semester credit hours for each week of the program nor to attend more than 220 class minutes per day.

B. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

C. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes, classes in which a translation is needed may not count more than fifty (50) percent of actual class time

expended.

D. Special requirements for awards of credit:

- 1. Class-hour credit may be awarded for extracurricular lectures and field trips only when the content is academic in nature and related to the class for which the credit is awarded.**
- 2. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 306 (c) and Interpretations thereof.**

E. The sponsoring school determines whether specific prerequisites are required for enrollment in certain courses.

F. Maximum Credit for Foreign Study

- 1. Although a student in an ABA approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segments shall not exceed one-third of the credits required for the J.D. degree at the school in which the student is regularly enrolled.**
- 2. Granting of residency credit shall comply with the requirements of Standard 305.**

G. The program shall include visits to legal institutions in the host country.

H. If course materials, including all case, statutory, and text materials needed for full understanding of the course and completion of assignments, are not self-contained, then adequate library resources must be available.

IV. Students

A. The sponsoring school determines the academic criteria for admission to the program.

B. Only students who have completed one year of full- or part-time law study and who are in good standing at an ABA-approved law school may enroll in law study for credit in a foreign summer program under these Criteria.

[The American Bar Association does not apply this Criterion and is in the process of revising this Criterion to reflect that practice.]

C. Students from schools other than the sponsoring school must furnish a letter from their dean or registrar certifying their current good standing.

V. Physical Facilities

A. The program must have a staffed administrative office or other mechanism in a place that is convenient to students and through which they may communicate effectively with staff and faculty in a timely manner.

B. Faculty members should be provided with appropriate work space.

C. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

D. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

E. If course work depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.

F. Adequate facilities for studying must be available to students.

G. Housing

1. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.

2. If the program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VI. Cancellation or Termination of Programs

A. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in the application materials sent to prospective students.

B. The following conditions must be met:

1. For cancellation that occurs after a deposit has been paid, the program director must use his or her best efforts to make arrangements for each student enrolled to attend a similar program, if the student so desires.

2. If the program is cancelled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

C. State Department Advisories

1. Consular Information Sheets

- a. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; "Areas of Instability" must be included. If the Consular Information Sheet is revised during a program to announce an "Area of Instability" in the region in which the program is being conducted, the updated information must be distributed promptly to students.
- b. If the program is held in an "Area of Instability," students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an "Area of Instability".

2. Travel Warnings

- a. If, prior to the commencement of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event of program is cancelled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.
- b. If, during the course of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

VII. Disclosures

- A. The following information must be provided to each prospective registrant in writing in a timely fashion, usually in the initial announcement or brochure, but, in

any event, prior to the date when the student's deposit becomes non-refundable.

- 1. Dates, location(s), description of the program, and size of enrollment;**
- 2. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services;**
- 3. The number of students who participated in the program the previous year from the sponsoring institution and the number from other schools (if the program is open to other students);**
- 4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;**
- 5. Description of each course and number of credit hours;**
- 6. Schedule of classes with days and times for each class;**
- 7. Requirements for student performance and grading method;**
- 8. Enrollment limitations on any courses offered and criteria for enrollment;**
- 9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;**
- 10. A statement that it is unlikely that participation in a foreign summer program may be used to accelerate graduation and that students interested in acceleration consult their home schools to review this issue in light of Standard 305, Interpretation 4;**
- 11. Descriptive biographies of program director and each teacher;**
- 12. Name, address, telephone, and fax number of an informed contact person at the sponsoring institution;**
- 13. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;**
- 14. Description and location of classrooms and administrative offices;**
- 15. The extent to which the country, city, and facilities are accessible to individu-**

als with disabilities; and

16. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation, and prior cancellations, if any.

B. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all monies paid.

VIII. Procedures for Approval

A. Established Programs

1. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every five years.
2. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire.

B. New Programs

1. A school seeking to establish a new program must submit an application in the form and at the time required by the Consultant's Office. The application shall contain the following information regarding the impact of the program on the sponsoring school:

- a. The number of full-time faculty teaching at the parent campus during each semester of the year in which the program would first be offered and whether this number is changed either semester as a result of the summer foreign program;
- b. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;
- c. The current accreditation status of the sponsoring school; and
- d. A statement of how the program relates to the academic program and mission of the sponsoring school.

2. On the basis of the written submission, the Accreditation Committee will

determine whether to approve the program for its first year of operation.

3. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

C. Approval after the first year, if granted, is effective for five years. If it is determined that a program is no longer complying with the Criteria, its approval may be withdrawn.

Criteria for Approval of Individual Student Study Abroad for Academic Credit

Please note that these criteria are only operative in the case of an occasional student wishing to study abroad. These Criteria are not applicable to any on-going program of study in a particular foreign law school by students from a particular American law school.

Criteria for Approval of Individual Student Study Abroad for Academic Credit

Revised June, 1994

I. The Program

A. These Criteria are to be used by ABA-approved law schools for the occasional student who seeks approval to enroll in a foreign institution and to receive academic credit for such study. If the school wishes to grant credit to more than two students studying at a single foreign institution during the same academic term, then the school must apply for approval of a program, either under the Criteria for Cooperative Programs for Foreign Study or the Criteria for Semester Abroad Programs.

B. The Parent School

- 1. Only an ABA-approved school qualifies as a “parent school” under these Criteria.**
- 2. The parent school shall develop and publish a statement that defines the educational objectives it seeks to achieve in allowing students to study abroad for academic credit.**
- 3. The parent school shall assume responsibility for approving course work and monitoring the study undertaken by the student.**
- 4. Prior to the commencement of study abroad under these Criteria, the parent school must receive written assurance from the foreign institution that the student’s proposed educational objectives can be achieved at that institution.**

C. The Foreign Institution

- 1. The foreign institution shall be one that provides an academic program leading to a first degree in law.**
- 2. The foreign institution shall be one that is (a) government sanctioned or recognized, if educational institutions are state regulated within the country, (b) recognized or approved by an evaluation body, if such an agency exists within the country, or (c) chartered to award degrees in law by the appropriate authority within the country.**

D. Academic Content Approval and Standards

- 1. The student's selection of courses must be approved in advance by the parent school.**
- 2. The parent school shall review course materials and sufficient written work of each student to ensure that the program meets standards equivalent to those employed at the parent school.**
- 3. Before commencing study at a foreign institution, the student and the faculty member at the parent school who will monitor the student's study abroad shall develop a plan that defines the educational objectives sought to be achieved by the student during the period of study abroad. The plan also shall specify the methods to be employed in evaluating the student's performance.**
- 4. Before the study abroad commences, a representative of the foreign institution must give written assurance to the parent institution that the student's proposed objectives can be achieved at that institution.**
- 5. The parent school shall review sufficient written work by the student to insure that his or her study has met its educational objectives and those of the parent school.**

E. Fees

- 1. Pursuant to Council policy, the amount of any fee imposed by either the parent school or the foreign institution shall be rationally related to the cost of administering the service for which the charge is assessed.**
- 2. The parent school shall make known to a student in an individual student study abroad program for academic credit any costs in addition to any tuition that are charged by the foreign institution, including any fee that is charged for transferring or receiving credit earned at the foreign institution.**

II. Supervising the Student

In order to assure that each student's stated educational objectives are achieved:

- A. A full-time faculty member at the parent school must effectively monitor the student's course of study; and**
- B. A full-time faculty member at the foreign institution must effectively supervise the student's course of study.**

III. Faculty

- A. The student's on-site supervisor abroad must be a resident full-time faculty member of the foreign institution in which the student is enrolled.**
- B. The parent school shall assure itself that faculty members at the foreign institution possess academic credentials equivalent to those of faculty members at the parent school.**

IV. Educational Program

- A. An exception to the Standards relating to class minutes and length of program is inherent in these Criteria.**
- B. To qualify for study abroad under these Criteria, a student must be fluent in the language of instruction.**
- C. A student who participates in an individual student study abroad program may not receive more than one-sixth of the credit hours required for the J.D. degree at the student's parent school for such study.**
 - 1. Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segment programs shall not exceed one-third of the credits required for the J.D. degree at the student's parent school.**
 - 2. The granting of residency credit shall comply with the requirements of Standard 305.**
- D. The parent school shall determine whether specific prerequisites are required for enrollment in certain courses.**
- E. No credit shall be awarded for:**
 - 1. Activities such as visits to legal and government institutions except in instances in which the content of such activities is academic in nature and is related to the course in which the credit is awarded.**
 - 2. Externship placements (e.g., in a law firm, government office, or corporation.)**

V. Students

- A. The parent school shall determine the academic requirements for study under**

these Criteria.

B. Only students who have completed one year of full- or part-time study and who are in good standing at the parent school may enroll in law study for credit at a foreign institution under these Criteria.

VI. Cancellations, Terminations, Material Change in Program

A. Upon receiving notification from the foreign institution of cancellation of a course in which a student has been authorized to enroll pursuant to a pre-visit notification form, the parent school shall reexamine the student's study in light of its stated educational objectives and determine whether the foreign study continues to satisfy those objectives. If the parent school determines that the visit should proceed, it shall submit a revised pre-visit notification form to the ABA.

B. State Department Advisories

1. Consular Information Sheets

a. The parent school shall supply to the student the U. S. State Department Consular Information Sheet for the country(ies) in which the student will be studying; "Areas of Instability" must be included. If, during the student's period abroad, the Consular Information Sheet is revised to announce an "Area of Instability" in the region in which a student is studying, the updated information must be transmitted promptly to the student.

b. If a student undertakes study in an area that subsequently is determined to be an "Area of Instability," the student must be permitted to withdraw upon learning that the site has been declared to be such an area. The parent school shall assist the student to obtain a refund of all fees paid except for room and board payments utilized prior to the date the site was declared an "Area of Instability."

2. Travel Warnings

a. If a U.S. State Department Travel Warning for the country(ies) is issued prior to the commencement of a student's study abroad, the study shall be canceled. The parent school shall assist the student to obtain a full refund of all fees.

b. If a U.S. State Department Travel Warning is issued for the country during the course of a student's study, the study shall be terminated immediately. The parent school shall assist the student to obtain a refund of all fees paid

except for room and board payments utilized prior to the date the Travel Warning is issued.

VII. ABA Requirements for Receipt of Credit by the Student

A. At least forty-five (45) days prior to the enrollment of the student in the foreign institution, a pre-visit notification form must be completed and submitted to the ABA.

- 1. The form must be signed by the dean of the parent school and sent to the Office of the Consultant on Legal Education to the ABA.**
- 2. The pre-visit notification form shall include a statement of how the student's study relates to the academic program and mission of the parent school.**
- 3. If the parent school fails to submit a pre-visit notification form in a timely fashion pursuant to Criterion VII. A., above, the student shall not receive credit for work undertaken at a foreign institution.**

B. The Accreditation Committee or its designee shall review the pre-visit notification form to determine whether the proposed course of study complies with these Criteria.

- 1. Upon completion of the compliance review, the Consultant on Legal Education shall notify both the parent school and the foreign institution of the result.**
- 2. Absent a determination that the proposed course of study complies with these Criteria, credit may not be given for work undertaken at a foreign institution.**

Criteria for Approval of Cooperative Programs for Foreign Study

Please note that the Criteria for Approval of Cooperative Programs for Foreign Study are applicable where an ABA approved law school wishes to initiate a regularized program of study by its students in a particular foreign law school. Credit for such study may only be given where the ABA approved law school initiates the process detailed in these criteria.

Criteria for Approval of Cooperative Programs for Foreign Study

Revised June, 1994

I. The Program

A. An ABA-approved law school may enter into an agreement with a foreign law faculty for a cooperative program for the award of academic credit to its students for study at the foreign institution.

1. The cooperative program must be based on a written agreement between the two institutions.

2. Absent a determination by the Accreditation Committee that a cooperative program complies with these Criteria, credit may not be given for participation in such a program.

3. The academic program must be related to the socio-legal environment of the country in which the foreign institution is located or have an international or comparative focus.

B. The Parent School

1. Only an ABA-approved law school qualifies as a parent school under these Criteria.

2. The academic content of the cooperative program must be approved by the faculty of the parent school in the same manner as the curriculum of the parent school's on-campus program is approved.

C. The Foreign Institution

1. The foreign institution shall be one that provides an academic program leading to a first degree in law.

2. The foreign institution shall be one that is (a) government sanctioned or recognized, if educational institutions are state regulated within the country, (b) recognized or approved by an evaluation body, if such an agency exists within the country, or (c) chartered to award degrees in law by the appropriate authority within the country.

D. Academic Content Approval and Standards

- 1. The academic content of the cooperative program for foreign study and the methods employed to evaluate student performance shall meet standards equivalent to those employed at the parent school.**
- 2. The parent school shall review course materials and sufficient written work of each student to ensure that the program meets standards equivalent to those employed at the parent school.**

E. Except as modified by these Criteria or by necessary implication, the ABA Standards for Approval of Law Schools, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to cooperative programs.

II. Faculty and Staff

A. Program Director

- 1. The cooperative program shall be directed at its foreign site by an on-site director who shall be responsible to both the parent school and the foreign institution and who holds an academic appointment from either the parent school or the foreign institution.**
 - a. If the director is a member of the foreign institution's faculty, he or she shall have spent a substantial period of time in residence at an ABA-approved school and shall have visited the parent school and demonstrated familiarity with its academic program prior to application for approval of the cooperative program.**
 - b. If the director is a faculty member from the parent school, he or she shall have spent a substantial period of time in residence at the foreign institution prior to application for approval of the cooperative program.**
 - c. If the director is a faculty member from the parent school, he or she may not participate concurrently in another foreign program.**

2. The director shall be provided with appropriate assistance including secretarial and student support services.

B. Faculty

- 1. Faculty members at the foreign institution shall possess academic credentials equivalent to those of faculty members at the parent school.**

2. A cooperative program may involve an exchange of faculty between the parent school and the foreign institution.

III. Educational Program

A. An exception to the Standards relating to class minutes and length of program is inherent in these Criteria.

B. To qualify for study abroad under these Criteria, a student must be fluent in the language of instruction.

C. A student who participates in a cooperative program may not receive more than one-sixth of the credit hours required for the J.D. degree at the student's parent school for such study.

1. Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segment programs shall not exceed one-third of the credits required for the J.D. degree at the student's parent school.

2. The granting of residency credit shall comply with the requirements of Standard 305.

D. The parent school shall determine whether specific prerequisites are required for enrollment in certain courses.

E. The program shall include visits to legal institutions in the host country.

F. No credit shall be awarded for:

1. Activities such as visits to legal and government institutions except in instances in which the content of such activities is academic in nature and is related to the course in which the credit is awarded.

2. Externship placements (e.g., in a law firm, government office, or corporation).

IV. Library Resources

A. The foreign institution shall have library resources that are both accessible and adequate to meet the needs of students enrolled in the cooperative program.

B. If course work to be undertaken by students in the program depends on access to U.S. legal materials, the parent school is responsible for making such materials available.

V. Students

A. Enrollment in the foreign segment of an approved cooperative program shall be limited to the parent school's own students. A cooperative program, however, may involve an exchange of students between the parent school and the foreign institution.

B. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational programs or goals.

C. The parent school shall determine the academic requirements for study under these Criteria.

D. Only students who have completed one year of full- or part-time study at the parent school and who are in good standing at the parent school may enroll in law study for credit at a foreign institution under these Criteria.

VI. Physical Facilities

A. An administrative office or offices must be provided through which students can communicate effectively with staff and faculty.

B. Classrooms shall be adequate to provide meaningful communication and exchange between students and faculty.

C. Students shall be provided with adequate space for study.

VII. Housing

A. If housing is made available by the program and it is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.

B. If the cooperative program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VIII. Cancellation of Program

A. If a cooperative program is subject to cancellation for insufficient enrollment or any other reason, the circumstance under which cancellation will occur must be

disclosed in the application materials sent to prospective students.

B. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

C. State Department Advisories

1. Consular Information Sheets

a. As a part of the registration materials for the program, the parent school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; “Areas of Instability” must be included. If the Consular Information Sheet is revised during the program to announce an “Area of Instability” in the region in which the program is being conducted, the updated information must be distributed promptly to students.

b. If the program is held in an “Area of Instability” students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an “Area of Instability.”

2. Travel Warnings

a. If, prior to the commencement of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event the program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

IX. Disclosures

A. The following information must be provided to each prospective registrant in a timely fashion, usually in the initial announcement or brochure, but, in any event, prior to the date when the student's deposit becomes nonrefundable.

- 1. Dates, location(s), description of the program and anticipated size of enrollment;**
- 2. Description of each course and the number of credit hours for which students may enroll;**
- 3. Schedule of classes with days and times for each class in which students may enroll;**
- 4. Requirements for student performance and grading methods;**
- 5. Enrollment limitations, if any, on any courses offered and criteria for enrollment;**
- 6. A statement that acceptance of any credit or grade for any course taken in the program is subject to determination by the parent school;**
- 7. A descriptive biography of the program director and of each teacher offering a course in which the students may enroll;**
- 8. Name, address, telephone and fax number, if available, of an informed contact person at the parent school;**
- 9. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;**
- 10. Description and location of classrooms and administrative offices;**
- 11. Extent to which the country, city, and facilities are accessible to individuals with disabilities;**
- 12. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation and information regarding prior cancellations.**

B. If changes are made in the course offerings or other significant aspects of the cooperative program, those changes must be communicated promptly to any appli-

cant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all fees paid.

X. Procedure for Approval

A. The parent school shall submit an application for a cooperative program to the Accreditation Committee for approval.

- 1. A school seeking to establish such a program must submit an application in the form provided by the Consultant's Office.**
- 2. The Accreditation Committee will determine whether to approve for the first year of operation on the basis of the written submission.**
- 3. The program, if the Accreditation Committee approves, will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.**

B. The application shall contain information concerning the impact of the program on the parent school, including information concerning:

- 1. The number of full-time faculty teaching at the parent school during each semester of the year in which the program would first be offered and whether this number is changed either semester as a result of the cooperative program; and**
- 2. A statement of finances of the cooperative program, including income and expenditures and an assessment as to the degree to which funding of the program impacts upon the program of the parent school.**

C. The application shall state how the cooperative program relates to the academic program and mission of the parent school.

D. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every three years. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire. If it is determined that a program is no longer complying with the Criteria, its approval may be withdrawn.

**Policies of the Council
of the Section of Legal Education
and Admissions to the Bar
and of the
Accreditation Committee**

Table of Contents

Adopted Policies of Statement and Procedure

Council of the Section of Legal Education and Admissions to the Bar

	<u>Page</u>
1. Selection of Members of the Council	1
2. Selection of Members of the Accreditation Committee	1
3. Statement of Good Practice on Impartiality and Propriety in the Process of Law School Accreditation	1
4. Pass/Fail Grading	3
5. Unapproved Law Schools Intending to Seek ABA Approval	5
6. Proprietary Schools	6
7. Correspondence Study	6
8. Postponement of Graduation	6
9. Provisionally Approved Law Schools	6
10. Site Evaluations of Fully Approved Law Schools Following Full Approval	7
11. Release of Information Concerning Applications for Provisional or Full Approval of Law Schools	7
12. Confidentiality of Site Evaluation Report and Letter Reporting Action	8
13. Law School Admission Fees	9
14. Diversity in Admission and Employment	9
15. Admission of Students Who Wish to Transfer Credit	9
16. Period of Retention of Examination Materials	10
17. Retention of Records	10
18. Statement of Council Policy Regarding Interference in Law School Clinical Activities	10
19. Written Plans for Affirmative Action	10
20. Rating of Law Schools	10
21. Courses Conducted for the Purpose of Improving Student Performance on Bar Examinations	11
22. Collective Bargaining	11
23. J.D. Degree	11

	<u>Page</u>
24. J.D. Degree - Ph.D. Degree Equivalency	11
25. Propriety of Examination by Public Authority Before Admission to Practice	11
26. Period of Time for Completion of Requirements to Obtain J.D. Degree	13
27. Fair Treatment in Providing Notice of Termination of Employment of Professional Skills Teachers Subsequent to Adoption of Amendment of Standard 405(c)	13
28. Compliance with Standard 212 of the ABA Standards for Approval of Law Schools	13
29. Guidelines for Reimbursement of Site Evaluators and Fact Finders	15
30. Encouragement of Increased Emphasis on Pro Bono Activities	16
31. Student Tuition and Fee Refund Policy	16
32. Policy on Timely Grading of Law School Examinations	16
33. Withdrawal of Application for Provisional Approval Prior to Site Evaluation	17
34. Policy of Approved Law School on Student Tuition and Fees	17
35. Law School Policy Encouraging Faculty to Engage in Reasonable Post-Examination Review With Students	17
36. Reimbursement of Section Expenses	18
37. Operation Desert Shield/Desert Storm	18
38. Public Proceedings	18
39. Confidentiality of Proceedings	18
40. Minority Recruitment Programs	19
41. Student Complaints	19
42. Participation by the Council in Various Awards by ABA Entities	19

Accreditation Committee Policies

1. Minutes of Meetings	20
2. Granting of Degrees to Graduates of Predecessor Institutions	20
3. Postponement of Site Evaluation	20
4. Right of Appearance and Written Submissions	20
5. Special Site Evaluations of J.D. or Post-J.D. Programs	20

Council of the Section of Legal Education and Admissions to the Bar

Adopted Policies of Statement and Procedures

The following is a summary of policy statements and procedures which have been adopted by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

1. Selection of Members of the Council

Members of the Council of the Section of Legal Education and Admissions to the Bar shall be chosen without reference to their race, color, creed, sex, or national origin.

Members of the Council shall be persons of integrity and intelligence who have evidenced interest in legal education and whose participation is likely to be guided by the interests of the public and by the high standards of the legal profession, rather than any personal interest.

2. Selection of Members of the Accreditation Committee

The members of the Committee shall be appointed for staggered terms by the Chairperson of the Section. The Committee shall include two or more non-lawyer public members.

To be eligible for appointment as a lawyer member of the Committee, an individual must be knowledgeable and experienced in law and legal education.

To be eligible for appointment as a non-lawyer public member, an individual must be knowledgeable and concerned about professional education and training and must not have a current employment or other relationship with the Association.

Committee members must be guided by the interest of the public and by the standards of the legal profession.

[Appointments to the Accreditation Committee are currently approved by the Board of Governors of the American Bar Association. The American Bar Association is currently in the process of revising this Policy to reflect that practice.]

3. Statement of Good Practice on Impartiality and Propriety in the Process of Law School Accreditation

(A) Those who have significant responsibility in the process leading to accreditation

of law schools serve a vital and quasi-judicial function in the legal system of the United States. It is important to the fair and effective functioning of the system of law school accreditation and to the maintenance of public and professional respect for that system that those who act in it act impartially and avoid even the appearance of impropriety.

(B) One who has significant responsibility in this system or who has had significant responsibility in this system within a period of two years past, as enumerated in paragraph "D" below should not serve as a consultant to a law school in any matter relating to:

- (1) accreditation by the American Bar Association;
- (2) membership in the Association of American Law Schools; or
- (3) re-evaluation and continuation of American Bar Association accreditation or membership in the Association of American Law Schools.

(C) This restriction applies to service as consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor renders (1) without fee; (2) informally and (3) which he or she discloses fully to the other members of the accreditation or membership body on which he or she serves or has served; nor does it apply to the routine or official advice and assistance which is rendered by members of a site evaluation team or hearing commission, by the Consultant on Legal Education to the American Bar Association, by the Executive Director of the Association of American Law Schools, or by persons acting on behalf of the Consultant or Executive Director, (4) or by a person acting in the normal course of his or her employment.

(D) This restriction applies to:

- (1) members of the Accreditation Committee of the Council on Legal Education and Admissions to the Bar of the American Bar Association;
- (2) the President, other Officers, members of the Board of Governors, and members of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;
- (3) members of the Accreditation and Academic Freedom Committees of the Association of American Law Schools;
- (4) the President and members of the Executive Committee of the Association of American Law Schools;
- (5) members of the professional staff of the American Bar Association or the

Association of American Law Schools, except as provided in paragraph “C” above;

(6) a member of a site evaluation team or hearing commission for either Association accepting appointment as a consultant to a law school that he or she has evaluated or conducted hearings on, in behalf of either Association within two years after the site evaluation or while either Association still has under consideration matters developed by the site evaluation, whichever is longer;

(7) the Executive Director of the Association of American Law Schools or other person acting on behalf of the Association of American Law Schools may not acquiesce in the appointment as consultant on readiness of any person who by this Statement should not accept appointment as a school’s consultant.

(E) Service as a consultant for a law school does not disqualify a person from any of the offices or committees in paragraph “D.” However, the officer or committee member should excuse himself or herself from participation in discussion, formal or informal, of the affairs of a school which he or she has served as consultant or employee and from taking part in any vote with respect to its status.

(F) A person who has served as a consultant or employee of a law school within two years prior to assuming a significant responsibility in the accreditation process should decline to participate in the determination of the accreditation status of the school with which he or she previously served.

(G) The Consultant on Legal Education to the American Bar Association, Executive Director of the Association of American Law Schools or either of them if they are acting cooperatively shall bring this regulation to the attention of persons who are nominated for or appointed to any of the positions enumerated in paragraph “D” above and to all persons who are holding these positions or who have held them within two years past, at the time the regulation becomes effective.

Adopted by the Council of the Section of Legal Education and Admissions to the Bar—December 10, 1977.

Adopted by the AALS Executive Committee—December 27, 1977.

4. Pass/Fail Grading

At its August, 1970 meeting the Council of the Section of Legal Education and Admissions to the Bar decided to endorse the following statement issued earlier by the Law School Admission Council on the impact of pass/fail grading by undergraduate colleges upon the law school admission process. This statement has also been endorsed by the Executive Committee of the Association of American Law Schools.

The adoption by an increasing number of colleges and universities of pass/fail or similar grading systems for some or all of their students' work has implications for the law school admissions process. When a student with a transcript bearing such grades seeks to enter law school, law school admissions committees will be deprived of data that have served them well in the past in making the admissions decision. In the belief that college and university faculties and administrations who are considering conversion of a conventional grading system to a pass/fail or some variant system may be interested in the possible effect of such grading systems upon their graduates who seek admission to law school, the Law School Admission Council issues this statement.

The Law School Admission Test (LSAT) was developed more than twenty years ago in response to an expressed need of law schools for additional data upon which to base their admissions decisions. Validity studies conducted over the years demonstrate that the LSAT score contributes significantly to the prediction of an applicant's grades in law school and thus aids in the making of the admissions decision. These studies show that the LSAT score and the undergraduate grade-point average are the two best quantitative predictors, and that when they are used together they are better than either used separately. College grades represent both academic competence and achievement; the LSAT score largely indicates academic competence—the kind relevant to the study of law. The academic achievement of an applicant to law school indicates the extent of his preparation and motivation for the study of law. It is apparent, then, that college grades make a significant contribution to prediction of law school grades that is not supplied by the LSAT score.

Where an applicant for admission to law school submits a transcript in which all or virtually all of his grades are on pass/fail basis, and submits no other indication of his level of achievement in college, the admissions committee can make little specific use of his college work in predicting his law school grades. This means that this prediction must be based on the LSAT score, even though the committee would much prefer not to place sole reliance on the test scores in making this prediction. Even when such a transcript is supplemented by a narrative evaluation of the applicant by several of his teachers and deans, the committee can make only limited use of the college work in predicting performance in law school. Like interviews, these evaluations give the committee some help in making the admissions judgment, but they are largely helpful in deciding which risks to take and which to reject.

Where the applicant for admission to law school submits a transcript containing some conventional grades and some pass/fail grades, the admissions committee can develop a grade-point average for that portion of the student's college work bearing the conventional grades. However, many admissions officers will not feel justified in assigning to that average the conventional weight. They may well assume that the student chose to receive a conventional grade in those courses in which he gauged his probabilities for a premium grade to be good. This indicates that his grade-point average so

developed will overstate his academic competence and achievement as compared with the average of a student whose grades are all conventional. Furthermore, the committee may reasonably assume that the applicant did not make the same effort in the courses graded on a pass/fail basis as he did in those graded on the conventional basis. In short, a grade-point average based only upon the limited part of a student's work in which conventional grades were assigned seems to overstate in a compound way the student's general academic ability and achievement. Therefore, it is understandable that many admissions officers are already discounting such a grade-point average, and discounting it more if there is a large proportion of pass/fail grades.

The Council recognizes that the increased use of the pass/fail grading system—or some variant thereof—will mean that law school admissions committees and officers will place an increased reliance upon the LSAT score, a greater reliance than either the Council or law school admissions committee would like. The Council recognizes that there are many educational considerations to be taken into account by the faculty and administration in determining the appropriate grading system for that college or university. The Council, of course, respects the authority and judgment of the college and university faculty and administration in making that decision. The Law School Admission Council offers this statement concerning the effect of pass/fail grades upon the proper evaluation of a college graduate's application for admission to law school only in the hope that it may be useful to college faculties and administrations in determining what grading system to use.

5. Unapproved Law Schools Intending to Seek ABA Approval

The American Bar Association requests that an unapproved law school intending to seek provisional approval include the following language in its bulletin:

The Dean has informed himself fully as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The College 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 Council of the Section of Legal Education and Admissions to the Bar requires that an unapproved law school intending to seek ABA approval include the additional language in its bulletin:

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.

6. Proprietary Schools (expired July 1, 1995)

7. Correspondence Study

The American Bar Association expressly disapproves of correspondence law courses as a means of preparation for bar examination and for practice. Before one pursues a correspondence law course, it is suggested that he first familiarize himself with the rules and regulations of the state in which he intends to practice and inquire whether correspondence law courses are acceptable under the applicable rules and regulations of the state and any governmental agency with which one expects to secure employment. Correspondence law school graduates may take the bar examinations only in California and even there only under special conditions.

8. Postponement of Graduation

WHEREAS, most state supreme courts require graduation from an ABA approved law school as a requisite for bar admissions in order to assure the public that persons representing them in legal matters have received a quality legal education, and

WHEREAS, some individuals begin and complete substantially all of their legal education at unapproved law schools, which law schools have been inspected for possible ABA provisional approval but are found not to meet the ABA Standards during the time of such attendance; and these individuals may then delay their formal graduation until after the law school received ABA provisional approval, and

WHEREAS, some law schools receiving ABA provisional approval have permitted students to delay their graduation until such approval was received by the school and have then awarded degrees dated subsequent to receipt of ABA provisional approval to such students,

THEREFORE, the Council of the Section of Legal Education and Admissions to the Bar hereby adopts a policy disapproving this practice, and requests that all provisionally approved law schools, all other schools seeking provisional approval, all law school site team members and all state bar admitting authorities be notified of this policy.

9. Provisionally Approved Law Schools

A provisionally approved law school shall state in its bulletin, catalog, publicity releases and in communications with all students, applicants or other interested parties that it is a provisionally approved law school.

A law school will be granted provisional approval when it establishes that it substantially complies with the Standards and gives assurance that it will be in full compliance with the Standards within three years after receiving provisional approval.

A site evaluation shall take place each year at each provisionally approved school during the period of provisional approval.

A law school will be granted full approval when it establishes that it is in full compliance with each of the Standards and it has been provisionally approved for at least two years.

A provisionally approved school will be considered for full approval by the House of Delegates when the Council finds, after the site evaluation, that the school meets the Standards established by the American Bar Association as interpreted by the Council on a basis that assures continued compliance with the letter and the spirit of the Standards, with particular emphasis on a steady improvement in the quality of the educational program.

The students at provisionally approved law schools and persons who graduate while a school is provisionally approved are entitled to the same recognition accorded to students and graduates of fully approved law schools.

10. Site Evaluations of Fully Approved Law Schools Following Full Approval

A site evaluation will be conducted at each fully approved law school during the third year following the granting of full approval by the House of Delegates.

The next site evaluation shall be conducted no later than the seventh year following the granting of full approval by the House of Delegates. Thereafter, regular sabbatical site evaluations of the school shall be conducted.

11. Release of Information Concerning Applications for Provisional or Full Approval of Law Schools

In the case of schools seeking provisional or full approval, the staff persons of the American Bar Association are hereby authorized by the Council of the Section of Legal Education and Admissions to the Bar to state:

(1) Whether or not a specific school has submitted an application to the American Bar Association for provisional approval.

(2) The procedural steps for consideration of an application.

a. Consideration of an application by the Accreditation Committee.

b. Action by the Council upon the Accreditation Committee's recommendation and an explanation that action of the Council may not follow that of the recommendation made by the Accreditation Committee.

c. Action by the House of Delegates

(3) After notification of the Accreditation Committee's action or the Council action, as the case may be, to the school, the staff may release the status of the school to the public, with the explanation of the procedural steps for consideration of an application as outlined in subparagraph (2) of this policy.

12. Confidentiality of Site Evaluation Reports and Letter Reporting Action

The reports of site evaluations are received in confidence by the site evaluation team, the Consultant and the Committee and Council and neither the report nor any portion thereof may be disclosed by the Committee, Council or the Consultant unless first disclosed by the law school or the university. The law school or the university may release the whole report or portions of it as it sees fit. If the law school makes public the site evaluation report or any portion thereof, notification must be given to the Consultant at the time of the disclosure, and disclosure of the report may be made by the Consultant, upon approval of the Chairperson of the Section. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.

Discussion of the contents of a site evaluation report with, or release of the report to, the faculty, the university administration or the governing board of the university (or a free standing law school) does not constitute release of the report to the public within the meaning of Rule 36(a).

The school is free to make use of the recommendations and decisions as contained in the Consultant's action letter addressed to the president and dean. However, any release must be a full release and not selected excerpts. The Consultant and the ABA reserve the right to correct any incorrect or misleading information released or published by the institution through all appropriate means (including release of portions of the site evaluation report or the entire site evaluation report).

One year from the date of the initial transmission of the determinations of the Accreditation Committee, including specific findings of compliance or non-compliance

with the Standards, resulting from a regular, special or sabbatical site evaluation of a provisionally or fully approved school, the Consultant shall, at the request of any person, make available the remaining specific findings of non-compliance.

The dean of the evaluated school shall review the site report to determine whether it contains criticism of the professional performance or competence or the behavior of a member of the school's full-time faculty or professional staff. If the report contains this criticism, the dean shall make available to the person concerned the germane extract of the report and shall send the Consultant on Legal Education to the American Bar Association a copy of the transmitting letter and of the extract. The Consultant shall review each site evaluation report of an approved school or applicant school to determine whether it contains the above described criticism. If the Consultant finds this criticism and has not received a copy of a letter from the dean to the person concerned transmitting the extract of the report, the Consultant shall inform the dean of the criticism and ask her or him to make available to the person concerned the germane extract of the report. The dean shall send the Consultant a copy of her or his written communication with the affected person. The member of the faculty or professional staff is entitled to submit in writing her or his comments on the statement in the report to the persons who have received the report.

13. Law School Admission Fees

The American Bar Association Section of Legal Education and Admissions to the Bar condemns the practice of requiring persons seeking admission to a law school to pay a fee, in addition to the regular application fee, to be placed on a list of persons who will be admitted if additional places become available, commonly known as a "waiting list".

14. Diversity in Admission and Employment

It is the policy of the Council that diversity is valuable to educational quality. There are educational values to be derived from diversity in admission and employment and the Council supports the use of admission standards and employment criteria which promote diversity in law schools.

15. Admission of Students Who Wish to Transfer Credit

Advanced standing for credit earned in another law school in the United States shall be given only when such work has been taken in a school approved by the American Bar Association.

[The American Bar Association does not apply this Policy and is in the process of revising this Policy to reflect that practice.]

16. Period of Retention of Examination Materials

Law schools approved by the American Bar Association should practice the policy of retaining examination booklets for a period of one year. This policy applies only if the examination booklet has not been returned to the student.

17. Retention of Records

Law schools approved by the American Bar Association should retain admission, financial aid and placement records for a one-year period.

18. Statement of Council Policy Regarding Interference in Law School Clinical Activities

The Council has received several reports of inappropriate interference in law school clinical activities. Improper attempts by persons or institutions outside law schools to interfere in the ongoing activities of law school clinical programs and courses have an adverse impact on the quality of the educational mission of affected law schools and jeopardize principles of law school self-governance, academic freedom, and ethical independence under the ABA Code of Professional Responsibility. In appropriate ways, the Council shall assist law schools in preserving the independence of law school clinical programs and courses.

19. Written Plans for Affirmative Action

It is the policy of the Council that each ABA approved law school have a written plan describing its program for achieving compliance with Standard 212.

The Council, in accordance with Rule 38 of the Rules of Procedure for Approval of Law Schools and not as an adopted interpretation of Standard 212, directs the Consultant to have each ABA approved law school (1) prepare a written plan by June 1, 1984, describing its current program and the efforts it intends to undertake relating to compliance with Standard 212, and (2) maintain a current file which will include the specific action which has been taken by the school to comply with its stated plan. July, 1983.

20. Rating of Law Schools

No rating of law schools beyond the simple statement of their accreditation status is attempted or advocated by the official organizations in legal education. Qualities that

make one kind of school good for one student may not be as important to another. The American Bar Association and its Section of Legal Education and Admissions to the Bar have issued disclaimers of any law school rating system. Prospective law students should consider a variety of factors in making their choice among schools.

21. Courses Conducted for the Purpose of Improving Student Performance on Bar Examinations

Law school courses conducted for the purpose of improving student performance on bar examinations may not be offered for credit, although such courses may be offered as non-credit courses.

22. Collective Bargaining

A law school faculty as a professional faculty should not be required to be part of the general university bargaining unit.

23. J.D. Degree

It is the Council's position that no graduate degree in law is or should be a substitute for the first professional degree in law (J.D.) and should not serve as the same basis as the J.D. degree does for bar admission purposes.

24. J.D. Degree - Ph.D. Degree Equivalency

WHEREAS, the acquisition of a Doctor of Jurisprudence degree requires from 84 to 90 semester hours of post baccalaureate study and the Doctor of Philosophy degree usually requires 60 semester hours of post baccalaureate study along with the writing of a dissertation, the two degrees shall be considered as equivalent degrees for educational employment purposes;

THEREFORE, BE IT RESOLVED, that all appropriate persons be requested to eliminate any policy, or practice, existing within their jurisdiction which disparages legal education or promotes discriminatory employment practices against J.D. degree-holders who hold academic appointment in education institutions.

25. Propriety of Examination by Public Authority before Admission to Practice

A half century ago the American Bar Association adopted standards for legal educa-

tion, the second of which is as follows:

“The American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subject to an examination by public authority to determine his fitness.”

The criticism of bar examinations, which is daily becoming more prevalent, makes it most appropriate for the Council of the Section of Legal Education and Admissions to the Bar and the Board of Managers of the National Conference of Bar Examiners to state their opinion on the matter of the so-called Diploma Privilege.

It is the position of the Council and Board that the above-quoted standard, adopted in 1921, is as valid today—perhaps more so with the mobility of law graduates—as it was at the time and that every applicant for admission to the bar should be subject to examination by public authority.

Very great progress has taken place in the caliber of legal education in the fifty years intervening since 1921. In part the improvement in legal education has been the result of experimentation in teaching techniques. Not all such experiments have proved successful. Public authority should not dictate teaching techniques but it should make sure that all applicants have the training necessary to adequately serve the public upon their admission.

Not only are law schools quite properly experimenting in teaching techniques but they are experimenting in curriculum content. Again, public authority should not dictate curriculum content but by examination should determine that the content of the applicant's education is such that upon admission he will be able to adequately serve the public. In one of the jurisdictions where graduates of certain law schools are admitted without examination, the Court found it necessary to a certain extent to dictate the curriculum content of those schools—an unfortunate limitation on the educational freedom of these schools.

Bar examinations themselves serve additional functions. They encourage law graduates to study subjects not taken in law school. They require the applicant to review all he has learned in law school with a result that he is made to realize the interrelation of the various divisions of the law—to view the separate subject courses which he took in law school as a related whole. This the curriculum of most law schools does not achieve. Also, it is the first time many of the applicants will have been examined by persons other than those who taught them, a valuable experience in preparation for appearing before a completely strange judge.

To reiterate, it is the position of the Council and the Board of Managers that there must be examination by public authority. This is not to say that public authority must

not be very careful in its examination procedure to make sure that it is fulfilling its responsibilities. It should continually strive to make its methods of examination more effective so that the results will be the nondiscriminatory admission of none not qualified and the exclusion of none qualified, even though this requires the use of innovative examining techniques and constant consideration of the ever changing needs of our society. The necessity to train lawyers to represent all members of society is a continual challenge to teachers of law and legal education. To test this properly the examining authority can perform effectively and satisfactorily only if it makes responsive changes in its techniques.

26. Period of Time for Completion of Requirements to Obtain J. D. Degree

The normal maximum period for a full-time law student to complete requirements for a J.D. degree is five years. The normal maximum completion time for a part-time law student to complete requirements for a J.D. degree is six years.

27. Fair Treatment in Providing Notice of Termination of Employment of Professional Skills Teachers Subsequent to Adoption of Amendment of Standard 405(c)

The Council is informed that, during the process generated by the August, 1984 amendment of Standard 405(c) of the ABA Standards for Approval of Law Schools, certain law schools may have replaced or otherwise terminated the employment of professional skills teachers who were hired prior to the adoption of amended Standard 405(c) with little notice.

The Council encourages any school that decides not to continue in service a professional skills teacher hired prior to the adoption of amended Standard 405(c) to provide sufficient notice to the teacher to allow a fair opportunity to seek another position.

28. Compliance with Standard 212 of the ABA Standards for Approval of Law Schools

The Council of the Section of Legal Education and Admissions to the Bar, at its August, 1986 meeting, upon recommendation of its Affirmative Action Committee, adopted the following policy:

WHEREAS:

1. Standard 212 provides:

Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admissions process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students.

2. The Council, at its February, 1986 meeting, approved the recommendations of the ABA Task Force on Minorities in the Legal Profession;

3. The Actions suggested in this Resolution are based upon the recommendations contained in the Task Force's Report or are among the "concrete actions[s]" that a school should take in order to "... demonstrate a commitment to providing full opportunities for the study of law and entry into the profession ..." by members of minority groups.

THEREFORE:

1. The Council, acting on the recommendation of its Affirmative Action Committee, suggests to the law schools that the following are the kinds of concrete actions that will demonstrate a school's commitment to providing equal opportunities for the study of law and entry into the profession by qualified members of groups that have been the victims of discrimination in various forms:

a. Participation in job fairs and other programs designed to bring minority students to the attention of employers.

b. Establishment of procedures to review the experiences of minority graduates to determine whether their employers are affording equal opportunities to members of minority groups for advancement and promotion.

c. Intensifying law school recruitment of minority applicants, particularly at colleges with substantial numbers of minority students.

d. Promoting programs to identify outstanding minority high school students and college undergraduates, and encouraging them to study law.

e. Supporting the activities of the Council on Legal Education Opportunity (CLEO) and other programs that enable more disadvantaged students to attend law school.

f. Creating a more favorable law school environment for minority students by providing academic support services, supporting minority student organizations, promoting contacts with minority lawyers, and hiring minority administrators.

g. Encouraging, and participating in, the development and expansion of programs to assist minority law graduates to pass the bar.

h. The development and implementation of specific plans designed to increase the number of minority faculty in tenure and tenure-track positions by applying a broader range of criteria than may customarily be applied in the employment and tenure of law teachers, consistent with maintaining standards of quality.

i. Developing programs that assist in meeting the unusual financial needs of many minority students, as provided in Standard 212.

2. Law schools should be advised that Standard 212 does not specify the forms of “concrete action” that a school should undertake to “... demonstrate a commitment to providing full opportunities for the study of law and entry into the profession ...” by members of minority groups; nor is the Council suggesting that all of the above actions are required in order to demonstrate compliance with Standard 212. It is contemplated that the Accreditation Committee, and the Council, will review the totality of concrete actions of the school in order to determine whether, on the basis of its total performance, it is in compliance with Standard 212 and the recommendations of the Task Force.

29. Guidelines for Reimbursement of Site Evaluators and Fact Finders

All reasonable and necessary expenses of members of site evaluation teams and fact finders shall be reimbursed by the visited institution as follows:

1. **Transportation** - All necessary transportation on the basis of coach class air fares and ground transportation expenses. Site evaluators and fact finders are urged to secure the most reasonable air ticket. If the visited institution wishes to avail site evaluators of special air fares, such as 30 day advance purchase, it is suggested that the visited law school secure and supply the air ticket in advance of the visit.

2. **Lodging and Meals** - Hotel or motel sleeping rooms at a reasonable cost, including a parlor when necessary for the work of the site evaluation team or fact find-

ers. Meals shall be reimbursed on a reasonable basis. It is recommended that the visited law school make reservations for suitable accommodations for members of the site evaluation team or fact finders at a hotel/motel of the school's choice.

3. Incidentals - Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.

30. Encouragement of Increased Emphasis on Pro-Bono Activities

Law Schools should make law students aware of the special needs of those persons often under-represented in legal matters, including minorities, the poor, elderly and handicapped members of society, facilitate student services to these groups and should instill a sense in their students of the profession's obligation to provide legal services to those who are unable to afford them.

31. Student Tuition and Fee Refund Policy

It is the policy of the Council that all law schools approved by the American Bar Association have and make publicly available an equitable student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the equitable refund of student tuition and fees.

32. Policy on Timely Grading of Law School Examinations

The Council of the Section of Legal Education and Admissions to the Bar reports that as a result of the expressed concern of the Law Student Division concerning timely grading of examinations, the Consultant on Legal Education to the American Bar Association has conducted a survey of grading practices at all law schools approved by the American Bar Association. The Law Student Division proposal and resultant survey has promoted thoughtful discussion among the deans and faculties of ABA approved law schools. The Council urges that all law schools continue adoption and maintenance of timely grading practices of law school examinations. The Council is aware that on occasion, a faculty member may not honor their professional obligation in this regard. The Council urges enforcement by each school of its own adopted policies, and urges completion of the grading and notice provision to the students not later than 30 days following the last examination of the term.

33. Withdrawal of Application for Provisional Approval Prior to Site Evaluation

The Council has determined that if a law school withdraws its application for provisional approval before a site evaluation takes place, the school will be refunded 50% of the application fee.

34. Publication of Admission, Tuition and Fee Policies for Entering, Transfer and Transient Students

(1) It is the policy of the Council that each law school approved by the American Bar Association shall develop and publish policies and procedures for the admission of students. If the school allows transfer or transient students, the publication shall describe: (a) the admission of transfer or transient students from another law school approved by the American Bar Association; and (b) the enrollment as transients of the school's students in another law school approved by the American Bar Association.

(2) It is the policy of the Council that each approved law school shall make known to applicants for admission or transfer the cost of its tuition and fees, including the fees charged for transferring or receiving credit earned at another approved law school. The notice shall be stated in the law school's bulletin and such other communications with applicants as is appropriate.

(3) It is the policy of the Council that the amount of any charge or fee shall be rationally related to the cost of administering the service for which the fee is charged.

[With respect to paragraph (1)(a) of this Policy, the American Bar Association does not require that ABA-approved law schools grant transfer credit for work completed only at other ABA-approved law schools. The American Bar Association is currently in the process of revising this Policy to reflect that practice.]

35. Law School Policy Encouraging Faculty to Engage in Reasonable Post-Examination Review With Students

It is recommended that a law school have a policy encouraging faculty members to engage in reasonable post examination review with students, preferably individual review upon request. Absent good cause, students should also have a right to reasonably review their examination papers. This does not mean that faculty members are obligated to review examinations individually with all students in every course. A reasonable policy may take into account the workload of individual teachers, the number of examinations in the course, the academic needs of the particular students requesting review, and the availability of review in courses throughout the school. Faculty members

may choose to carry out such a policy using alternative means, including engaging in individual review of examinations upon student's request, by holding a general review concerning the examination open to all students, or by providing an outline or exemplar of good examination answers. (June, 1990)

36. Reimbursement of Section Expenses

It is the policy of the Council that the officers of the Section and members of the Council may receive reimbursement for attending Section sponsored conferences.

It is the policy of the Council that officers of the Section receive reimbursement for attending meetings of Section Committees.

It is the policy of the Council that persons who are not officers of the Section are not entitled to reimbursement for attending Section committee meetings unless they are a member of the committee or have been requested by the chair of the Section to attend a committee meeting.

37. Operation Desert Shield/Desert Storm

Resolved, that any student who leaves his/her law school prior to completion of a semester, quarter or session as a result of being called to active military duty in the armed forces of the United States in conjunction with Operation Desert Shield/Desert Storm, may be granted by any approved law school full credit for any half-completed quarter, semester or session which was interrupted by the call to active military duty. A law school may establish its own policies with respect to adequate completion of further work by the student.

38. Public Proceedings

Absent exceptional cause for confidentiality, all proceedings, writing and documents of the Section of Legal Education and Admissions to the Bar shall be public. This basic policy shall apply to all activities of the Council, the Consultant, and the various committees and other representatives of the Section of Legal Education and Admissions to the Bar.

39. Confidentiality of Proceedings

Meetings and hearings of the Accreditation Committee and the Council which concern the accreditation status of a law school shall be confidential.

40. Minority Recruitment Programs

RESOLVED:

1. That it is the policy of the Council to support the efforts, and the legal right, of law schools to adopt race-based financial aid programs as part of the schools' commitment under Standard 212, and to cooperate with law firms and bar associations in clerkship programs and job fairs, and other minority placement activities to enhance opportunities for minority students;
2. That the ABA Standards for Approval of Law Schools do not prevent ABA approved law schools from adopting such financial aid programs or cooperating with employers in such programs to enhance opportunities for minority students;
3. The Council authorizes the Chair and Consultant, in consultation with the Section's Officers, to take such action as they deem appropriate to implement this policy, including recommending that the ABA participate in litigation challenging the legality of such programs.

41. Student Complaints

It is the policy of the Council that each law school approved by the American Bar Association should communicate in written form to its students the manner in which it receives and responds to student complaints. June, 1992.

42. Participation by the Council in Various Awards by ABA Entities

The Council will not participate either by lending its name, by co-sponsorship or by financial support to awards, competitions, seminars or meetings that are sponsored by other entities, inside or outside of the ABA, unless the Council determines that such participation will significantly advance legal education or the process of bar admission.

Supporting Rationale

As the agency designated by the Department of Education to determine law school accreditation, and as the agency most heavily relied on by the highest courts of the states, as well as other admitting authorities, in bar admission matters, the mission of the Section is more sharply defined than that of most other ABA entities. This must constrict activities of the Section and cause it to refrain from activities creating, or appearing to create, conflicts of interest with its duties and responsibilities or diluting its focus on its mission.

Accreditation Committee Policies

1. Minutes of Meetings

Meetings of the Accreditation Committee are held in executive session. Minutes of the meetings are confidential. (May, 1980)

2. Granting of Degrees to Graduates of Predecessor Institutions

It is the policy of the Accreditation Committee that a law school currently approved by the American Bar Association cannot retroactively grant a J.D. degree to a graduate of a predecessor institution. (May, 1980)

3. Postponement of Site Evaluation

It is a policy of the Accreditation Committee and the Council of the Section of Legal Education and Admissions to the Bar that a request for postponement of a site evaluation will only be granted if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year.

It is the policy of the Accreditation Committee and Council that the pending resignation of a dean, the appointment of an acting dean or the appointment of a permanent dean are not grounds for the postponement of a scheduled site evaluation. (November, 1977; December, 1977)

4. Right of Appearance and Written Submissions

The right of appearance and the procedures regarding written submissions to the Accreditation Committee are contained in Rules 9, 19, 29, and 33 of the Rules of Procedure for Approval of Law Schools. (Revised August, 1983)

5. Special Site Evaluations of J.D. or Post-J.D. Programs

A law school petitioning for acquiescence in a proposed J.D. or post-J.D. program must submit a request for a site evaluation to the Consultant's office at least 100 days prior to a scheduled meeting of the Accreditation Committee in order for the proposal and report to be considered by the Committee at that meeting. (November, 1982; revised January, 1986)