

SYLLABUS

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

Approval of Two Law Schools

By Joe Puskarz



John Marshall Law School

During the February Mid-Year Meeting in Salt Lake City, Utah, the House of Delegates of the American Bar Association concurred with the action of the Council of the Section of

Legal Education and Admissions to the Bar in granting provisional approvals to John Marshall Law School (Atlanta) and Western State University College of Law.

John Marshall Law School is Georgia's fifth nationally accredited law school and the third private law school in the state. It joins the ranks of other ABA-approved law

schools: the University of Georgia School of Law, Georgia State University College of Law, Emory University School of Law and Mercer University School of Law.

Founded in 1933, John Marshall provides an opportunity to afford a legal education to students from groups traditionally under-represented in the legal profession, and to those who are unable to attend a more traditional program of legal education. The law school has an enrollment of 172 students and 16 full-time faculty.

The law school hired John E. Ryan as dean in June of 2001, and has since implemented strategies to help the school reach its accreditation status. Standards for faculty hiring have been revised and strengthened, new faculty hired, and the curriculum made more rigorous.

Students are required to complete 88 credits, 62 of which are

required courses for graduation. The law school offers a selection of courses in professional skills curriculum and further plans to create a clinical educational program in the 2005-06 academic year.

For the July 2002 Georgia bar



Western State University College of Law

examination, the pass rate for the school's first-time takers was 72.2 percent.

Western State University College of Law was provisionally approved by the American Bar

Continued on page 11

Proposed Revisions to Standards Chapters 6, 7 and 1

In February 2005, the Council of the Section approved for notice and comment revisions to Chapters 6, 7 and 1 of the ABA *Standards: Rules of Procedure for Approval of Law Schools*. These proposals begin on page 14 and are available, with some background and discussion, on the

Continued on page 14

INSIDE:

- 9** Council Applies for Re-Recognition
- 11** New Sourcebook on Legal Writing Programs
- 12** Annual Meeting

From the CHAIRPERSON

By Honorable Elizabeth B. Lacy

Throughout this country state supreme courts are vested with the authority to regulate the admission of attorneys to the practice of law. This year legislative initiatives in at least three states would remove some of that power from the state supreme courts. Specifically, bills in Georgia, Texas, and Missouri proposed restrictions on the authority of the courts in those states to set the qualifications for applicants seeking to practice law in those jurisdictions. While the bills vary to some extent, the preamble of the bill introduced in Georgia aptly summarizes the thrust of



these initiatives:
A BILL TO BE
ENTITLED
AN ACT to
amend Code
Section 15-2-8
of the Official
Code of
Georgia
Annotated,
relating to the
powers of the
Georgia

Supreme Court, so as to provide that the Supreme Court shall permit any person who has graduated from a law school, regardless of whether such school is accredited or approved by the American Bar Association or the Georgia Board of Bar Examiners, to take the state bar examination if such person meets all other qualifications to take such examination.

Legislation of this nature is troubling. Removing attorney regulation from the judicial branch, even in this limited way, has long-term implications for self-regulation of the profession. A more immediate concern, and one of particular interest to this

Section, the legal academy, and the ABA, is the rationale underlying this legislation—that passage of the bar examination is sufficient to ensure the applicant is qualified to practice law and that the nature or quality of an applicant’s legal education is immaterial in considering whether the applicant should be given the right to practice law. This rationale is only a step away from one Georgia lawmaker’s opinion that anyone who passes the bar examination should be licensed to practice law, whether or not the applicant had received any legal education at all. Further, any suggestion that the provisions of the Georgia bill would open up access to the bar and subsequently allow enhanced access to legal services is equally wrong-minded and short-sighted.

The purpose of setting standards for admission to the practice of law and regulating lawyer conduct is to protect the public. As I said in my last column, the bar examination serves an important gate-keeping role. But the bar examination alone does not, and cannot, ensure competence to practice law. The practice of law entails much more than simply knowing legal principles or rules of procedure. The practice of law is the practice of a profession that includes affirmative obligations to clients, the legal community, and society. Would-be lawyers may be able to acquire knowledge of the legal principles and rules from a textbook or online class. But they can only learn the skills and values of the profession in a law school setting through formal classes, co-

curricular and extra-curricular activities, and the modeling of a professional life by law school administrators and faculty. Law students are immersed in learning about “being a lawyer” throughout their time in law school. It is the exposure to the full panoply of the elements of the practice of law, or legal profession, that truly qualifies an applicant to receive a license to practice law upon passage of a bar examination.

Because these attributes are essential to the protection of the public in the delivery of legal services, gatekeepers for bar admissions must have a mechanism to judge whether an applicant’s experience includes such training and exposure. For decades in this country, that mechanism has been the ABA accreditation of law schools. There are a number of reasons why ABA accreditation has been regarded as a valid test of an applicant’s qualification for admission to the bar.

The ABA accreditation standards include offering courses in core substantive law areas, legal writing and skills courses, professionalism courses, and opportunities for clinical and *pro bono* experiences. Equally important is that the ABA accreditation standards require that the delivery of these elements be rigorous; delivery in name only will not earn or maintain accreditation. Furthermore, Standard 301a of the *ABA Standards for Approval of Law Schools* requires that a law school *maintain an educational program that prepares its students for admission to the bar, and effective and responsible participation in the legal profession.*

This general standard specifically recognizes that law school education must be multi-faceted and include more than simply teaching legal rules.

Because of these standards, licensing authorities have relied

with confidence on the fact that a bar applicant who graduates from an ABA accredited law school has received a rigorous educational experience exposing the applicant to legal principles, legal skills and legal values—all the elements of the profession. American licensing authorities are not alone in their recognition that the ABA accreditation of a law school is a statement about the quality of the educational experience received by the student. The ABA accreditation process is the single most cited factor for making the American legal education system the acknowledged gold standard of legal education by the international legal community.

Like licensing authorities, consumers of legal services, have the right to assume that a licensed attorney has the competence, skills, and values necessary to warrant the trust a client must place in the attorney. Graduation from an ABA accredited law school goes far in providing that assurance. Removal of ABA accreditation as a prerequisite to sit for a bar examination or admission on motion removes such assurance because neither the values nor the skills needed to practice law can be learned in a bar review course, even if such a course can prepare an applicant to achieve a passing score on the bar examination. The neg-

ative impact arising from the lack of legal skills will play out most often in the loss of a case or faulty transactional documents. The lack of legal values has the potential of wreaking even greater havoc. As Karl Llewellyn once said “Ideals without skills are a mess, but skills without ideals are a menace.”

The Georgia legislation, although it passed the Georgia House, was defeated, for now, in the waning hours of the legislative session. Its defeat was due in no small part to the work of the Georgia law schools, state bar and bar examiners. The status of other similar legislation is undetermined at this writing. I hope that the law schools, lawyers, judges, and bar examiners in those states, as well as any other jurisdiction in which this philosophy is advanced, will become similarly involved in persuading their legislative bodies that passing a bar examination is only one element in qualifying an attorney to provide legal services to the public. Receiving a juris doctor degree from an ABA accredited law school has and continues to play a unique and vital role in meeting the obligation imposed on those vested with licensing attorneys to protect the public. A good legal education is essential to maintaining the quality legal system we enjoy in this country. 🏠

Jackson Hole VIII

A Conference on Law School Development
for Deans and Administrators

May 31 – June 3, 2005

Jackson Lake Lodge • Grand Teton National Park, WY



Register Today: www.abanet.org/legaled

SYLLABUS

Volume 36, Number 3 • May 2005
Editor: Joseph Puskarz
Designer: Sonya Taylor

The Section of Legal Education and Admissions to the Bar publishes *Syllabus* three times a year. Opinions and positions stated in individual articles are those of the authors and not necessarily those of the American Bar Association or members of the Section of Legal Education and Admissions to the Bar.

The editor reviews all manuscripts, and those accepted become the property of the American Bar Association. Manuscripts or letters may be submitted to the editor, Joe Puskarz, American Bar Association, Legal Education and Admissions to the Bar, 321 N. Clark St., Chicago, IL 60610

Change of address should be sent to Member Services Division, American Bar Association, 321 N. Clark St., Chicago, IL 60610. Please include mailing label.

The price of an annual subscription to members of the Section of Legal Education and Admissions to the Bar is included in the dues. Subscriptions to nonmembers are \$15.
© Copyright 2005 American Bar Association.

Section of Legal Education and Admissions to the Bar

Officers

Honorable Elizabeth B. Lacy,

Chairperson

Steven R. Smith, *Chairperson-Elect*

William R. Rakes, Esq.,

Vice-Chairperson

Honorable Solomon Oliver, Jr.,

Secretary

Pauline A. Schneider,

Immediate Past-Chairperson

Staff, Consultant on Legal Education

John A. Sebert, *Consultant*

Stephen Yandle, *Deputy Consultant*

Camille deJorna,

Associate Consultant

Carl A. Brambrink,

Director of Operations

Maxine A. Klein, *Executive Assistant*

Cathy A. Schrage,

Executive Assistant for Accreditation

Christina D. Williams, *Assistant to the*

Executive Assistant for Accreditation

David E. Rosenlieb, *Data Specialist*

Joe Puskarz, *Manager of Publications*

and Technology

Kara Pliscott, *Manager of Events*

and Meetings

Keisha L. Stewart, *Assistant to the*

Director of Operations

Beverly Holmes, *Receptionist*

From the CONSULTANT

By John A. Sebert, Consultant on Legal Education

In 2000, I accepted the appointment as Consultant on Legal Education with the anticipation of continuing to use my leadership skills to improve the services that the Consultant's Office and the Section offer to law schools and the profession, and to continue to improve the quality of legal education throughout the country. Some of those hopes have been realized. In collaboration with the Council, our many committees and a great staff, we have together achieved much in the past five years.

Some of my hopes, however,



have proven unrealistic. My concept of the role of the Consultant differs in some significant respects from that held by the current Council, and the Council's vision

of the role of the Consultant does not include enough of a substantive leadership role for the position to be satisfying to me in the long run. The Council and I have agreed that I will relinquish my position as Consultant on Legal Education after the August 2006 ABA Annual Meeting.

I am proud of the many things that, working together, we have accomplished over the past five years. Some of the highlights for me include:

- Successfully moving the Consultant's Office to Chicago, and building an expanded staff comprised of talented individuals who bring professional expertise

and personal dedication to the service of legal education and the legal profession.

- Improving the site evaluation process in ways that continue to provide excellent oversight of law schools and their varied programs while making the process more open and transparent, and reducing somewhat the burdens imposed upon law schools by the process.
- Strengthening our efforts to assure fairness and consistency in the accreditation process, to train site evaluators, and to assist schools in preparing for and benefiting from site evaluations.
- Assisting in the regular review of the Standards, as we endeavor to adopt Standards that focus on matters that are central to the provision of high quality legal education while still leaving individual law schools substantial leeway to develop in ways consistent with their individual visions and missions.
- Rationalizing the financial support for the accreditation project by developing and securing adoption of an annual fee system applicable to fully approved law schools and approved foreign programs, replacing the prior reliance on sabbatical site evaluation fees that produced widely varying revenue from year to year.
- Improving and significantly shortening the Site Evaluation Questionnaire, and providing greatly enhanced training for those who complete the Annual and Site Evaluation Questionnaires.
- Continuing the strong programming provided by the Section to assist deans and law school administrators in their work (such as the annual Deans' Workshop and New Deans' Seminar, and the biannual Development Conference), and enhancing our programming by scheduling the Associate/Assistant Deans' Conference as a biannual event.
- Significantly improving the publications of the Section, particularly by launching the *ABA/LSAC Official Guide to ABA-Approved Law Schools*, enhancing the *Annual Report* and sending it to all Section members, significantly improving our periodic newsletter, *Syllabus*, and greatly expanding and enhancing the Section's Web site.
- Undertaking important special projects, including playing a major role in developing and successfully implementing the Council's Strategic Objectives for 2001-05, facilitating and contributing to the work of the Out-of-the-Box Committee, and assisting in the design of the law school curriculum survey that resulted in the recently published *A Survey of Law School Curricula*.
- Helping conceive and plan national conferences that have produced valuable dialogue among those invested in our systems of legal education and bar admissions, such as the January 2002 meeting of chief justices and deans and the jointly sponsored

October 2004 Conference on Legal Education and Bar Admissions.

- Significantly improving the working relationship between the Council and Section, on the one hand, and the leadership of the ABA.
- Spending much more time than I ever anticipated, or would have liked, working with excellent in-house and outside counsel to defend decisions made in the course of our accreditation activities, and to defend the accreditation process itself.

I remain energized by my continuing commitment to seek to improve the quality of our legal education system and the accreditation and Standards review and processes. Over the remainder of my term as Consultant, I will be working to:

- Complete, with the Standards Review Committee and the

Council, the comprehensive review of the Standards that was begun in 2003.

- Complete the comprehensive review and revision of the Rules of Procedure that was begun last fall under the leadership of the Rules Revision Committee.
- Obtain re-recognition for the Council by the United States Department of Education as the accrediting agency for programs leading to the first professional degree in law.
- Continue to collaborate with our Government Relations Committee, the AALS, and the ABA Government Affairs Office to obtain the enactment of significant improvements in the federal family student loan programs that will inure to the benefit of law students and others who engage in significant peri-

ods of public service after graduation.

It has been an honor and a pleasure for me to serve legal education and the legal profession in the unique role of Consultant on Legal Education. I look forward to continuing to serve legal education, both during my remaining time as Consultant and in different roles in the future.

My heartfelt thanks go to all of you—the great staff of the Consultant’s Office; the volunteers who have served on the Council and our committees and who assist so importantly in the site evaluation process; Bob Stein, my colleagues in the ABA senior staff, and the leadership of the ABA; and the deans and faculty of our law schools—who work so hard to make our system of legal education the best in the world, and who have joined with me in the enterprise in which we have been engaged since 2000. 🏠

2006 Edition of the ABA-LSAC Official Guide to ABA-Approved Law Schools



NOW Available!

The 2006 edition of the *Official Guide to ABA-Approved Law Schools* is available for purchase. The publication is a result of much work and cooperation between the staff of the Consultant’s Office on Legal Education and the Law School Admissions Council (LSAC).

The book is published as a resource for law schools, prospective students, placement, and guidance personnel. The information contained in the *Official Guide* is the most timely and comprehensive data on American law schools. Standard 509, modeled after the Department of Education regulations, requires law schools to “publish basic consumer information in a fair and accurate manner reflective of actual practice.”

The revised edition contains a wealth of information, including admission data, tuition, fees, library resources, financial aid, J.D. enrollment, bar passage rates, and other valuable data.

Request ABA product code: #529008506ED

Order your copy today! Call the ABA Service Center at (800) 285-2221 or visit the Section’s Web site at www.abanet.org/legaled

Developing Partnerships with K-12 Schools

By Joe Puskarz



Judge Roger Gregory, 4th U.S. Circuit Court of Appeals, speaks to students at Sacramento High School of Law and Public Service, one of the six themed schools.

K-12 education in America is at a crossroads and many law schools are beginning to reach out to urban schools in under-represented populations to encourage students to pursue a law career.

Today, we have come to realize that more is required to educate our young people, and that post secondary education is necessary in order to ensure that achievement gaps across ethnic and economic groups are closed and students' academic performances continue to rise.

To ensure that law schools attract a qualified diverse pool of applicants and to increase the success rates of under-represented students, K-12 schools and higher education are coming together to provide the informational tools that students need to access and succeed in higher education. This endeavor is becoming increasingly important

for law schools since many train America's future civic leaders.

Americans have the obligation to improve and make the educational system stronger. If law schools and other professional schools are to continue to train our future civic leaders, and if colleges and universities are to retain their important place as educators in our democracy, the answer must lie in improving the pipeline and substantially increasing the numbers of minority and economically disadvantaged students who have, and who recognize, opportunities to move from P to 20.¹

In 2003, Dean Elizabeth Rindskopf-Parker at the University of the Pacific McGeorge School of Law in California recognized a need for improvement in pre-college education when she and the school of law partnered with St. HOPE Corporation, owned and operated by NBA All-Star Kevin Johnson. Johnson, a native of

Sacramento, founded the non-profit community development company to help redevelop and rebuild his former low-income Oak Park neighborhood.

As one of the lowest-performing high schools in the State of California in the 1990s, St. HOPE assumed management of the failing Sacramento High School in 2003, turned it into a charter school and successfully raised \$3 million from the Gates Foundation to open the school under its leadership.

A key component in McGeorge's partnership with St. HOPE is to help the high school succeed as an innovative charter school for inner city youth. Dean Parker also works with Johnson to recruit faculty and design curricular programs for the 300-student School of Public Service, one of the six themed schools at Sac High. Selected students are also offered scholarships at the University of the Pacific, followed by a three-year scholarship to McGeorge School of Law. Each themed school at Sac High has separate faculties and classrooms that offer different areas of specialty.

Central to the goal of the partnership is raising the educational aspirations and academic self-esteem of students in the School of Public Service. Perhaps the most notable accomplishment of the partnership during its first year was the creation of four semester-long "law courses" that are now required courses for freshmen, sophomores, juniors, and seniors in the School of Public Service.²

McGeorge faculty have developed the rigorous, college-preparatory law program curriculum at Sac High, provide lectures and are available for advice and consultation to the school. The School of

Public Service employs 14 faculty members, a principal and one counselor.

The Urban Institute has recently reported “71 percent of all students in California’s public education system complete high school with a diploma. This level falls slightly above the national average. A graduation gap of over 30 percentage points separates the highest and the lowest performing groups. Historically, disadvantaged minorities have graduation rates between 50 and 60 percent.”³

Adding to the magnitude and inspiration of the Pacific partnership (McGeorge School of Law/ University of the Pacific/ Sacramento High School and PS7, the elementary school in the St. HOPE system), Dean Parker established the “Wingspread Initiative,” otherwise known as the Law School Consortium.

The Law School Admission Council (LSAC) and the Johnson Foundation immediately gave Dean Parker support to launch the national conference focusing on the P-20 pipeline issues. Shortly thereafter, Dean Parker invited other law schools and educators to come together in June 2004 for the first Wingspread 1 Conference in Racine, Wisconsin. Participants discussed how they might nationally and locally form partnerships with P-12 schools to close achievement gaps and to encourage high school students, especially under-represented groups, to seek a law and public service career.

The Wingspread 1 Conference produced the Call to Action for further involvement by law schools along the educational pipeline. In January 2005, Dean Parker again invited law school deans to a reception at the AALS meeting in San Francisco and then again in February at the P-20 Tamaya Conference: An Educational Access Project in

New Mexico. The Tamaya conference considered how to move the Call to Action forward and to see first hand the ENLACE project, a Latino pipeline in New Mexico that has extended from elementary school to the University of New Mexico’s law and medical schools.

This Call to Action acknowledges several significant concerns, including the aspiration and achievement gaps across racial and socioeconomic lines, the general decline in civic engagement among youth, and the lack of cohesive action along the full spectrum of the educational pipeline to address these issues. Simply put, too many of our young people are at risk or lost along the pipeline, and we are losing their potential as leaders and keepers of democratic ideals.⁴

Today, the law school pipeline list includes 37 participants, with the University of Hawaii School of Law and the University of Missouri-Kansas City forming teams with P-20 educators to meet the pipeline initiatives. The ABA Office of the President is also a participating organization.

More information is available at the University of the Pacific McGeorge Law School Web site at www.mcgeorge.edu/wingspread or by contacting Professor Sarah



Students from Pacific McGeorge School of Law tutor students at Sac High.

ABA and LSAC to Identify Minority Career Guidance Programs

The American Bar Association and the Law School Admission Council are embarking this spring on an innovative research project that will identify programs designed to encourage students of color to consider and prepare for legal careers. These “pipeline diversity” programs will be included in a comprehensive online directory. Dr. Frank Burnett, president of Education Now, is managing the research and data dissemination activity for ABA and LSAC.

Request for Information: Law schools, institutions, law firms and other organizations that have programs targeted to African American, Asian American, Latino and Native American students—from K-12 through law school—are requested to complete a short survey that will submit their programs for inclusion in the online directory. The project Web site and survey forms are now in the final stages of development. In the interim period, interested parties can contact Dr. Frank Burnett at info@ednow.org or 703/451-5889 to request a survey form.

Redfield at sredfield@
pacific.edu. 🏠

Endnotes

1. [www.mcgeorge.edu/
government_law_and_policy/
education_law/wingspread/call_to_](http://www.mcgeorge.edu/government_law_and_policy/education_law/wingspread/call_to_)

action.htm, April 1, 2005. (P-20 means
pre-school to higher education)

2. Renovating the P-20 Pyramid in
Education—With the Leadership of
Schools of Law, A Report on the
Wingspread Conference June 12-14,
2004, McGeorge School of Law.

3. Christopher B. Swanson, “Who
Graduates in California?” March 24,
2005. www.urban.org

4. Wingspread Consortium, Call to
Action: Renovating the P-20 Pyramid
in Education with the Leadership of
Schools of Law. (June 2004)

Calendar

JUNE 2005

3-4 New Deans' Seminar Jackson, WY
17-19 Council Meeting Santa Fe, NM
23-25 Accreditation Omaha, NE
Committee Meeting

AUGUST 2005

3-9 ABA Annual Meeting Chicago, IL
4-5 Council Meeting Chicago, IL
4 Chairperson's Dinner Chicago, IL
5 Kutak Reception Chicago, IL
6 ABA Deans' Breakfast Chicago, IL
Section Programs
Section Annual Business Meeting

SEPTEMBER 2005

9 Site Evaluation Chairs' Workshop
Chicago, IL
9-10 ABA Section Officer's Conference
Chicago, IL
16-17 Standards Review Committee
Chicago, IL
29-Oct. 1 Accreditation Committee Retreat
Chicago, IL

OCTOBER 2005

1-2 Council Retreat Chicago, IL
15 Bar Admissions TBA
Committee
27-29 Accreditation TBA
Committee Meeting

NOVEMBER 2005

4-5 Standards Review Chicago, IL
Committee

DECEMBER 2005

2-3 Council Meeting San Diego, CA

JANUARY 2006

4-7 Committee Meetings New Orleans, LA
at AALS Meeting
19-21 Accreditation Phoenix, AZ
Committee Meeting

FEBRUARY 2006

1-6 ABA Mid-Year Meeting New Orleans, LA
2-3 Deans' Workshop New Orleans, LA
4-5 Council Meeting New Orleans, LA
18 Site Evaluation Workshop Chicago, IL

MARCH 2006

23-25 Law School Seattle, WA
Facilities Conference

APRIL 2006

20-22 Accreditation Chicago, IL
Committee Meeting

MAY 2006

17 ABA Deans' Breakfast
at ALI Meeting Washington, DC
17 Standards Review Washington, DC
Committee Hearing/Meeting
17 Mayflower I Washington, DC
18 Mayflower II Washington, DC

JUNE 2006

9-11 Council Meeting Cleveland, OH
9-11 Associate Deans' Inverness, CO
Conference
24 Accreditation Minneapolis, MN
Committee Meeting

AUGUST 2006

3-8 ABA Annual Meeting Honolulu, HI

Statistical Digest:

By David Rosenlieb, Data Specialist

Recently, the American Bar Foundation published the article, *Growth and Gender Diversity – A Statistical Profile of the Legal Profession in 2000* (*Researching Law*, Volume 16, Number 1, Winter 2005), which compares the changing demographics of the legal profession—specifically in relation to gender.

Echoing that article's theme, the following statistics highlight enrollment in and degrees awarded by ABA-approved law schools over a 20-year period (1984–2004), based on gender.

In 1984, J.D. enrollment at ABA-approved law schools was 119,847—60.8 percent male (72,950) vs. 39.2 percent female (46,897). J.D. enrollment rose to 128,989 in 1994—56.7 percent male (73,181) vs. 43.3 percent female (55,808). By 2004, J.D. enrollment reached 140,376—52 percent male (72,938) vs. 48 percent female (67,438). While overall J.D. enrollment increased 17.1 percent from 1984 to 2004, female J.D. enrollment rose by 43.8 percent.

Total ABA-approved law school enrollment in 1984 was 125,698—61.4 percent male (77,200) vs. 38.6 per-

cent female (48,498). In 1994, total law school enrollment increased to 134,784—57.1 percent male (76,933) vs. 42.9 percent female (57,851). By 2004, total law school enrollment reached 148,169—52.1 percent male (77,177) vs. 47.9 percent female (70,992). Total female law school enrollment rose by 46.4 percent while overall law school enrollment increased by only 17.9 percent.

In 1984, 36,687 J.D. degrees were awarded by ABA-approved law schools—62.9 percent male (23,101) vs. 37.1 percent female (13,586). In 1994, 39,710 J.D. degrees were awarded—57.2 percent male (22,713) vs. 42.8 percent female (16,997). By 2004, 40,018 J.D. degrees were awarded—50.8 percent male (20,200) vs. 49.2 percent female (19,818). Overall, the number of J.D. degrees awarded to females increased 43 percent as compared to 9.1 percent overall. 🏠



Council Applies for Re-Recognition by the Department of Education

By Stephen Yandle, Deputy Consultant

In June 2005, the Council will apply to the Department of Education for renewed authority as the nationally recognized accrediting agency for programs that lead to the first professional degree in law. The renewal period is every five years.

Since the Section last applied for recognition, there have been virtually no changes in the requirements for recognition or in the process of applying, but the primary data collection for the application will be Web based for the first time this year. In December 2004, Joe Puskarz, manager of publications and technology, attended a workshop conducted by the Department on the new Web based system. Joe, who

has leading edge Web technology experience and expertise through his work with us, was able not only to gather important information to assist us in submitting our application, but also to provide valuable suggestions to the Department to assist its efforts in launching the new system.

This spring there have been continuing meetings to prepare for the submission of the application and during May the application, which is due in June, will be prepared.

We are inviting the Department staff member most directly involved with our application to attend a meeting of the Accreditation Committee as an observer, and to observe a sabbatical school site visit.

In fall 2005 we will receive from the Department a draft analysis from its preliminary review of our application. We will have an opportunity to provide a written response to questions and issues raised in the draft analysis.

In early December 2005 there will be a hearing of the application before the National Advisory Committee on Institutional Quality and Integrity. At that time there may be testimony in support of or opposition to our application. The committee will prepare an advisory report for the Department. The Department's decision on re-recognition should be made in early 2006. 🏠

UPCOMING CONFERENCES

Jackson Hole VIII

A Conference on Law School Development for Deans and Administrators
May 31–June 3, 2005 • Jackson Lake, WY

A reminder that the eighth conference on development begins May 31–June 3, 2005, at the Jackson Lake Lodge located in the Grand Teton National Park, WY. This year's schedule will offer concurrent sessions from the basic "how to" of development to exploring sophisticated "cutting edge" technology issues. Provost E. Thomas Sullivan, University of Minnesota, is the keynote speaker. Online registration closes May 26 at www.abanet.org/legaled.

Seminar for New ABA Law School Deans

June 3–4, 2005 • Jackson Lake, WY

The Section will sponsor the annual Seminar for New ABA Law School Deans June 3–4, 2005, at the Jackson Lake Lodge located in the Grand Teton National Park, WY. The seminar will examine a day-in-the-life of a dean, relations with faculty and central administration, law school finances, leadership and emerging trends in legal education. This seminar is by invitation only. Inquiries should be directed to Kara Pliscott at 312-988-6749.

Law School Facilities Conference

March 23–25, 2006 • Seattle, WA

Save the date for the next *Bricks & Bytes* conference scheduled for March 23–25, 2006, in Seattle, WA. The conference will focus on the newest technology in legal education with current state-of-the-art thinking in design and construction of law school buildings. Associate Dean Penny A. Hazelton of the University of Washington School of Law chairs the Law School Facilities Committee. Forthcoming information will be available on the Section Web site at www.abanet.org/legaled.

Associate Deans' Conference

June 9–11, 2006 • Englewood, CO

The ABA Law School Administration Committee will sponsor an Associate Deans' Conference June 9–11, 2006, at the Inverness Hotel and Conference Center in Englewood, CO. The conference provides a basis for attendees to network and share administrative challenges and solutions with colleagues. The conference is intended for academic and student affair deans. Associate Dean Walter F. Pratt, Jr., of Notre Dame Law School, chairs the planning committee. Further information will be available on the Section Web site at www.abanet.org/legaled.

New Sourcebook on Legal Writing Programs

By Eric Easton

Law school faculties, practicing lawyers, and judges generally agree that legal writing is one of the most important professional lawyering skills—and one that can be taught effectively in law schools. A new and substantially revised version of the ABA's *Sourcebook on Legal Writing Programs* is now being created by the Section's Communication Skills Committee and will be available by the end of 2005.

Like the original *Sourcebook*, published in 1997, the new edition is designed to help improve the overall quality of legal writing programs across the country, while increasing the consistency with which those programs are administered. The new edition is written for several constituencies:

- faculty committees charged with revamping all or part of a school's legal writing program,
- a newly hired legal writing program director,
- an experienced director seeking information about pedagogical and administrative alternatives, and
- a dean who wants information on legal writing programs.

The new edition follows the format of the original *Sourcebook*, but takes a fresh look at each section in light of the vast amount of empirical research that has been published in the past decade. It is also informed by the wealth of information provided by the Annual Survey of the Legal Writing Institute and Association of Legal Writing Directors.

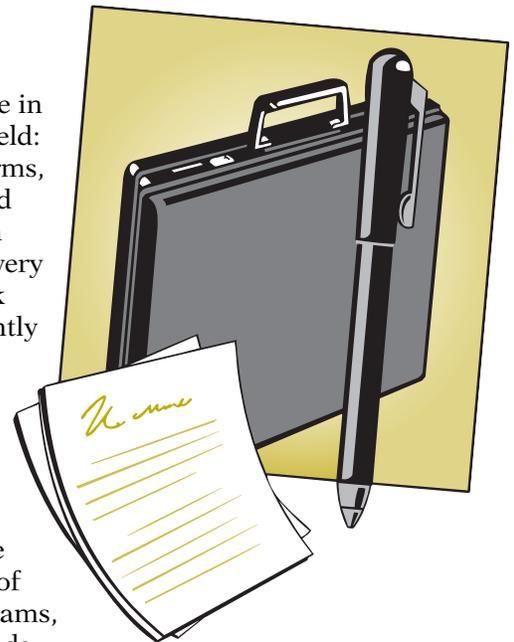
Building on the groundbreaking work of the first edition, the new *Sourcebook* reflects the progress

that has been made in the legal writing field: new ideas, new forms, new substance, and new importance in legal education. Every section of the book has been significantly expanded and one completely new section has been added.

Among the topics covered by the *Sourcebook* are the goals and content of legal writing programs, pedagogical methods, grading and academic credit, staffing models, hiring a director, administration and training, advanced courses and writing beyond the first year, politics and resources. The new edition also includes a brand new section on teaching students who speak English as a second language and a comprehensive bibliography of scholarly and practical literature in the legal writing field.

Forthcoming information about the book and its availability will be advertised on the Section's Web site at www.abanet.org/legaled. 🏠

Eric Easton is the Chair of the Section's Communication Skills Committee.



PROVISIONAL APPROVAL

Continued from page 1

Association from August 4, 1998, until August 8, 2004, when Western State relinquished its approval after the Council had concluded that the school, having reached the end of the maximum period of operating as a provisionally approved school, had not met the requirements for attaining full approval. In August 2004, the college of law submitted a new application for provisional ABA approval.

Western State University College of Law has operated in Orange County, California, since 1966. The college of law provides a quality legal education for traditional and non-traditional students. The school initially operated only a part-time evening program and added a full-time program in 1972.

In the fall of 2004, there were 286 students enrolled in the full-time program and 107 students in the part-time program. The college of law has 23 full-time faculty members and 21 adjunct faculty teaching. Maryann Jones has been dean of the law school since July 2003 and led the school's effort to gain provisional approval.

Students are required to complete 88 credit hours, 51 are required courses for graduation. The school offers three separate clinics with companion seminar classes—an in-house civil law clinic, a criminal law externship clinic, and a civil law externship clinic that includes judicial clerkships. 🏠

ABA Section of Legal Education and Admissions to the Bar

2005 ANNUAL MEETING

August 4-7

Fairmont Hotel, Chicago, IL



The Section's portion of the 127th ABA Annual Meeting will take place August 4-7, 2005, in Chicago, IL. Headquarters for the Section is the Fairmont Hotel, 200 N. Columbus Drive. For further information about the event and to register, visit the Section's Web site at www.abanet.org/legaled.

SECTION SCHEDULE AT-A-GLANCE

Thursday, August 4

7:00 a.m. – 6:00 p.m.	Section Office
7:30 a.m. – 5:00 p.m.	Council Meeting
12:00 p.m. – 1:00 p.m.	Council Luncheon
6:00 p.m. – 9:30 p.m.	Chairperson's Reception/ Dinner (Art Institute) (invitation only)

Friday, August 5

7:00 a.m. – 6:00 p.m.	Section Office
7:30 a.m. – 5:00 p.m.	Council Meeting
12:00 p.m. – 1:00 p.m.	Council Luncheon
5:30 p.m. – 7:00 p.m.	Kutak Award Presentation and Reception

Saturday, August 6

7:00 a.m. – 6:00 p.m.	Section Office
7:30 a.m. – 10:00 a.m.	Deans' Breakfast
2:00 p.m. – 3:15 p.m.	Adjunct Faculty Committee Program
3:30 p.m. – 5:00 p.m.	Out-of-the-Box Committee Program
5:15 p.m. – 5:45 p.m.	Annual Section Business Meeting

Sunday, August 7

7:00 a.m. – 6:00 p.m.	Section Office
9:00 a.m. – 10:30 a.m.	Incoming Chairperson's Breakfast

PROGRAMS

Adjunct Faculty Presentation

Saturday, August 6, 2005 • Fairmont Hotel • 2 p.m. to 3:15 p.m.

The Adjunct Faculty Committee will present a panel covering topics of interest to adjunct faculty members, both current and potential adjuncts. Preliminary topics include an introduction to how schools

select and supervise adjuncts, tips on planning a course and making oneself available to students, and information about interacting with members of the law school community.

Out-of-the-Box Committee

Saturday, August 6, 2005 • Fairmont Hotel • 3:30 p.m. to 5 p.m.

Law School in the 21st Century: Educating the Next Generation of Lawyers

The Out-of-the-Box Committee represents what is perhaps the legal academy's most recent attempt at broad-ranging critical introspection. Several members of the committee will provoke a dialogue and elicit perspectives from the legal community on the character of legal education in the 21st century. The committee is interested in the views of the deans and other academics, the judiciary, and the practicing bar on these issues. The session will present a ten-minute overview of the committee's work and then break up

into several debates, which will occur in two small groups for approximately 45 minutes. Committee members will spark discussion by debating such topics as: Does law school stratification make sense? Are bar examiners shaping law school curricula? How will distance education technology recast legal education? Should law school be four years? The large group will reconvene for the second hour to have a general discussion of these topics.

PROPOSED REVISIONS TO STANDARDS

Continued from page 1

Section's Web site at www.abanet.org/legaled.

Final action is expected at the Council meeting scheduled for June 17-19, 2005, in Chicago.

Overview

The Council of the Section on Legal Education and Admissions to the Bar has undertaken a comprehensive review of the Standards for the Approval of Law Schools. This is, in part, preparation for the United States Department of Education's regular review of the Council's recognition as the accrediting authority for the first-degree programs in law, which is scheduled to occur in 2005. The Standards Review Committee assists the Council in this process by making recommendations for revision of the Standards and receiving comment on the revisions that are circulated for comment.

The current Standards are available at www.abanet.org/legaled. Click on "Standards and Rules of Procedure."

During the 2003-2004 year the Council focused on Chapters 3 and 4 of the Standards. These chapters address a school's program of legal education (Chapter 3) and faculty (Chapter 4). Work was completed last year on Chapter 3 with the Council approving two sets of revisions. The ABA House of Delegates concurred in the first set of revisions at its August 2004 meeting; the second group of Chapter 3 revisions were concurred in by the House in February 2005. Some revisions to Chapter 4 were finally approved by the Council at its December 2004 meeting and other proposed revisions to Chapter 4 were circulated for comment by a memorandum dated December 10, 2004.

This memorandum seeks comment on proposed revisions to Chapters 6 (Library and Information Resources), Chapter 7 (Facilities), and Chapter 1 (General Purposes and Practices; Definitions).

Proposed Revisions to Chapter 6—Library and Information Resources

Standard 601 – General Provisions

The proposed revision would add "scholarship" in subsections (b) and (c) to make clear that the library must be able to support scholarship efforts of the law school community. The proposed change reflects the understanding that resources necessary to support scholarship, especially faculty scholarship, may be different than the resources necessary to satisfy the more general requirement that there be sufficient support of "research." The proposed

change renders Standard 601 consistent with the requirements in Chapter 4 regarding faculty "research and scholarship" (Standard 404) and "scholarly research and writing" (Standard 401).

The proposed revision to subsection (c) states explicitly that a law school must keep its law library abreast of contemporary technology. Because technological developments have so profound an impact on libraries, it is imperative that libraries be conversant with and responsive to these developments. Proposed new Standard 704 establishes more general requirements for maintaining adequate technological capacities for the law school as a whole.

The proposed revision of Interpretation 601-1 recognizes the increasing importance of and reliance upon cooperative agreements in developing library resources. At the same time, the proposed revision continues to make it clear that cooperative agreements alone are not sufficient to satisfy Standard 601. The Interpretation also makes it clear that providing electronic access to materials alone would not satisfy the Standard.

Standard 602 – Administration

These changes are largely stylistic but also emphasize the joint roles of the dean, the director of the law library, and the faculty in providing direction for the law library.

Standard 603 – Director of the Library

Revised Interpretation 603-1 reflects more accurately the breadth of the responsibilities of the law library director.

Proposed new Interpretation 603-4 recognizes that increasingly law library directors are assuming additional responsibilities within the law school community. In part the change in the library director's responsibilities is attributable to the broadening of the concept of a law library in a world of rapidly evolving technology. To avoid possible conflict with Standard 603(a), which requires that the law library be administered by a full-time director whose principal responsibility is the management of the law library, this Interpretation states the conditions under which broader responsibilities might be undertaken.

The Standards Review Committee and the Council considered proposing revisions to Standard 603(d) and Interpretation 603-3 with respect to the status of the law library director. Ultimately, however, the Committee recommended that no changes be made to those provisions and the Council concurred.

Standard 604 – Personnel

There is only a minor editorial change to this Standard.

Standard 605 – Services

The proposed revision to the Standard recognizes the increased role of the law library in providing instruction and, consistent with the proposed revisions to Standard 601, also adds the term “scholarship.” There is an editorial change in the Interpretation.

Standard 606 – Collection

In the proposed revisions of Standard 606(a) and (b), the Council seeks to provide additional guidance concerning the “core collection” and the overall collection required by the Standards while also providing sufficient flexibility in view of the availability of different formats and the needs of the library’s clientele in the rapidly changing law library environment. The changes proposed here might be best described as requiring what the collection “provides” rather than what the collection “is” in terms of location and format. The Council believes this “functionality” test is a better approach to ensuring sufficient access to needed materials while facilitating law school efforts to provide information resources in a cost effective manner. The prior requirements regarding ownership and physical location of the collection within the school are relaxed, so that the “core collection” of Standard 606(a) must be “accessible from the law library,” but the remainder of the collection required by Standard 606(b) need only be available “through ownership or reliable access.” While relaxing those requirements, the proposed revision does not change the basic requirements that a law library collection must satisfy.

The revision to Standard 606(c) emphasizes that, in light of the changing library environment, law school libraries must formulate and periodically

update a written collection development plan.

The substance of former Interpretation 606-2 is incorporated into revised Interpretation 606-1. Former Interpretations 606-3 and -4 (new Interpretations 606-2 and -3) are revised to eliminate surplus language and matter that is now covered in other provisions of Chapter 6. Former Interpretation 606-7 is deleted for similar reasons.

The Council also proposes to modify the definition of the “core collection”, now contained in Interpretation 606-5, to require that a law library core collection is required to include only “current” published treaties, international agreements of the U.S. and federal and state regulations. Requiring more than “current” documents is unrealistic.

Proposed Revisions to Chapter 7—Facilities

Standard 701 – General Requirements

The reference to technological capacity is removed from Standard 701 and reappears in new Standard 704. In Interpretation 701-1 precise language stating obligations to persons with disabilities is added. The obligation language is drawn from the requirements of the Americans with Disabilities Act.

Standard 704 – Technological Capacities

Proposed new Standard 704 imposes the same requirement regarding technological capacities as current Standard 701 does with respect to facilities. Similar to Interpretation 701-1, proposed Interpretation 704-1 states explicitly that inadequate technological capacities are those that have a negative and material effect on the education students receive. Interpretation 704-2 provides guidance regarding the factors to be considered in determining the adequacy of a law school’s technological capacities.

New Adjunct Faculty Handbook

The Adjunct Faculty Committee, chaired by Associate Dean Gail Richmond of Nova Southeastern University Shepard Broad Law Center, is drafting an *Adjunct Faculty Handbook* to assist law schools in dealing with adjunct faculty members. *Handbook* topics include Administrative and Human Resource Issues, Preparing to Teach, Conducting the Class, After the Class Ends, Student/Faculty Issues, Communicating with Adjunct Faculty Members, and Sample Documents/Checklists/Other Resource Materials.

A revised draft will be available online at www.abanet.org/legaled. The *Handbook* discusses issues that law schools should consider in their interactions with adjunct faculty.

Proposed Revisions to Chapter 1—General Purposes and Practices; Definitions

Standard 102 – Provisional Approval

Standard 102(a): The proposed revision is for stylistic consistency and to make it clear that a school may be granted provisional approval only if it meets the requirements set forth in this Standard.

Standard 102(b): The proposed revision is intended to make clear (1) that a provisionally approved school's approval may be withdrawn if the school falls out of substantial compliance with the Standards during the period of provisional approval, (2) that a provisionally approved school's approval may be withdrawn before the end of the normal five-year period of provisional approval if the school is not making adequate progress toward coming into full compliance with the Standards, and (3) that a school will automatically be removed from the list of approved schools if it has been provisionally approved for five years and has not qualified for full approval, unless the Council, before the end of the five-year period, affirmatively extends the school's period of provisional approval.

Proposed New Interpretation 102-2: This is intended to provide more specific guidance concerning the "reliable plan" requirement so as to encourage schools applying for provisional approval to plan adequately and thus enable the schools to provide the Accreditation Committee and the Council with a more complete statement of the school's plans for achieving full compliance.

Revised Interpretation 102-9 (new Interpretation 102-10): The typographical error in the next-to-last line is corrected. The statement in this Interpretation concerning who are appropriately considered graduates of an ABA-approved law school is the position of the Council, but that position is not binding on individual bar admission authorities. The proposed revision, and a similar revision to Interpretation 103-1, are intended to make it clear that the view stated is that of the Council.

Standard 103 – Full Approval

Standard 103(a): The proposed revision is consistent with that proposed for Standard 102(a).

Standard 105 – Major Change in Program or Structure

Proposed addition to Standard 105: This addition states the criteria for granting acquiescence in the Standard rather than, as at present, in Rule 18(p). If this addition is adopted, Rule 18(p) will be deleted.

The first sentence of the proposed addition states

the standard for acquiescence as it is stated in Standard 308 (for post- and non-J.D. programs), and is similar to the first criterion set forth in existing Rule 18(p). That is, the basic test for the granting of acquiescence in most major changes is that the proposed major change not be a negative factor, in that it must not detract from the school's ability to maintain a J.D. program that meets the Standards. The second sentence of the proposed addition incorporates the provision of Rule 18(p) that states that, in the case of post- and non-J.D. programs, the school must also demonstrate compliance with Standard 308 (which provides that a school that is not fully approved may not establish a program in addition to its J.D. program).

The third sentence of the proposed addition recognizes the practice of the Council and the Accreditation Committee to the effect that a school must establish that it is in compliance with the Standards in order to obtain acquiescence in the establishment of a substantial new program, such as starting a new evening or weekend program, acquiring another law school or educational institution, or opening a branch or satellite campus. That demonstration of compliance with the Standards has not been required for acquiescence in post- or non-J.D. programs (because they tend to be small and have minimal impact on the operation of the school) or for acquiescence in changes of ownership (because a new owner may bring new resources and management that could assist a failing school in coming into full compliance with the Standards). The last clause of the proposed addition permits the granting of acquiescence in the establishment of a major new program even if the school cannot demonstrate compliance with the Standards if the school can establish that the proposed major change will substantially enhance its ability to comply with the Standards.

Proposed new Interpretation 105-1(14): This incorporates in the Interpretation a type of major change that is listed in Rule 19(b)(8).

Proposed new Interpretation 105-1(15): This proposed Interpretation defines what types of changes in location will be considered a major change. The Council believes that the type of change in location that should require acquiescence would be one that might result in substantial changes in the faculty, student body, administration or management of the school. A substantial change in a school's facilities would not, in itself, be considered a major change. In individual situations this provision could require a preliminary determination by the Accreditation Committee as to whether a particular change in location resulted in a major change. 🏠

Proposed Revisions to Standards

Chapters 6, 7 and 1

Chapter 6

LIBRARY AND INFORMATION RESOURCES

Standard 601. GENERAL PROVISIONS.

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

(c) A law school shall keep its library abreast of contemporary technology and adopt it when appropriate.

Interpretation 601-1:

Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to meet the law school's educational needs. Standard 601 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region, or by providing electronic access. (August 1995; August 1996)

Standard 602. ADMINISTRATION.

(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 the director of the law library, in consultation with the faculty of the law school, shall determine library policy.

(c) The directory 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 602-1:

This Standard recognizes that substantial operating autonomy rests with the dean, the director of the law library and the 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, the director of the law library, and faculty are responsible for the determination of basic law library policies. (August 1995; August 1996)

Standard 603. DIRECTOR OF THE LAW LIBRARY.

(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) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.

Interpretation 603-1:

The director of the law library is responsible for all aspects of the management of the law library including budgeting, staff, collections, services and facilities. (August 1995; August 1996)

Interpretation 603-2:

The dean and faculty of the law school shall select the director of the law library. (August 1995; August 1996)

Interpretation 603-3:

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. (August 1995; August 1996)

Interpretation 603-4:

It is not a violation of Standard 603(a) for the director of the law library also to have other administrative or teaching responsibilities, provided sufficient resources and staff support are available to ensure effective management of library operations.

Standard 604. PERSONNEL.

~~A law school and its~~The law library shall have a competent staff, sufficient in number to provide appropriate library and informational resource services.

Interpretation 604-1:

Factors relevant to the number of librarians and informational resource 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 for providing informational resource services. (August 1995; August 1996; July 2000)

Standard 605. Services

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

Interpretation 605-1:

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 mis-

sion. (August 1995; August 1996)

Standard 606. COLLECTION.

~~(a) A law library collection, including printed sources, microforms, audio-visual works, and access to electronic informational resources, 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.~~

(a) The law library shall provide a core collection of essential materials accessible from the law library.

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

(b) In addition to the core collection of essential materials, a law library shall also provide a collection that, through ownership or reliable access,

- (1) meets the research needs of the law school's students, satisfies the demands of the law school curriculum, and facilitates the education of its students;
- (2) supports the teaching, scholarship, research and service interests of the faculty; and
- (3) serves the law school's special teaching, scholarship, research, and service objectives.

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

(dc) A law library shall maintain formulate and periodically update a written plan for development of the collection.

(ed) 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 606-1:

All materials necessary to the programs of the law

school shall be complete and current and in sufficient quantity or with sufficient access to meet faculty and student needs. The library shall insure continuing access to all information necessary to the law school's programs. (August 1995; August 1996)

Interpretation 606-2:

~~A library shall acquire additional copies or provide sufficient access to materials that are heavily used. (August 1995; August 1996)~~

Interpretation 606-32:

~~At present, no single publishing medium (electronic, print, microform, or audio visual) provides sufficient access to the breadth and depth of recorded knowledge and information needed to bring a law school into compliance with Standard 606. The appropriate mixture of collection formats depends on the needs of the library and its clientele. Consequently, A collection that consists of a single format may violate Standard 606. (August 1995; August 1996)~~

Interpretation 606-43:

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

- (1) ~~The~~ agreements are in writing; and
- (2) ~~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. (August 1995; August 1996)~~

Interpretation 606-54:

Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner. (August 1995; August 1996)

Interpretation 606-65:

A law library core collection shall 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 current published treaties and international agreements of the United States;
- (4) all current 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. (August 1995; August 1996)

Interpretation 606-7:

~~The format of the core materials depends on the needs of the library and its clientele. (August 1995; August 1996)~~

Interpretation 606-86:

The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan. (August 1995; August 1996)

Interpretation 606-97:

This Standard requires the law library to furnish the equipment to print microform and electronic documents and to view and listen to audio-visual materials in the collection. (August 1995; August 1996)

Chapter 7 FACILITIES

Standard 701. GENERAL REQUIREMENTS.

A law school shall have physical facilities and technological capacities that are adequate both for its current program of legal education and for growth anticipated in the immediate future.

Interpretation 701-1:

Inadequate physical facilities are those that have a negative and material effect on the education students receive or fail to provide reasonable access for persons with disabilities. If equal access for persons with disabilities is not readily achievable, the law school shall provide reasonable accommodation to such persons. (August 1996)

Interpretation 701-2:

Adequate physical facilities shall include:

- (1) suitable class and seminar rooms in sufficient number and size to permit reasonable scheduling of all classes and seminars;
- (2) suitable space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs;

(3) an office for each full-time faculty member adequate for faculty study and for faculty-student conferences, and sufficient office space for part-time faculty members adequate for faculty-student conferences;

(4) space for co-curricular, as opposed to extra-curricular, activities as defined by the law school;

(5) suitable space for all staff; and

(6) suitable space for equipment and records in proximity to the individuals and offices served.

(August 1996; July 2000)

Interpretation 701-3:

To obtain full approval, a law school's facilities shall be completed and occupied by the law school; plans or construction in progress are insufficient. (May 1977; July 1977; August 1977; August 1996; August 2001)

Interpretation 701-4:

A law school must demonstrate that it is and will be housed in facilities that are adequate to carry out its program of legal education. If facilities are leased or financed, factors relevant to whether the law school is or will be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms, termination or foreclosure provisions, and the security of the school's interest. (August 2001)

Interpretation 701-5:

A law school's physical facilities should 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, the arrangements shall permit proper scheduling of all law classes and other law school activities. (August 1996; August 2001)

Standard 702. LAW LIBRARY.

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 702-1:

A law library shall have sufficient seating to meet the needs of the law school's students and faculty. (August 1996)

Standard 703. RESEARCH AND STUDY SPACE.

A law school shall provide, on site, sufficient

quiet study and research seating for its students and faculty. A law school should provide space that is suitable for group study and other forms of collaborative work.

Standard 704. TECHNOLOGICAL CAPACITIES

A law school shall have the technological capacities that are adequate for both its current program of legal education and for growth anticipated in the immediate future.

Interpretation 704-1

Inadequate technological capacities are those that have a negative and material effect on the education students receive.

Interpretation 704-2

Adequate technological capacity shall include:

(1) sufficient and up-to-date hardware and software resources and infrastructure to support the teaching, scholarship, research, service and administrative needs of the school;

(2) sufficient staff support and space for staff operations;

(3) sufficient financial resources to adapt new technology as appropriate.

Chapter 1

**GENERAL PURPOSES AND PRACTICES;
DEFINITIONS**

Standard 101. No revisions are proposed to this Standard.

Standard 102. PROVISIONAL APPROVAL.

(a) A law school ~~is~~ **shall be granted provisional approval only if it establishes that it is in substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval.**

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that ~~the law school is not in substantial compliance with the Standards or~~ **that the law school is not making adequate progress toward coming into full compliance with the Standards. If more than five years have elapsed since the law school was provisionally approved and it has not qualified for full approval, the law school shall automatically be removed from the list of approved law schools unless, prior to the end of the five**

year period, ~~in~~ in an extraordinary case and for good cause shown, the Council ~~may~~ extends the time within which the law school ~~shall~~ must obtain full approval.

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

Interpretation 102-1:

Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval. Plans for construction, financing, library improvement, and recruitment of faculty that are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance. (June 1978; 1994; August 1996)

Interpretation 102-2:

In order to establish that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific steps that it plans to take to bring itself into full compliance and must show that there is a reasonable probability that such steps will be successful.

Interpretation 102-23:

A law school seeking provisional approval may not offer a post-J.D. degree program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the J.D. degree program. (June 1991; 1994; August 1996)

Interpretation 102-34:

A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are entitled to the same recognition given to students and graduates of fully approved law schools. (August 1996)

Interpretation 102-45:

An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution. (May 1980; 1994; August 1996)

Interpretation 102-56:

A provisionally approved law school shall state in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students that it is a provisionally

approved law school. Similarly, when it refers to its approval status in publicity releases and communications with all students, applicants or other interested parties, it shall state that it is a provisionally approved law school. (August 1997; August 2003)

Interpretation 102-67:

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

The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student. (August 1997; August 2003)

Interpretation 102-78:

In most jurisdictions an individual cannot sit for the bar examination unless he or she has graduated from a law school fully or provisionally approved by the American Bar Association. However, the determination of qualifications and fitness to sit for the bar examination is made by the jurisdiction's bar admission authorities. (August 1998)

Interpretation 102-89:

A law school seeking provisional approval shall not delay conferring a J.D. degree upon a student in anticipation of obtaining American Bar Association approval. (July 2000)

Interpretation 102-910:

An individual who matriculates at a law school that is provisionally approved or who is a student enrolled in a law school at the time it receives provisional approval and who completes the course of study and graduates from that school within a typical and reasonable period of time is deemed by the Council to be a graduate of an approved law school, even though the school loses its provisional approval status while the individual is enrolled in the school. (August 2003)

Standard 102.—No revisions are proposed to this Standard

Standard 103. FULL APPROVAL.

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

(b) If a determination is made that an approved law school is no longer in compliance with the Standards, and if it fails to take remedial action, the law school may be subjected to an appropriate sanction.

Interpretation 103-1:

An individual who matriculates at a law school that is then approved and who completes the course of study and graduates in the normal period of time required therefor is deemed by the Council to be a graduate of an approved school, even though the school's approval was withdrawn while the individual was enrolled therein. (August 1996)

Interpretation 103-2:

"Sanctions" include, but are not limited to, censure, probation or removal of the school from the list of law schools approved by the Association. (August 1998)

Interpretation 103-3:

In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 19 of the Rules of Procedure for Approval of Law Schools. (August 1998)

Standard 104.—No revisions are proposed to this Standard

Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE.

Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change.

Acquiescence shall be granted only if the law school establishes that the change will not detract from the law school's ability to maintain a J.D. degree program that meets the requirements of the Standards. If the proposed major change is the establishment of a degree program other than the J.D. degree, the law school must also establish that it meets the requirements of Standard 308. If the proposed major change involves institut-

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

Interpretation 105-1:

Major changes in the program of legal education or the organizational structure of a law school 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 other than the J.D. degree;*
- (5) A change in program length measurement from clock hours to credit hours;*
- (6) A substantial increase in the number of clock or credit hours that are required for graduation;*
- (7) Merging or affiliating with one or more approved or unapproved law schools;*
- (8) Merging or affiliating with one or more universities;*
- (9) Materially modifying the law school's legal status or institutional relationship with a parent institution;*
- (10) Acquiring another law school or educational institution;*
- (11) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;*
- (12) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;*
- (13) Opening of a Branch campus or Satellite campus;*
- (14) A change in control of the school resulting from a change in ownership of the school or a contractual arrangement; and*
- (15) A change in the location of the school that could result in substantial changes in the faculty, administration, student body or management of the school. (August 1996; August 1997; August 1998; August 2001; February 2003; August 2003)*

Interpretation 105-2:

The establishment of a Branch campus of an approved law school constitutes the creation of a

different law school. Consequently, a Branch campus must have a permanent full-time faculty, an adequate working library, adequate support and administrative staff, and ~~an~~ adequate physical facilities and technological capacities. A Branch campus shall apply for provisional approval under the provisions of Standard 102 and Rule 4. (February 1979; August 1996)

Interpretation 105-3:

The establishment of a Satellite campus at which a law school offers no more than the first-year of its full-time program, or the first three semesters (or equivalent) of its part-time program, requires at least:

- (1) Full-time faculty of the law school who teach substantially all of the curriculum offered at the Satellite campus and who are reasonably available at the Satellite campus for consultation with students;
- (2) Library resources and staff at the Satellite campus that are adequate to support the curriculum offered at the Satellite campus and that are reasonably accessible to students at the Satellite campus;
- (3) Academic advising, career services and other student support services that are adequate to support the program offered at the Satellite campus, that are reasonably equivalent to such services offered to similarly situated students at the law school's main campus and that are offered in person at the Satellite campus or otherwise are reasonably accessible to students at the Satellite campus;
- (4) That students attending the Satellite campus have access to the school's co-curricular activities and other educational benefits on a roughly proportional basis; and
- (5) Physical facilities and technological capacities at the Satellite campus that are adequate to support the curriculum offered at and the students attending the Satellite campus. (February 2003)

Interpretation 105-4:

A law school that seeks to establish a Satellite campus at which it will offer courses beyond its first-year program must show that it can adequately support its program at the Satellite campus. It must establish at least:

- (1) That students attending the Satellite campus have reasonable access to full-time faculty, library resources and staff, and academic advising, career services and other support services that are adequate to support the program that the law school offers at the Satellite campus and that are reasonably equivalent to the resources and services offered to similarly situated students at the law school's main campus;
- (2) That students attending the Satellite campus have access to the school's co-curricular activities and other educational benefits on a roughly proportional basis; and
- (3) That the physical facilities and technological capacities at the Satellite campus are adequate to support the curriculum offered at and the students attending the Satellite campus. (February 2003)

Interpretation 105-5:

If a student would be able to take at a Satellite campus the equivalent of two-thirds or more of the credit hours that a law school requires for the award of the J.D. degree, all of the requirements set forth in Interpretation 105-2 apply to the establishment of such a Satellite campus except the requirement concerning provisional approval. (February 2003)

Interpretation 105-6:

The Council has delegated to the Accreditation Committee the authority to grant acquiescence in the types of major changes listed in Interpretations 105-1 (4), (5) and (6). (February 2003)

Standard 106.—No revisions are proposed to this Standard. 🏠

Diversity in the Pipeline Conference

This fall, the ABA Presidential Advisory Council on Diversity will host a multi-disciplinary conference to address diversity in the pipeline to the legal profession. The Law School Admission Council will co-sponsor this invitation-only conference, November 3-5, 2005, at Rice University in Houston, Texas. Approximately 200 lawyers, educators, and community and corporate leaders will gather to examine diversity issues along the educational pipeline—from K-12 through bar passage—and identify collaborative steps towards making a real difference. For more information on this working conference, entitled “Embracing the Opportunities for Increasing Diversity Into the Legal Profession: Collaborating to Expand the Pipeline,” contact Cie Armstead at the ABA (312/988-6086; armsteadc@staff.abanet.org) or Kent Lollis at LSAC (215/968-1227; kllolis@lsac.org)

Nominees Selected for Section Officers and Council of the Section

In April 2005, the Nominating Committee, consisting of Provost E. Thomas Sullivan (chairperson), Hulett H. Askew, Esq., Professor Margaret Martin Barry, Professor Catherine Carpenter, the Honorable Christine M. Durham, J. William Elwin, Jr., Esq., President and Dean Thomas F. Guernsey, Nancy M. Neuman, Pauline A. Schneider, Esq. and the Honorable Gerald W. VandeWalle selected the following list of individuals as nominees for Section Officers and members of the Council of the Section.

All of the listed individuals have indicated their willingness to have their names placed in nomination. The election of officers and members of the Council will occur at the Section's Annual Business Meeting during the ABA Annual Meeting in Chicago on Saturday, August 6, 2005, from 5:15 to 5:45 p.m. at the Fairmont Hotel, 200 N. Columbus Drive.

OFFICERS

Chairperson (automatic under the bylaws)

Dean and President Stephen R. Smith
California Western School of Law

Chairperson-Elect Nominee

William R. Rakes, Esq.
Gentry Locke Rakes & Moore, LLP, Roanoke, VA

Vice Chairperson Nominee

Honorable Ruth V. McGregor
Arizona Supreme Court, Phoenix, AZ

Secretary Nominee (two-year term)

Professor Peter A. Winograd
University of New Mexico School of Law,
Albuquerque, NM

Immediate Past Chairperson (automatic)

Honorable Elizabeth R. Lacy
Supreme Court of Virginia, Richmond, VA

SECTION DELEGATE TO ABA HOUSE OF DELEGATES NOMINEE

(Nonvoting Three-Year Term)

Jose R. Garcia-Pedrosa, Esq.
National Parkinson Foundation, Miami, FL

AT-LARGE COUNCIL MEMBER NOMINEES

Election to One-Year Term

Professor J. Martin Burke
University of Montana School of Law, Missoula, MT

Honorable Martha Craig Daughtrey
U.S. Court of Appeals for the Sixth Circuit,
Nashville, TN

Reelection to Two-Year Term

Professor Rennard Strickland
University of Oregon School of Law, Eugene, OR

Reelection to Three-Year Term

Diane Camper (Public Member)
Baltimore Sun, Baltimore, MD

Professor Daniel J. Freehling
Boston University School of Law, Boston, MA

Dean John O'Brien
New England School of Law, Boston, MA

LAW STUDENT DIVISION MEMBER NOMINEE

Election to One-Year Term

Sara Jane Ibrahim
American University,
Washington College of Law, Washington, DC

SYLLABUS

Section of Legal Education and Admissions to the Bar
American Bar Association
321 North Clark Street
Chicago, IL 60610



Nonprofit Org.
U.S. Postage
PAID
American Bar
Association