

SYLLABUS

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

Georgia Bar Admissions Director Selected as New Consultant

By Joe Puskarz, Editor

Hulett Hall (Bucky) Askew, director of the Office of Bar Admissions for the Supreme Court of Georgia, has been selected to serve as the American Bar Association's Consultant on Legal Education beginning August 2006.



Askew will succeed John A. Sebert, consultant on legal education since 2000, following the ABA Annual Meeting in August. Askew will be a senior ABA manager

and the highest level administrator of the Association's Section of Legal Education and Admissions to the Bar.

"The nation and the legal profession are particularly fortunate that Bucky has agreed to accept this position," said Robert Stein, ABA executive director and chief operating officer. "His vision for legal education is that it advance the profession's goal of making our justice system accessible for

all. If our nation is to continue to thrive, it is important that the legal profession work to ensure that all levels of society enjoy the benefits of the rule of law."

Askew has a strong tie between the legal profession and academia, including experience managing national programs to ensure that lawyers undergo rigorous education in professionalism and ethics.

"Bucky has participated in the law school approval process on the ground, and understands that each law school in this country offers unique and valuable experiences that provide prospective students a selection of rich and rewarding options for their professional development," said Steven R. Smith, dean at California Western School of Law and chairperson of the Section of Legal Education and Admissions to the Bar.

"As a bar admissions director, he appreciates both the educational needs of students and the expectations of the public that our legal academic institutions will warrant the trust and confi-

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2005 J.D. Enrollment Decreases

By David Rosenlieb,
Data Specialist

While total law school enrollment at ABA-approved law schools continued to increase and was at its highest level, total J.D. enrollment in 2005 (140,298) had dropped slightly from its 2004 level (140,376). This is the first decrease in J.D. enrollment at ABA-approved law schools since 2000.

Most enrollment figures, including the number of applications, number of offers, law school enrollment, J.D. enrollment, number of first year students, and male J.D. enrollment, had dropped between 1995 and 2000, and then rose significantly from 2000 to 2005. Total female J.D. enrollment, minority enrollment, and number of first year minority students had shown a steady increase

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From the CHAIRPERSON

By Dean Steven R. Smith

A Profession Engaged in Educating Its Next Generation

The central purpose of the Section of Legal Education and Admissions to the Bar is to ensure the quality of the preparation of the next generation of the legal profession. The law schools, as the teaching arm of the profession, take the lead in that effort, but the bench and bar remain actively involved in that education. This article recommends additional ways in which the practicing and judging members of the profession can strengthen legal education.

The bench and bar are already active participants in legal education.



The Section's activities reflect that involvement. The ABA's accreditation of law schools, for example, brings together the bench, bar and academy (as

well as the public) in setting standards and applying them to law schools. Lawyers and judges teach courses and internships in every law school, which adds breadth to the curriculum and an important element of the real world to law students. Lawyers and judges also serve on advisory committees of law schools, contribute most of the private funds law schools receive, assist schools with career services and act as mentors for students.

While these traditional activities are enormously important, it is time to reconsider and expand the role of the bench and bar in

legal education. Legal education is not just what happens in law school courses. Although Robert MacCrate described it as a continuum that starts well before law school and lasts throughout our careers, I am focusing on the time between application to law school and a year after passing the bar examination.

Each law school and bar association should consciously think about how the bench and bar can participate effectively in legal education, but here are five "starter" ideas.

1. We should recognize the importance of the first clerking or professional experience for what it teaches. It is, for most law students, a seminal event in the way they will view the law and the profession. Most students go to that experience with very little real contact with the legal system (except a small percentage who have attorneys in the family or have meaningful law firm work experience). They understand that law school is not like the real law world and they have a strong desire to fit in with real lawyers. Think how different the impression of the profession must be for a student who goes to the most ethical firm in town, compared to one who goes to the worst. In short, many students are quite professionally impressionable and the attorneys they see are likely to define the legal profession for many students.

Despite the importance, neither law schools nor most practitioners have worked to ensure that this first work experience contributes to the education of new professionals in a positive way. Law schools might do a better job of preparing students for their early work experience, provide an opportunity for students to discuss both good and bad experiences and have "debriefing" sessions after summer clerkships. Law firms should be deliberate about what they want to teach law students who work for them. They will be role models and teachers for the students they employ, whether for good or bad.

2. We should expand the ways judges and lawyers are part of the formal curriculum offerings. Currently they serve as adjuncts responsible for a whole course, single lecture speakers and clinical supervisors. (A helpful *Adjunct Faculty Handbook* for law schools and adjunct faculty is online at www.abanet.org/legaled/publications/adjuncthandbook/adjunct-handbook.pdf.) These are very important, but not sufficiently imaginative. We could increase team teaching so that full-time faculty and adjuncts are offering a seminar together. Students might be assigned to work with a judge or lawyer in completing a class assignment. Practitioners and judges might serve as "second readers" on student papers, presenting students with an additional perspective on their work.
3. We should find more ways for attorneys and judges to work with student organizations. They might sponsor

professional events, serve as guest speakers for meetings, host social outings, help fund student activities related to their areas of practice and the like. Some of this happens now, but students should be encouraged to make use of this valuable resource, and organizations of lawyers should expand their outreach to students. Bar associations and bar sections should include law students in *pro bono* activities they undertake. What great opportunities for both students and lawyers.

4. We should take new attorneys seriously. We can envy the medical profession where formal education is only half done by graduation. Both the practicing law professionals and law schools need to give more thought to how the education of new lawyers can be continued more effectively. This may be one area in which we have lost ground in recent decades. Many law firms used to be much more attentive to the education of their new associates. "Bridge the gap" programs and "initial CLE" requirements are a nice start, but inadequate.

All groups in the profession need to think more seriously about substantial, formal programs for introducing new lawyers to the profession and practice.

5. The bench and bar should be better advocates for legal education. Attorneys and judges commonly serve on university boards of trustees, state higher education boards and legislative bodies. Among the other responsibilities, they should understand and be advocates for high quality legal education. In my experience, physicians, engineers and other professionals are much more likely to include advocacy for their professions in their community involvement. Part of the portfolio for each of us should be advocacy for legal education.

There are so many possibilities. Happily, most of them would not cost much. They require imagination, cooperation and concerted effort. In this new year may law schools find ways of making this happen and their colleagues in the profession find ways of making it easy. Our students, new lawyers and the profession will be the better for it. 🏠

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Seats are still available for the conference on **March 23-25, 2006** in Seattle, Washington

The three-day conference features three plenary sessions and a full schedule of over forty informative programs designed for law school deans, faculty, librarians, architects and law school IT professionals who are designing or renovating law school space.

You will have an opportunity to tour the University of Washington and Seattle University Law Schools, as well as the Seattle Public Library, Microsoft Office of the Future and the Federal Courthouse.

Don't miss this opportunity to network and connect with old friends or make new ones!

From the CONSULTANT

By John A. Sebert, Consultant on Legal Education

In this column, I will focus attention on two important issues about which I have written in the past. One is the diversity of law school student bodies, and particularly the trends in enrollment of those from traditionally underrepresented minority groups. The second is the tenure of law school deans.

Student Body Diversity

The cover article written by Data Specialist David Rosenlieb presents data on first-year and total J.D. enrollment for fall 2005 in



comparison to similar data for fall 2004. I wish to provide a longer-range perspective, focusing on enrollment trends, and particularly minority enrollment trends, from 1995 to 2005.

There is in those data a lot of good news to report. As first-year enrollments have increased significantly—from 43,676 in fall 1995 to 48,132 in fall 2005, a 10.2 percent increase—first-year minority enrollments have increased in greater proportion—from 9,119 (20.9 percent of 1Ls) in fall 1995 to 10,460 (21.7 percent of 1Ls) in fall 2005, a 14.7 percent increase. During that period, there have been dramatic increases in the enrollment of Asian Americans—from 2,733 1Ls in fall 1995 to 3,971 in fall 2005, a 43.2 percent increase—and of Hispanics (other than Mexican Americans)—from 1,304

1Ls in fall 1995 to 1,928 1Ls in fall 2005, a 47.9 percent increase.

On the other hand (and, unfortunately, there always seems to be an “other hand”), the enrollment of African Americans has shown a dramatic and troubling decline. In the fall of 1995, there were 3,474 African American 1Ls, representing 8 percent of total 1L enrollment. In the fall of 2005, there were 2,897 African American 1Ls, representing 6 percent of 1L enrollment. This is a reduction of 577, or 16.6 percent, in first-year African American enrollment over the ten-year period. So there has been a substantial absolute and percentage decline in African American 1L enrollment.

First-year enrollment of American Indians and Mexican Americans has also declined, although not as dramatically as that of African Americans. American Indian 1L enrollment declined 8.9 percent, from 436 in fall 1995 to 397 in fall 2005. Mexican American 1L enrollment declined 3.2 percent, from 896 in fall 1995 to 867 in fall 2005.

Some seek to attribute the decline in African American enrollment in part to the enforcement of the Standards, and particularly to alleged over-emphasis on LSAT scores of entering students. I should state emphatically that neither the Accreditation Committee nor the Council imposes minimum LSAT scores, or minimum 25th percentile LSAT scores, on schools. The question rather is how successful a school is at preparing the students that it admits for the practice of law and admission to the

bar (Standard 301). If a school admits a substantial number of students with relatively low LSAT scores but has an educational program (including academic support and bar preparation programs) that meet the needs of those students so that the school does not have high academic attrition and does have reasonably good bar passage rates, the school will not be found out of compliance with the Standards.

This is not to say that law school admissions committees should entirely ignore an applicant’s LSAT score, for it is clear that, particularly at the two ends of the score spectrum, an LSAT score can be a useful predictor both of success in the first year of law school and of bar passage. But a careful review of an applicant’s entire file will often reveal good reasons for taking a chance on an applicant with a relatively low LSAT score. We did that extensively at Baltimore when I was dean and succeeded in maintaining the diversity of the entering class while also having relatively low academic attrition and reasonably good bar passage success. Many other schools have similar success, and many more could if they made the effort.

I fear, however, that the pressure of *US News* rankings has made too many law schools unwilling to make that effort to the extent that they previously did. I doubt that it is coincidental that *US News* began ranking all law schools, rather than just the top 50, about the time that the decline in enrollment of some minority groups that is reported in this article.

Tenure of Deans

When I wrote on this topic in February 2001, I was pleased to report that the typical time in service of law school deans was longer than had been reported

during the late 1990s. I found that, as of the fall of 2000, the “median dean” (other than interim deans) was in his or her fourth year of service, and a substantial portion of those who were in their fourth year or less as dean of their current institution had served as the dean of another law school at least once previously. This I thought was good news, as we all know that it is very difficult to provide the type of institutional leadership that a law school needs, or to raise the amount of private funds that law schools increasingly require, if a dean is in his or her position only three or four years.

I thought it was time again to check on decanal tenure. Happily, the news continues to be good. As of the fall of 2005, the 190 ABA-approved law schools had 15 interim deans and 175 “permanent” deans. Of those 175, the “median dean” was in his or her fourth year of service, but the median was very close to being in the fifth year of service. As also was true in 2000, a substantial portion (20 percent) of those in their fourth year of service or less had previous experi-

ence as a law school dean.

Sixteen (or 9 percent) of the deans are in their tenth year or more as dean of their current law school. The leaders in that regard are Dean John O’Brien of New England School of Law (18th year) and Deans Bob Reinstein of Temple University School of Law and Bob Walsh of Wake Forest University School of Law (each in their 17th year as dean).

My sense is that over the past few years the “typical” dean has been serving between seven and nine years. From 2000-01 through this current year, the number of new dean searches has ranged from 21 to 29, with an average of 25 new dean searches a year. With 190 ABA-approved law schools, this suggests that, on average, a law school will be in a dean search every 7.5 years.

I think that a number of factors probably have contributed to the lengthening tenure of law school deans. I perceive that the deans’ constituencies (particularly faculty, presidents and provosts) are increasingly recognizing the complexity of the dean’s leadership role and the necessity for stability

in that position if the law school is going to have a good chance at achieving its long-term objectives. I also believe that new deans are increasingly sophisticated about the demands of the position and increasingly well prepared, by background and experience, for undertaking this crucial leadership role.

With respect to the preparation of deans, I believe that the Section’s New Deans Seminar, which has been given annually since 1993 and has been attended by the majority of new deans over this period, is due substantial credit. The planning committee has been led over the past few years by excellent deans (David Shipley at Georgia, Larry Dessem at Missouri-Columbia, David Van Zandt at Northwestern, and, currently, Nancy Rogers at Ohio State) and has included an excellent array of other fine and experienced deans. I found attending the first of these programs invaluable as I began my term as dean at Baltimore in 1993, and I continue to believe that the New Deans Seminar is one of the most valuable programs that the Section presents. 🏠

2007 Edition of the ABA-LSAC Official Guide to ABA-Approved Law Schools

The 2007 edition of the *Official Guide to ABA-Approved Law Schools* will be available for purchase in late March 2006. 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.

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or visit the Section’s Web site at www.abanet.org/legaled**

Innovative EDUCATION

By Leonard M. Baynes, Professor of Law at St. John's University



St. John's University Summer Law School Prep Program for College Students.

Creative Solutions to Increase Law Student Diversity

Approximately 6 percent of the lawyers in the United States are African American and Latino, even though both groups comprise more than 24 percent of the United States population. Given the small percentages of the law school students of color, an increase in the number of lawyers of color is unlikely any time soon.

University of Dayton School of Law Professor Vernellia Randall, in *The 2004 Whitest Law School Report*, found that 26 of 186 ABA-approved law schools had student bodies in which minorities comprised 10 percent or less of the student body. African-American enrollment in law schools peaked in 1994 and has since declined.

A study by Associate Dean John Nussbaumer of Thomas M. Cooley Law School found a strong correlation between increasing minimum law school LSAT scores and declining African-American

enrollment. These increases are often prompted not by efforts to weed out unsuitable candidates, but by law schools' efforts to increase their overall *U.S. News & World Report* rank. As a consequence of these increases, between 2002 and 2004, black law school enrollment plunged by 9 percent in New York State.

There is no easy way to increase racial diversity. They often pursue the same candidates—those few African-Americans and Latinos who have superior credentials. Instead of crying tears over losing these very talented candidates, law schools need to find constructive solutions to this underrepresentation.

The Ronald H. Brown Center for Civil Rights and Economic Development at St. John's University established the Summer Law School Prep Program for College Students. Designed to expand the pool of qualified minority candidates, the program

is geared to college sophomores and juniors. Aided by grants from the New York Community Trust and the Beatrice R. and Joseph A. Coleman Foundation for Environmental and Social Justice, the Summer Prep Program provides the college students with exposure to law school classes, a *free* LSAT prep course, intensive mentoring and a stipend. Other law schools might find it to be a useful model.

St. John's partnered with four undergraduate colleges that have high concentrations of disadvantaged minority students—John Jay College of Criminal Justice/CUNY, Medgar Evers College/CUNY, St. John's University, and York College/CUNY. Each participating undergraduate college was responsible for selecting ten students totaling approximately 40 students.

To qualify, the students must have at least a 3.0 undergraduate grade point average and have completed between 45 and 75 college credits. In addition, the students have to be either a first-generation college student, be from an economically disadvantaged background, or a member of an underrepresented group.

For two weeks in the summer of 2006, the Summer Prep Program sophomores will have courses in business organization, civil procedure, child advocacy, constitutional law, criminal law, international law, immigration law, legal research and writing, legal ethics, and torts. During these two weeks, the students also receive several LSAT review classes. During the third week, the sophomores will partake in a judicial internship rotation and learn about how the different New York State courts operate.

For three weeks in the summer 2006, the now-juniors from last year's program will receive an intensive LSAT Prep course for *free*. During the Prep course, counselors will discuss strategies

for success and mechanisms to deal with performance anxiety. After the three weeks, the juniors will receive homework assignments and have an LSAT review class once a week until the October 2006 exam. Law school students will help students tutor the college students to ensure that they are staying on track for the October LSAT, and to ensure that no excuses and obstacles stand in the students' way.

The Summer Law School Prep Program is a worthwhile investment of resources in the future. By pursuing an intensive mentorship program, law schools can expand the pool of qualified minority students and at the same time change the lives of young people. 🏠

Leonard M. Baynes is a professor of law and director of The Ronald H. Brown Center for Civil Rights and Economic Development at St.

John's University School of Law in Queens, N.Y. His email is baynesl@stjohns.edu.

"Innovative Education" is a column focusing on innovative law programs at ABA-approved law schools. If your school offers a unique law program that you would like to share and write for this column, please contact Editor Joe Puskarz at puskarzj@staff.abanet.org for editorial consideration.

New Orleans Law Schools Return to Business

By Joe Puskarz, Editor

Five months after Hurricane Katrina flooded New Orleans and forced many students to continue their education at other law schools across the country, Loyola University-New Orleans School of Law and Tulane University School of Law reopened for business in January.

Loyola University-New Orleans School of Law moved its fall 2005 classes to the University of Houston Law Center in the aftermath of the hurricane. The law school recently reported that 85 percent of its 800 students had enrolled for the spring semester, which commenced on January 23.

Tulane University School of Law had a pre-Katrina enrollment of approximately 980 students and reported that 85 percent of its students also returned for the spring semester on January 9.

The response from the legal education community over the past months was swift and more than 170 ABA-approved law schools rose to the occasion and accepted almost 1,000 law students affected by Katrina.

Louisiana State University School of Law alone took approximately 160 students from the two New Orleans law schools. The hosting law schools accepted students without formal applications and placed them for the fall 2005 term.

Five days after Katrina hit land in New Orleans, the Section and the Association of American Law Schools (AALS) quickly developed a Web site that the AALS hosted to collect the schools' offers and to track the location and status of individual students from both Tulane and Loyola.

Deans and associate deans of ABA-approved law schools swiftly utilized the Section's list serves as a primary mode of communications during the aftermath of the hurricane. The Consultant's staff also offered preliminary advice to both email and telephone inquiries from displaced students, as well as provided emergency information on the Section's Web site.

Now, as New Orleans prepares to rebuild communities, businesses and schools, Tulane's Student Bar Association in January welcomed students and administra-

tors from the many 170 hosting law schools across the country to experience New Orleans hospitality firsthand and to say "thank you" at a program entitled "Pro Bono Publico: An Expression of Gratitude and Renewal."

The weekend program opened on January 27 with a presentation by speaker and author John DiFrances, who offered participants an insight into how to take the Hurricane Katrina catastrophe to ensure a better and stronger Tulane law school and New Orleans community.

Panels of local, state and national civic leaders described their personal experiences with the hurricane and talked about rebuilding efforts in New Orleans.

Attendees also experienced a bus tour of New Orleans and some of the most devastated neighborhoods, as well as received insight on the history and anecdotes of those neighborhoods. Afterwards, attendees participated in an afternoon of service, working on a rebuilding or a cleanup project, followed by an evening of traditional Louisiana cuisine. 🏠

Section Council Member Receives Opperman Award

Ruth V. McGregor, chief justice of the Arizona Supreme Court, was presented the American Judicature Society's 2005 Dwight D. Opperman Award for Judicial Excellence this past fall.

McGregor was the second person to receive the award. In 2004, Shirley Abrahamson, chief justice of the Wisconsin Supreme Court, was selected as the first honoree for the new award.



The AJS presents the Opperman Award annually to a state court judge to recognize a career of distinguished judicial service. U.S. Supreme Court Associate Justice Sandra Day O'Connor, for whom Chief Justice McGregor clerked, introduced McGregor at the ceremony on September 19, 2005, at Arizona State University College of Law.

Justice McGregor is the newest in a long line of tremendous chief justices in Arizona. No one who knows and has had the opportunity to work with Justice McGregor can doubt that she will succeed and that she will admirably enhance the court," according to Larry Hammond, president of the

American Judicature Society.

Justice McGregor received her B.A. degree, summa cum laude, from the University of Iowa in 1964 followed by an M.A. in 1965. She received her J.D., summa cum laude, from Arizona State University College of Law in 1974.

In 1974, Justice McGregor entered private practice with the Phoenix firm of Fennemore Craig. In 1981, she accepted a clerkship to Justice Sandra Day O'Connor, returning to Fennemore Craig in 1982, where she continued to practice in the areas of civil trial, administrative and appellate cases in both state and federal jurisdictions.

She became a judge of the Arizona Court of Appeals in 1989, serving as vice chief judge from 1993-95 and chief judge from 1995-97. She was elevated to the Arizona Supreme Court in 1997.

Justice McGregor has served on the Section's Standards Review Committee and currently serves as vice-chair for the Council of the Section of Legal Education and Admissions to the Bar.

The American Judicature Society is a nonpartisan organization aimed at improving the administration of justice and public confidence in the American justice system. 🏛️

Kutak Nominating Committee Seeks Suggestions for 2006 Award

The Section's Kutak Nominating Committee invites suggestions of individuals whom it should consider for the 2006 Kutak Award.

The annual Robert J. Kutak Award is given to an individual who has met the highest standards of professional responsibility and has demonstrated substantial achievement toward increased understanding between legal education and the active practice of law. The 2006 Kutak Award will be presented in August at the ABA Annual Meeting in Hawaii.

Recent recipients have included Geoffrey C. Hazard, Jr., trustee professor at the University of Pennsylvania Law School, 2005; Honorable Harry T. Edwards, Circuit Judge on the United States Court of Appeals for the District of Columbia Circuit, 2004; Professor and Dean Emerita Nina Appel, Loyola University-Chicago School of Law, 2003; and Professor Anthony G. Amsterdam, New York University School of Law, 2002.

The Committee expects to receive suggestions

about a number of highly qualified individuals, but can recommend only one name for recognition by the Council. Recommendations received for the 2006 Award will be carried forward for consideration in future years.

The Kutak Nominating Committee includes: Professor Nina Appel; Professor and President Emeritus Talbot D'Alemberte; Jose R. Garcia-Pedrosa, Esq.; Dean W.H. Knight, Jr.; Robert MacCrate, Esq.; Harold L. Rock, Esq.; Honorable Randall T. Shepard; Professor Gerald Torres; Dean Robert K. Walsh; Professor James P. White; and Professor Peter A. Winograd (chair).

Nominee suggestions must be received by **April 1, 2006**, and should be sent to: Kutak Nominating Committee, Carl Brambrink, Director of Operations, American Bar Association Section of Legal Education and Admissions to the Bar, 321 N. Clark Street, Chicago, IL 60610 or via email: cbrambrink@staff.abanet.org. 🏛️

Upcoming Conferences

March 23-25, 2006

Reserve a Seat at the Law School Facilities Conference

Seats are still available for the **Bricks, Bytes and Continuous Renovation** conference on March 23-25, 2006, in Seattle, WA. Register online at www.abanet.org/legaled.

The three-day conference features three plenary sessions and a full schedule of over 40 programs, covering the basics of planning and designing new or remodeled law school facilities. Plenary sessions on the topics of law school facilities, the future of the physical library, and the future of legal education will introduce each day of programs. Plenary speakers include, Edward Tsoi, senior principal at Tsoi/Kabus and Associates; Janis L. Johnston, law library director and associate professor of law at the University of Illinois College of Law; Kellye Y. Testy, dean and professor of law at Seattle University School of Law.

This conference is geared for law school deans, faculty, librarians, architects and law school IT professionals. Associate Dean Penny A. Hazelton of the University of Washington School of Law chairs the Law School Facilities Committee.

June 8-11, 2006

Registration Is Open for the Associate Deans' Conference

The ABA Law School Administration Committee will sponsor an Associate Deans' Conference June 8-11, 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.

Richard A. Matasar, dean and president of New York Law School, is the keynote speaker on Saturday, June 8. Associate Dean Walter F. Pratt, Jr., of Notre Dame Law School, chairs the planning committee. Online registration is open at www.abanet.org/legaled.

Chair-Elect Seeks Nomination Suggestions

William R. Rakes, Esq., Gentry Locke Rakes and Moore, LLP, and chair-elect of the Section of Legal Education and Admissions to the Bar, is seeking suggestions for membership to the following Section committees. Committee appointments are to begin in 2006-07 and often will be for two or three years.

- Adjunct Faculty
- Bar Admissions
- Clinical and Skills Education
- Communications Skills
- Curriculum
- Diversity
- Governmental Relations and Student Financial Aid
- Graduate Legal Education
- Law Libraries
- Law School Administration
- Law School Facilities
- Pre-law
- Professionalism

- Questionnaire
- Technology and Education

The chairperson seeks committee membership from three components of Section membership: legal educators, practicing lawyers and judges. The Section provides a wide range of services to legal education and the profession. Much of this service emanates from the work of the committees of the Section.

Expression of interests and suggestions should be sent and received by April 1, 2006, to one of the following:

- **Consultant John A. Sebert**
American Bar Association
321 N. Clark Street, Chicago, IL 60610
Email: sebertj@staff.abanet.org
- **William R. Rakes, Esq.**
Gentry, Locke, Rakes & Moore, LLP
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Email: bill_rakes@gentrylocke.com 🏠

HULETT HALL ASKEW

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dence in which they are held,” said Smith.

Askew became director of the Office of Bar Admissions of the Supreme Court of Georgia in 1990. He has served as executive director of Chief Justice’s Commission on Professionalism from 1990 to 1996, and was the director of the Civil Division for the National Legal Aid & Defender Association from 1983 to 1990.

Previously, he worked for the Legal Services Corporation in Washington, D.C., from 1976 to 1983. In 1993, President Bill Clinton appointed Askew to the board of directors of the nonprofit company established by Congress to promote equal access to justice by dispensing grants to local programs providing civil legal assistance to those who otherwise would be unable to afford it.

Askew has been a legal services lawyer at the local, regional and national levels for 22 years. In 1969 he worked in the Office of Economic Opportunity (OEO) as special assistant to the director of the Office of Health Affairs. Later, he became the deputy regional director for legal services within OEO until 1976.

Askew is currently a member of the governing Council of the Section of Legal Education and

Admissions to the Bar, and of the Standing Committee on Legal Aid and Indigent Defendants. He has served the Section in several other capacities, including as chair of a subcommittee to accredit foreign study programs that U.S. law schools provide for their students, and as vice-chair of the Accreditation Committee. He also has been a member of the Section’s Bar Admissions Committee, and of the Association’s standing committees on Professionalism and Professional Discipline.

He also has demonstrated leadership in other professional associations. He is co-chair of the Access to Justice Committee of the State Bar of Georgia, and a member of the state bar’s Committee on Standards of the Profession. Askew has been a member of the state bar Committee on Professionalism and Individual Rights Section; a member of the Multistate Performance Test Policy Committee and the Minority Affairs Committee of the National Conference of Bar Examiners.

Askew received his B.A. from the University of North Carolina at Chapel Hill in 1964 and his J.D. from Emory University School of Law in 1967; he was admitted to the State Bar of Georgia in 1967. 🏠

2005 J.D. ENROLLMENT

Continued from page 1

over the past ten years.

Asian American/Pacific Islander first year J.D. students (China, Japan, Korea, the Philippine Islands, India and Vietnam) and Other Hispanic first year J.D. students (Cuban, Spanish, South American, and Central American origins) had shown the largest increase in the past ten years. Enrollment of African American first year J.D. students and Mexican American first year J.D. students had decreased during the same time period.

Males comprised 52.5 percent of the J.D. enrollment and 53.1 percent of the first year enrollment for 2005. Females comprised 47.5 percent of the J.D. enrollment and 46.9 percent of the first year enrollment for 2005.

In 2004, males comprised 52.5 percent of the first year enrollment, while females comprised 47.5 percent.

In 2005, minorities comprised 21.4 percent of the total J.D. enrollment. In

Enrollment for New Orleans Law Schools

	Loyola-New Orleans	Tulane
Total Law School Enrollment	803	1043
Total J.D. Enrollment	803	977
Total First Year Enrollment	272	305
Total Male J.D. Enrollment	384	486
Total Female J.D. Enrollment	419	491
Total Male First Year Enrollment	131	154
Total Female First Year Enrollment	141	151
Total Minority J.D. Enrollment	163	176
Total Minority First Year Enrollment	47	57

2004, minorities comprised 21 percent of total J.D. enrollment. The law schools in Puerto Rico were not included in the minority enrollment counts.

In 2005, minorities comprised 21.7 percent of the first year enrollment. In 2004, minorities comprised 22.3 percent of first year enrollment, while in 2003, minorities comprised 21.6 percent of first year enrollment.

In September 2005, Loyola University-New Orleans School of Law and Tulane University

School of Law had cancelled classes due to Hurricane Katrina. In order to maintain data comparability for the 2005 enrollment figures, the Section has included the 2004 enrollment figures for both New Orleans law schools. ABA-approved law schools were instructed not to include visiting students from the two New Orleans law schools in their enrollment figures. The chart on page 10 shows the 2004 enrollment figures for each of the schools. 🏠

Law School Enrollment

	2005	2004	Net Change	Percent Change
Total Law School Enrollment	148,273	148,169	104	0.1%
Total J.D. Enrollment	140,298	140,376	-78	-0.1%
Total First Year Enrollment	48,132	48,239	-107	-0.2%

J.D. Enrollment

	2005	2004	Net Change	Percent Change
Total Male J.D. Enrollment	73,685	72,938	212	1.0%
Total Female J.D. Enrollment	66,613	67,438	-825	-1.2%
Total Male First Year Enrollment	25,550	25,335	215	0.8%
Total Female First Year Enrollment	22,582	22,904	-322	-1.4%

Minority Enrollment

	2005	2004	Net Change	Percent Change
Total Minority J.D. Enrollment	29,954	29,536	747	1.4%
Total Minority First Year Enrollment	10,460	10,743	-283	-2.6%

2006 Edition

Comprehensive Guide to Bar Admission Requirements

The National Conference of Bar Examiners and the ABA's Section of Legal Education and Admissions to the Bar publish the *Comprehensive Guide to Bar Admission Requirements* each year. It sets forth the rules and practices of all U.S. jurisdictions for admission to the bar by examination and on motion: legal education, character and fitness, bar examinations, special licenses, etc. Supplemental information follows each chart. **Request ABA product code: #529008706ED**

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or visit the Section's Web site at www.abanet.org/legaled**

Proposed Standards Revisions to Chapters 2, 5 and 8

At its December 2-3, 2005, meeting, the Council of the Section of Legal Education and Admissions to the Bar approved for public notice and comment revisions to portions of Chapters 2, 5 and 8 of the *Standards for Approval of Law Schools*.

The Council and the Standards Review Committee solicit comments on these revisions, by letter, email or through appearances at the hearings that will be conducted by the Standards Review Committee.

Please address your comments to Stephen Yandle, Deputy Consultant, 321 N. Clark Street, Chicago, Illinois 60610; 312-988-6743; or email: yanles@staff.abanet.org. All comments will be posted on the Section's Web site. All written comments must be received by **May 10, 2006**.

Hearings have already taken place during the AALS Annual Meeting in January and at the ABA Mid-Year Meeting on February 9. A third hearing

will take place during the Annual Meeting of the American Law Institute on May 17, 2006, in Washington, DC, at the Mayflower Hotel, 1127 Connecticut Avenue NW, at 10 a.m.

The review and revision of the Standards is one of the essential responsibilities of the Section of Legal Education. Your input on all proposed changes is important. Before making final decisions on any revisions to the Standards, the Standards Review Committee and the Council want and need to hear the views of many constituents on the proposals.

All comments will be provided to and reviewed by the Standards Review Committee at its May 17 meeting at which time the Committee will finalize its recommendations to the Council. Final action on these matters is expected to occur at the June 9-11, 2006, meeting of the Council.

Chapter 2 – Organization and Administration

During the last year the Standards Review Committee reviewed all the provisions of Chapter 2. It brought to the Council in August 2005 recommended revisions to Standards 210, 211 and 212, concerning Equality of Opportunity, Equal Opportunity Effort, and Individuals with Disabilities. Revisions that were approved by the Council for comment are currently in the comment period. This year the Committee recommended and the Council approved only limited additional revisions to Chapter 2. The changes are a revision of Standard 202, dealing with requirements regarding Self-Study, and a proposed new Standard 203 on Strategic Planning and Assessment.

Standard 202: Because the self-study is a document developed in connection with a site evaluation, the Council proposes deleting from the current Standard the requirement that a school “periodically revise” its self-study. A requirement for continuing planning and assessment is added in new Standard 203. The Council also thought it was anomalous for Standard 202(b) to direct that the self-study address compliance with one particular Standard, Standard 301, even though that is a very important Standard. The Council considered revising Standard 202(b) to require that the self-study address compliance with all of Chapter 3, or all of the Standards. The Council ultimately concluded, however, that if schools were

directed to address compliance with all of Chapter 3, or with all of the Standards, that could make the self-study only a checklist and would duplicate the requirements of the Site Evaluation Questionnaire. Thus the Council ultimately recommends deleting current Section 202(b).

Proposed New Standard 203: The Accreditation Committee has found it necessary to cite many schools in recent years for failure to comply with the last portion of Section 202(a) by failing to set goals and to identify the means to accomplish those goals. The proposed new Standard seeks to place stronger emphasis on the need for schools to do careful planning by setting goals, monitoring success in achieving those goals, and appropriately re-examining their goals. The new Standard makes clear that the requirement for strategic planning and assessment is ongoing and is not limited to preparation for sab-batical site evaluations.

Proposed Standard 203 contemplates that the required planning may be initiated in the self-study process, or in separate planning processes, but that the planning process be a continual and evolving process rather than a once-in-seven years event. The Council notes that many law schools that are connected with universities are required by their universities to engage periodically in planning processes,

and that the cycle for those planning processes often differs from the law school's site evaluation cycle. The Council also notes that thorough strategic plan-

ning is a central requirement of all regional accrediting agencies and many specialized and professional accrediting agencies.

Chapter 5—Admissions and Student Services

In recent years, the Council has examined and made revisions to many of the provisions of Chapter 5, particularly Standard 503 (Admissions Test) and Standard 511 (Student Support Services). After reviewing the other provisions of Chapter 5, the Council recommends further revisions only to Standards 501, 503, 506 and 509. In the course of its deliberations, the Council had before it and thoroughly considered recommendations for revisions submitted by Gary Palm, Vernellia Randall, Jose Roberto Juarez, Antoinette Sedillo Lopez and Peter Joy, and subsequently endorsed by a number of organizations.

Proposed revisions to Standard 501: Language has been added to the existing Standard making clear that a law school “shall” maintain sound admissions policies and practices.

Proposed new Interpretations 501-1: This new interpretation lists elements of sound admissions policies and practices. This proposed revision moves to an Interpretation of Standard 501 the essence of the last sentence of recently revised Interpretation 503-2. The Council believes it is more appropriate to have this non-exclusive list of factors that may be considered in admissions decisions be in the general admissions Standard (501) rather than in the Standard directed solely to the admissions test (503).

Proposed changes to Interpretation 501-2: The revisions make it clear that a school's admissions Standards shall be consistent with the Standards on equal opportunity and diversity. The references in the current Interpretation to Standard 201 (financial resources) and 301 (objectives of the program of legal education) seem unnecessary, and the Council proposes their deletion.

Proposed new Interpretation 501-3: This provision states explicitly the major factors that the Accreditation Committee considers in determining compliance with Standard 501(b)—entering academic credentials, academic attrition rates, and bar passage rates. Compare newly adopted Interpretation 301-3, which lists factors that are considered in determining whether a school complies with the requirement of Standard 301(a) that it have an edu-

cational program that prepares its students for admission to the bar and for effective and responsible participation in the legal profession. While there are some levels of UGPA, LSAT, attrition and bar passage rates that, if occurring frequently, almost always lead to further inquiry by the Accreditation Committee, the ultimate determination of whether to cite a school under Standard 501(a) depends upon the totality of the circumstances. Thus the Council believes that it would not be feasible to state specific numeric criteria for LSAT or UGPA in this Interpretation, and the Council notes that setting minimum LSAT criteria would run counter to longstanding LSAC cautionary policies.

Proposed changes to Standard 503: The proposed changes make clear that the purpose of the requirement for an admission test is to provide assessment of applicants to a first year J.D. program regarding their capacity to complete satisfactorily the school's education program. The assessment is to serve both the school and the applicant. The changes also add explicit language requiring that schools use admissions tests in a sound manner, in accordance with the testing agency's guidelines regarding its proper use. Proposed new Interpretation 503-4 cites a specific example of the type of guidelines to which the Standard refers. The addition of new Interpretation 501-1 makes a portion of Interpretation 501-2 redundant, so it is deleted.

Proposed revision of Standard 506: Standard 506 is intended to make it clear that ABA-approved law schools may grant some transfer credit to students attending law schools that are not ABA-approved. The Standard is permissive only, and approved law schools are not required by this Standard to accept transfer applicants from unapproved law schools.

The term “state-accredited,” though used in the Consent Decree, is difficult to apply because of the extreme variation in the means by and extent to which various jurisdictions exercise oversight of law schools that are not approved by the ABA. In California, for example, there are two categories of non-ABA-approved law schools: “California-accredited schools,” over which the California bar admissions authorities exercise some oversight and whose students are

exempt from the “baby bar exam,” and “unapproved” schools over which there is little oversight and whose graduates must pass the “baby bar exam” in order to continue beyond the first year of law school. Other states that permit graduates of some non-ABA-approved law schools to take their bar exams vary widely in the level of oversight that they exercise over such schools. It is impossible for the Consultant’s Office to make judgments that distinguish between the various non-ABA-approved law schools for the purpose of Standard 506, and it would be unrealistic to expect law schools to be able to make those judgments. Thus the Committee recommends that the term “state-accredited law school” be replaced by the term “law school that is not approved by the American Bar Association” or “non-ABA-approved law school.”

Proposed new Standard 506(a) (1) incorporates what may have been the original intent of the “state-accredited” language by requiring that the non-ABA approved law school from which a student is seeking to transfer have authority from the appropriate governmental authority in its jurisdiction to grant the J.D. degree or, in the alternative, that graduates of the unapproved

law school be eligible to sit for the bar examination in the jurisdiction in which the unapproved law school is located. The alternative standard is proposed because not all states have a formal process for giving an educational institution approval to grant a particular degree.

The revisions recommended to Standard 506(a)(2) are necessary to accommodate revisions that previously were made to Standards 304 and the addition of Standard 306 (Distance Education). The revision recommended to Standard 506(b) reflects the substitution of the term “non-ABA approved law school” for “state-accredited law school.”

Proposed Interpretation 509-6: The Accreditation Committee has adopted a practice of frequently citing schools under Standard 509 if there were a substantial number of courses still listed in the school’s course offerings that had not been offered during the prior two years, and thus were not effectively available to one full-time graduating class during their upper-class years. Proposed Interpretation 509-6 provides transparency by incorporating a statement of the Accreditation Committee’s practice in the Standards.

Chapter 8 – Council Authority, Variances, and Amendments

Standard 802 – Variance

Current Standard 802 provides little guidance concerning the circumstances in which a variance might be granted or the procedures for consideration of variance requests. The proposed changes attempt to provide guidance.

No changes are recommended regarding the current statement in Standard 802 of the bases on which the Council may grant a variance. The Council does propose adding statements that normally a variance would not last for more than three years and that the variance may be terminated early for non-compliance with imposed conditions. After operating under a variance for three years, a school should be required to apply for renewal of the variance. If the school’s experience under the variance has been successful, however, it also might be appropriate at that time to consider revising the Standards so that all schools would be permitted to engage in similar practices.

Proposed Interpretation 802-1: The Committee believes that there are two primary circumstances in which granting a variance might be appropriate: the

existence of extraordinary circumstances (e.g., Hurricane Katrina) that made it impossible for a school to comply with specific Standards, or a well-structured experimental program that, among other benefits, might provide useful evidence to consider in eventually making revisions of the Standards. The proposed Interpretation implements that view.

Proposed Interpretations 802-2 and 802-3: These proposed Interpretations provide guidance concerning the content and timing of an application for a variance and put schools on notice that a fact-finder might be appointed in connection with considering the variance application.

Proposed Interpretations 802-4 and 802-5: Interpretation 802-4 provides that written reports concerning the variance may be requested from the school. Interpretation 802-5 states explicitly that the granting of variants is dependent upon the situation of and proposal by a particular school. Another law school seeking a variance based on a situation that it might believe to be similar must support its request on its own facts and merits.

Proposed Revision of Standard 803(d): Current Standard 803(d) is anomalous in that it apparently requires direct review by the Council (before referring the matter to the Standards Review Committee) of any proposal, by any member of the ABA, for revision of any of the Standards, Interpretations or Rules of Procedure. Initial direct review by the Council of proposed revisions is not required by the Consent Decree or by Department of Education Recognition Criteria, and such direct review is inconsistent with current practice and with Internal Operating Practice 12 (which accurately states current practice):

The Standards Review Committee shall engage in an ongoing review of the Standards, Interpretations and Rules. As part of this process, proposals received by the Section for revisions to the Standards, Interpretations or Rules shall be referred to the Committee. The Committee shall hold public hearings and solicit testimony and written comments from interested constituencies, including, but not limited to, the highest appellate court of each state, the board of bar examiners of each state, presidents of universities affiliated with ABA-approved law schools, deans of ABA-approved law schools, deans of unapproved law schools known to the Consultant's Office, and organizations concerned with legal education. The Council shall make available to the public a written report discussing the results of this review. The Council shall initiate action to make any necessary changes to its Standards within 12 months of the discovery for the need of the change and shall complete the action within a reasonable period of time.

IOP 12 establishes a process that is more comprehensive than that set forth in Standard 803(d)—in that IOP 12 applies to any proposal received by the Section rather than only to proposals from ABA members—and that is more regular in that the proposals are first considered by the Standards Review Committee. IOP 12 was specifically reviewed by the Department of Education during the 2000 re-recognition process, and the last sentence was added to comply with one of the recognition criteria. Thus the Council proposes revising Standard 803(d) to state, in the Standards, the essence of the process established in IOP 12—that recommendations for revision to the Standards, Interpretations or Rules should be submitted to the Consultant, who will refer the recommendations to the Standards Review Committee or another appropriate committee. The Council proposes adding an explicit requirement that the Committee report to the Council its recommendation concerning any referred matter even if it is a recommendation that no revisions be made within 12 months after the recommendation had been referred to the Committee.

This revision essentially preserves, expands upon, and regularizes the concept of the initial provision

by not limiting to ABA members, providing for review of all proposals in the same regular process and requiring a report to the Council from whatever committee within 12 months.

Nothing in the current or revised Standard 803 refers to revision of “policies,” and there currently are no “Council Policies.” There are “Council Statements” (see page 133 of the *Standards for Approval of Law Schools* book), but those are not binding on ABA-approved law schools and are not subject to the type of notice, comment and review process established by Standard 803. Thus the Committee also recommends that the title of the Section be revised as indicated.

Standard 202. SELF-STUDY.

(a) Before each site evaluation visit the dean and faculty of a law school shall develop and periodically revise a written self-study, which shall include a mission statement. The self-study shall describe the program of legal education, evaluate the strengths and weaknesses of the program in light of the school's mission, set goals to improve the program, and identify the means to accomplish the law school's unrealized goals.

(b) The self study shall address and describe how the law school's program of legal education conforms to the requirements of Standards 301(a) and (b).

Interpretation 202-1:

A current self-study shall be submitted by a law school seeking provisional approval, a provisionally approved law school before its annual site evaluation, and a fully approved law school before any regular or special site evaluation. (June 1978; 1994; August 1996)

Standard 203. STRATEGIC PLANNING AND ASSESSMENT

In addition to the self-study described in Standard 202, a law school shall demonstrate that it regularly identifies specific goals for improving the law school's program, identifies means to achieve the established goals, assesses its success in realizing the established goals and periodically re-examines and appropriately revises its established goals.

Standard 501. ADMISSIONS.

(a) A law school's shall maintain sound admission policies and practices, shall be consistent with the objectives of its educational program

and the resources available for implementing those objectives.

(b) A law school shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.

Interpretation 501-1

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

Interpretation 501-2:

A law school's admission policies shall be consistent with Standards ~~204~~, 210 and 211. ~~and 301~~. (August 1996; July 2000)

Interpretation 501-3:

Among the factors to consider in assessing compliance with Standard 501(b) are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, and the bar passage rate of its graduates.

Interpretation 501-4: (formerly 501-1)

A law school may not permit financial considerations detrimentally to affect its admission and retention policies and their administration. A law school may face a 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 the program. (August 1996)

Standard 503. ADMISSION TEST.

A law school shall require each applicant for admission as a first year J.D. student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's educational program. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.

Interpretation 503-1:

A law school that uses an admission test other than the Law School Admission Test sponsored by the

Law School Admission Council shall establish that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's educational program. (August 2003)

Interpretation 503-2:

This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant. ~~Other relevant factors that may be taken into account include undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.~~ (August 2003)

Interpretation 503-3:

A pre-admission program of coursework taught by members of the law school's full-time faculty and culminating in an examination or examinations, offered to some or all applicants prior to a decision to admit to the J.D. program, also may be useful in assessing the capability of an applicant to satisfactorily complete the school's educational program, to be admitted to the bar, and to become a competent professional. (August 2003)

Interpretation 503-4:

The "Cautionary Policies Concerning LSAT Scores and Related Services" published by the Law School Admissions Council is an example of the testing agency guidelines referred to in Standard 503.

Standard 506. APPLICANTS FROM STATE-ACCREDITED LAW SCHOOLS NOT APPROVED BY THE ABA.

(a) A law school may admit a student with advanced standing and allow credit for studies at a ~~state-accredited~~ law school in the United States that is not approved by the American Bar Association ("non-ABA-approved law school") if:

(1) the non-ABA-approved law school has been granted the power to confer the J.D. degree by the appropriate governmental authority in the unapproved law school's jurisdiction, or graduates of the non-ABA-approved law school are permitted to sit for the bar examination in the jurisdiction in which the school is located;

(42) the studies were "in residence" as provided in Standard 304(b), or qualify for credit under Standard 305 or Standard 306; and

(23) the content of the studies was such that credit therefor would have been granted towards satisfaction of degree requirements at the admitting school.

(b) Advanced standing and credit hours granted for study at a **state-accredited non-ABA approved law school** may not exceed one-third of the total required by an admitting school for its J.D. degree.

Standard 509. BASIC CONSUMER INFORMATION.

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

Interpretation 509-1:

The following categories of consumer information are considered basic:

- (1) admission data;
 - (2) tuition, fees, living costs, financial aid, and refunds;
 - (3) enrollment data and graduation rates;
 - (4) composition and number of faculty and administrators;
 - (5) curricular offerings;
 - (6) library resources;
 - (7) physical facilities; and
 - (8) placement rates and bar passage data.
- (August 1996)

Interpretation 509-2:

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 shall 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. (August 1996)

Interpretation 509-3:

Standard 509 requires a law school fairly and accurately to report basic consumer information whenever and wherever that information is reported or published. A law school's participation in the Council-designated publication referred to in Interpretation 509-2 and its provision of fair and accurate information for that book does not excuse a school from the obligation to report fairly and accurately all basic consumer information pub-

lished in other places or for other purposes. (August 2003)

Interpretation 509-4:

All law schools shall have and make publicly available a student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the refund of student tuition and fees. (August 1997)

Interpretation 509-5:

If a law school elects to make a public disclosure of its status as a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, it shall do so accurately and shall include the name, address and telephone number of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association. (February 1998; August 1998)

Interpretation 509-6

A law school that lists in its course offerings a significant number of courses that have not been offered during the past two academic years and that are not being offered in the current academic year is not in compliance with this Standard.

Standard 802 VARIANCES

A law school proposing to offer a program of legal education a portion of which is inconsistent with a Standard may apply for a variance. If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance ~~and shall~~ , may impose the conditions, and shall impose time limits it considers appropriate. Council may terminate a variance prior to the end of the stated time limit if the school fails to comply with any conditions imposed by the Council. As a general rule, the duration of a variance should not exceed three years.

Interpretation 802-1

Variances are generally limited to proposals based on one or more of the following:

- (a) to respond to extraordinary circumstances that would create extreme hardship for students or for an approved law school; or*
- (b) an experimental program based on all of the following:
 - (1) sound educational research providing good reason to believe that there is a likelihood of success;**

- (2) high quality experimental design;*
- (3) clear and measurable criteria for assessing the success of the experimental program;*
- (4) strong reason to believe that the benefits of the experiment will be greater than its risks; and*
- (5) adequately informed participation by students involved in the experiment.*

Interpretation 802-2

A school applying for a variance has the burden of demonstrating that the variance should be granted. The application should include, at a minimum, the following:

- (a) a precise statement of the variance sought;*
- (b) an explanation of the bases and reasons for the variance; and*
- (c) additional information needed to support the application.*

Interpretation 802-3

The Chair of the Accreditation Committee or the Consultant may appoint one or more fact-finders to elicit facts relevant to consideration of the application for a variance. Thus an application for a variance must be filed well in advance of consideration of the application by the Accreditation Committee and the Council.

Interpretation 802-4

The Consultant, the Accreditation Committee or the Council may from time to time request written reports from the school concerning the variance.

Interpretation 802-5

Variances are school-specific and based on the circumstances existing at the law school filing the request.

Standard 803. AMENDMENT OF STANDARDS, INTERPRETATIONS, OR RULES AND POLICIES.

(a) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to adopt,

revise, amend or repeal the Standards, Interpretations or Rules, the Chairperson of the Council shall furnish a written statement of the Council action to the House.

(b) Once the action of the Council is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the Council's decision or refer the decision back to the Council for further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.

(c) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules is subject to a maximum of two referrals back to the Council by the House. If the House refers a Council decision back to the Council twice, then the decision of the Council following the second referral will be final and will not be subject to further review by the House.

(d) Proposals for amendments to the Standards, Interpretations or Rules may be submitted to the Consultant, who shall refer the proposal to the Standards Review Committee or other appropriate committee. The committee to which any such proposal is referred, shall report its recommendation concerning that proposal to the Council within 12 months after the proposal had been referred to the Committee. Any member of the Association may propose an amendment, whether by revision, addition, or repeal, of the Standards, Interpretations, or Rules by submitting it and a statement of its purposes to the Council. The Council shall consider the proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. In its consideration, the Council may refer the proposal to the Standards Review Committee and other committees for recommendation. If the proposed amendment is not adopted by the Council, the Council shall inform the proposer of its action and the reasons therefor. 🏠

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Calendar

MARCH 2006

- | | | |
|--------------|----------------------------------|-------------|
| 4-5 | Bar Admissions Committee Meeting | Phoenix, AZ |
| 23-25 | Law School Facilities Conference | Seattle, WA |

APRIL 2006

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|--------------|---------------------------------|-------------|
| 20-22 | Accreditation Committee Meeting | Chicago, IL |
| 26 | Questionnaire Committee Meeting | Chicago, IL |

MAY 2006

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|-----------|---|----------------|
| 17 | Deans' Breakfast | Washington, DC |
| 17 | Standards Review Committee
Hearing & Meeting | Washington, DC |
| 17 | Mayflower I | Washington, DC |
| 18 | Mayflower II | Washington, DC |

JUNE 2006

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|--------------|---------------------------------|-----------------|
| 9-11 | Council Meeting | Cleveland, OH |
| 8-11 | Associate Deans' Conference | Englewood, CO |
| 14-16 | New Deans' Seminar | Columbus, OH |
| 22-24 | Accreditation Committee Meeting | Minneapolis, MN |

AUGUST 2006

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|------------|---------------------------------|--------------|
| 3-8 | ABA Annual Meeting | Honolulu, HI |
| 3-4 | Council Meeting | Honolulu, HI |
| 3 | Chairpersons Dinner | Honolulu, HI |
| 4 | Kutak Reception | Honolulu, HI |
| 5 | Deans' Breakfast | Honolulu, HI |
| 5 | Section Programs | Honolulu, HI |
| 5 | Section Annual Business Meeting | Honolulu, HI |

Suggestions for Council Nominations Solicited

The Section's Nominating Committee, chaired by Pauline A. Schneider, Esq., invites suggestions of individuals whom it should consider for nomination for positions on the Council of the Section of Legal Education and Admissions to the Bar. Other Nominating Committee members include: Hulett H. Askew, Esq.; Professor Margaret Martin Barry; Honorable Christine M. Durham; President and Dean Thomas F. Guernsey; Honorable Elizabeth B. Lacy; Nancy M. Neuman; Provost E. Thomas Sullivan.

The Nominating Committee will nominate Section officers and Council members for election at the Section's August meeting in Hawaii. Among the positions that may be open for nominations are: vice-chairperson, secretary, a number of Council members-at-large (including some public members who are not employees of ABA-approved law schools and are not members of the ABA), and one Section delegate to the ABA House of Representatives. Council members-at-large serve

three-year terms. Nominees should have extensive experience in legal education, bar admissions, or law school accreditation.

Send nominee suggestions to one of the following persons:

- **Pauline A. Schneider, Esq.**
Hunton & Williams
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006
Email: pschneider@hunton.com
- **Consultant John A. Sebert**
American Bar Association
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Recommendations must be received by **March 15, 2006**, and should describe the activities that especially qualify the person for membership on the Council. 🏠

SYLLABUS

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