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November 13, 2017

President and Dean Don LeDuc
Western Michigan University
Thomas M. Cooley Law School
P. O. Box 13038
300 South Capitol Avenue
Lansing, MI 48901

Dear President and Dean LeDuc:

I write to report the action taken by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (the "Council"), at its November 3-4, 2017 meeting, with respect to Western Michigan University Thomas M. Cooley Law School (the "Law School").

The Council considered the status of the Law School on the appeal by the Law School of the Decision Letter adopted by the Accreditation Committee of the Section of Legal Education and Admissions to the Bar ("the Committee"), at its meeting on September 14-15, 2017, as transmitted to you on behalf of the Committee by my letter dated October 4, 2017. In addition to the Committee's September 2017 Decision Letter and all material considered by the Committee, the Council had the benefit of the personal appearance made by Don LeDuc, President and Dean; Laura LeDuc, Associate Dean for Planning, Assessment, and Accreditation; Nelson Miller, Associate Dean of the Grand Rapids Campus; and Frank Aiello, Auxiliary Dean for Planning, Assessment, and Accreditation on November 4, 2017. In addition, the Council had before it the Law School's letter of appeal, dated October 16, 2017, and a supplemental statement, dated October 30, 2017.

As announced at the Council meeting, The Honorable Scott Bales, Chair of the Accreditation Committee, attended the Council meeting for the Law School's appearance and was available to answer questions by Council members regarding the matter; however, he was excused from the meeting during the Council's deliberations and vote with respect to the matter.

As also announced at the Council meeting, Rule 23 of the *ABA Standards and Rules of Procedure for Approval of Law Schools* provides that a law school shall not have a right to appear before the Council in connection with an appeal. Upon submission of your appeal, you requested leave to appear in person before the Council. The Council granted this request.

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

Office of the Managing Director

321 N. Clark Street

Chicago, IL 60654-7598

(312) 988-6738

legaled@americanbar.org

www.americanbar.org/legaled

The Committee's September 2017 Conclusions and Response Requested were as follows:

COMMITTEE CONCLUSIONS:

(1) Pursuant to Rule 12(a) and (b), the Committee concludes that the Law School remains in compliance with Standards 202(a), 301(a), 309(b), and 501(a).

(2) Pursuant to Rule 12(a)(4), the Committee concludes that the Law School is not in compliance with Standard 501(b) and Interpretation 501-1.

(3) The Law School's pending major change request will be deferred to such time as the Law School demonstrates it is in full compliance with each of the Standards.

COMMITTEE RESPONSE REQUESTED:

(1) In accordance with Rule 14(a)(1), the Committee requests that the President and Dean of the Western Michigan University Thomas M. Cooley Law School submit a report by February 1, 2018, with all relevant information necessary to demonstrate compliance with Standard 501(b) and Interpretation 501-1.

(2) Specifically, the Committee requests that the Law School provide the following information:

- (a) Provide information on the overall class size and the 75th/50th/25th percentile LSAT and UGPA for the entering class of 2017, and with names redacted, provide the individual LSAT and UGPA scores for those in the 25th percentile;
- (b) Provide the cumulative non-transfer attrition rates as calculated for Interpretation 501-3 for the 1L classes of 2013, 2014, 2015, and 2016;
- (c) Provide updated bar pass data for first-time and repeat takers for the February 2016, July 2016, February 2017, and July 2017 bar exams;
- (d) Provide updated charts for the charts set forth in Findings of Fact (29), (30), (31), (32), (33), and (34), being sure to include

the number of takers in Michigan and in "All States Combined" in the chart referenced in Finding of Fact (32); and

- (e) For each entering class from 2013 to 2017 for which the prior "Cooley Index" or the Law School's current admissions correlation formula was used for admissions decisions, provide the following:
- The number of students admitted with an index below 2.2, the academic attrition/success rate of those students, and the first-time and repeat bar pass rates (if any) of those students.
 - The number of students admitted with an index score between 2.2-2.49, the academic attrition/success rate of those students, and the first-time and repeat bar pass rates (if any) of those students.

(3) If the written report does not demonstrate compliance with the Standard listed in Conclusion (2) above, then, pursuant to Rule 14(a)(2), the President and Dean of the Western Michigan University Thomas M. Cooley Law School shall appear before the Committee at its June 28-30, 2018, meeting in Portland, Oregon, at a time to be identified, to determine whether to impose sanctions in connection with the Law School's non-compliance with the Standard listed in Conclusion (2) above. If the information provided by the Law School demonstrates compliance with the Standard in Conclusion (2) above, the Committee will cancel this Rule 14(a)(2) hearing in accordance with Rule 21(f).

Following the appearance of the Law School's representatives in connection with the appeal and the Council's review of both the written materials submitted on behalf of the Law School and the record in the matter, and in accordance with the provisions of Rules 2, 24, and 25 of the Rules of Procedure, the Council adopted a motion affirming the Committee's Findings of Fact and the Committee's Conclusions with respect to the Law School's non-compliance with Standard 501(b) and Interpretations 501-1, and the deferral of the Law School's pending major change request until such time as the Law School demonstrates it is in full compliance with each of the Standards. The Council's decision affirms the specific reporting requirements delineated in the Committee's Response Requested section, as outlined above.

This letter will be posted in accordance with U.S. Department of Education regulation 34 C.F.R. § 602.26 and the Department's November 17, 2016 letter¹ clarifying that regulation applicable to recognized accrediting agencies that require the Council of the Section of Legal Education and Admissions to the Bar to post a letter describing the basis for an action when the Accreditation Committee concludes that a law school is significantly out of compliance with ABA Standards for Approval of Law Schools pursuant to Rule 12(a)(4). This letter will be posted on the Section's website to comply with the U.S. Department of Education regulations until the matter is resolved: www.americanbar.org/groups/legal_education/news_announcements/public-notice.html. Pursuant to ABA Internal Operating Practice 4 of the Section of Legal Education and Admissions to the Bar, this public memorandum will be issued within 24 hours of the time the Law School was notified of the Council's decision.

NOTICE:

The Council directs the Law School's attention to Rule 14(b) and (c) and to the fact that the U.S. Department of Education regulations require the Accreditation Committee and the Council of the Section of Legal Education and Admissions to the Bar to take immediate adverse if a school fails to bring itself into compliance with the Standards within two years, unless good cause is shown for extending the period for achieving compliance. For these purposes, adverse action means removal from the list of law schools approved by the American Bar Association. [34 C.F.R. Sections 602.2 and 602.3.] The two-year period for the Law School to demonstrate compliance with the Standards commences to run as of the date of the Accreditation Committee's September 2017 Decision Letter, specifically on October 4, 2017. Notwithstanding the foregoing, the Accreditation Committee or the Council may take adverse action prior to the end of the two-year period.

Please feel free to contact me, Deputy Managing Director William E. Adams, Jr., or Manager of Program Administration JR Clark if you have any questions.

Sincerely yours,



Barry A. Currier
Managing Director of Accreditation and Legal Education

BAC/jrc
Attachment

¹https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/PublicNoticeAnnouncements/2016_11_17_accreditation_terminology_guidance_post_30_day_comment.authcheckdam.pdf