

**American Bar Association
Section of Legal Education and Admissions to the Bar
March 17, 2011**

At its meeting on March 11, 2011, the Council of the Section of Legal Education and Admissions to the Bar approved changes to the Statement of Ethical Practices in the Process of Law School Accreditation. The changes became effective immediately.

1. Impartiality and Propriety

(a) Those who have significant responsibility in the process leading to accreditation of law schools serve a vital function in the legal system of the United States. It is important to the fair and effective functioning of the system of law school accreditation and to the maintenance of public and professional respect for that system that those who act in it act impartially and avoid even the appearance of impropriety.

(b) One who has significant responsibility in this system or who has had significant responsibility in this system within a period of two years past, as enumerated in paragraph (d) below, should not serve as a consultant to a law school in any matter relating to:

(i) initial accreditation by the American Bar Association, and

(ii) re-evaluation and continuation of American Bar Association accreditation.

(c) This statement applies to service as consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor renders

(i) without fee;

(ii) informally; and

(iii) which he or she discloses fully to the other members of the accreditation body on which he or she serves or has served; nor does it apply to the routine or official advice and assistance which is rendered by members of a site evaluation team or hearing commission, by the Consultant on Legal Education to the American Bar Association, or by persons acting on behalf of the Consultant; or

(iv) by a person acting in the normal course of his or her employment.

(d) This statement applies to:

(i) members of the Accreditation Committee of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(ii) members of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(iii) members of the Appeals Panel of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(iv ~~iii~~) members of the professional staff of the Section of Legal Education and Admissions to the Bar of the American Bar Association, except as provided in subsection (c) above; and

(v ~~iv~~) a member of a site evaluation team or hearing commission accepting appointment as a consultant to a law school that he or she has evaluated or conducted hearings on, within two years after the site evaluation or while the Section of Legal Education and Admissions to the Bar still has under consideration matters developed by the site evaluation, whichever is longer;

(e) Service as a consultant for a law school does not disqualify a person from any of the offices or committees in paragraph (d). However, the officer or committee member should excuse himself or herself from participation in discussion, formal or informal, of the affairs of a school which he or she has served as consultant or employee and from taking part in any vote with respect to its status.

(f) A person who has served as a consultant or employee of a law school within two years prior to assuming a significant responsibility in the accreditation process should decline to participate in the determination of the accreditation status of the school with which he or she previously served.

(g) The Consultant on Legal Education to the American Bar Association shall bring this statement to the attention of persons who are nominated for or appointed to any of the positions enumerated in paragraph (d) above and to all persons who are holding these positions or who have held them within two years past, at the time the statement becomes effective.

2. Conflicts of Interest

(a) It is the Council's policy to avoid any conflict of interest or perceived conflict of interest arising because a person involved in the accreditation process has an associational interest in the law school or law school program under review by the Council or the Accreditation Committee. Thus, if a member of the Council, the Appeals Panel or the Accreditation Committee is a dean or a regular faculty member of a law school under review, a former dean of a law school under review, a former faculty member of a law school under review (for a period of ten years following the termination of faculty status with that law school), or a graduate of the law school under review, she or he may not vote on the consideration of that school during her or his tenure on the Council, the Appeals Panel or the Accreditation Committee. Furthermore, a dean or faculty member of a law school under review, a former dean of a law school under review, a former regular faculty member of a law school under review (for a period of ten years following the termination of faculty status with that law school), or a graduate of a law school under review may not serve on a site evaluation team or as a fact finder visiting that law school

or law school program.

(b) In order that members of the Council, the Appeals Panel and the Accreditation Committee may avoid the appearance of a conflict of interest not considered herein, any member of the Council, the Appeals Panel or Accreditation Committee may recuse himself or herself from voting on any law school or law school program without the necessity of stating a reason therefore.

(c) For good cause stated, the dean of a law school (or law school program) under review may request that a member of a site evaluation team, or of the Council, the Appeals Panel or the Accreditation Committee, recuse himself or herself from acting in such capacity. With regard to a member of a site evaluation team, the Consultant shall grant or deny such request based on the merits of the claim. With regard to a member of the Council, the Appeals Panel or of the Accreditation Committee, the Chairperson of the Council, the Appeals Panel or the Accreditation Committee, as the case may be, shall grant or deny such request based on the merits of such claim.

(d) A person who acts as a chairperson of a site evaluation team or as fact finder at a law school or of a law school program under review may be present and speak at the Accreditation Committee's, ~~or Council's~~ or Appeals Panel's deliberations concerning such law school or law school program, if so requested by the Chairperson of the Council, the Appeals Panel or the Accreditation Committee, as the case may be, or if a request therefore is received from said person and is granted by the appropriate Chairperson.

3. Procedures for Complaints Filed Against Council Members, Appeals Panel Members, Committee Members, Consultant's Office Staff, and Site Team Evaluators Pursuant to Section 2

(a) Any party aggrieved may file with the Consultant a written complaint alleging noncompliance with Section 2 of this Statement by a member of the Council, the Appeals Panel, the Accreditation Committee, a staff member of the Consultant's Office, or a site team evaluator in relation to matters involved in the accreditation of that school. The complaint must be filed within one year of the complainant's learning of the facts comprising the allegation of non-compliance. Pursuit of other remedies does not toll the one calendar year limit.

(b) Unless the complaint is asserted against the Consultant, the Consultant shall dismiss the Complaint if the Consultant determines that it does not allege a violation of Section 2 of this Statement. If the Consultant does not dismiss the complaint, the Consultant shall forward it to the Chairperson of the Grievance Committee of the Council within 45 days after receipt of the complaint. The Consultant shall simultaneously forward a copy of the complaint to the person or persons against whom the complaint is asserted.

Each of the persons against whom the complaint is asserted may respond to the complaint by mailing a written response to the Chairperson of the Grievance Committee. Said response shall be mailed to the Chairperson of the Grievance Committee within 45 days

after the date on which the Consultant mailed the complaint to said person. The Grievance Committee shall meet to consider the complaint and any response or responses received. The complainant and the person or persons against whom the complaint is asserted may appear and present evidence. Thereafter the Grievance Committee shall render its decision. In the event that the Grievance Committee determines that there has been non-compliance with Section 2 of this Statement, it may also determine such relief, if any, as is appropriate to remedy the non-compliance. The decision of the Grievance Committee is final and is not subject to appeal within the Association. The Grievance Committee shall render its decision within 180 days after the Chairperson of the Grievance Committee receives the responses from all persons against whom the complaint is asserted or, if one or more responses are not received, the 45 days period for response has expired.

The Consultant shall inform the complainant and any person or persons against whom the complaint is asserted as to the Grievance Committee's action.

(c) All matters under this section shall be confidential, except as made public by the Council. This shall include all proceedings and deliberations of the Council and the Grievance Committee and all non-public documents and information received or generated by the American Bar Association.

4. Participation by the Council in Various Awards by ABA Entities

The Council will not participate either by lending its name, by co-sponsorship or by financial support to awards, competitions, seminars or meetings that are sponsored by other entities, inside or outside of the ABA, unless the Council determines that such participation will significantly advance legal education or the process of bar admission. As the agency designated by the Department of Education to determine law school accreditation, and as the agency most heavily relied on by the highest courts of the states, as well as other admitting authorities, in bar admission matters, the mission of the Section is more sharply defined than that of most other ABA entities. This must constrict activities of the Section and cause it to refrain from activities creating, or appearing to create, conflicts of interest with its duties and responsibilities or diluting its focus on its mission.

Commentary

The Statement of Ethical Practices was amended to add the Appeals Panel that was created in the amendments to Rule 10.