MEMORANDUM

TO: Interested Persons and Entities

FROM: John F. O’Brien, Council Chairperson
       Hulett H. Askew, Consultant on Legal Education

SUBJECT: Matters for Notice and Comment

At its August 4 - 5, 2011, meeting the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment proposed revisions to Rule 3: Accreditation Committee Consideration.

The proposed revisions are attached here and are published under “Accreditation News” on the Section’s website: www.americanbar.org/legaled.

The change to Rule 3 complies with U.S. Department of Education regulations by codifying the requirement that the Council undertake regular interim monitoring of schools to ensure compliance with the Standards between regular site visits. The change to Rule 3 provides a general framework for such monitoring.

The primary focus of the interim monitoring will be on data provided in the Annual Questionnaire, which all schools already submit. While every school will undergo the interim monitoring, only in those instances where the monitoring raises significant questions about possible noncompliance with one or more of the Standards would a school be contacted.

We solicit and encourage written comments on the proposed change by letter or e-mail. A hearing on these proposed changes is scheduled for 3 to 5 p.m. on September 22, 2011, at the American Bar Association, 321 N. Clark St., 21st floor, Chicago, IL 60654. Please address written comments on the proposal and requests to speak at the hearing to Becky Stretch, Assistant Consultant, at our Chicago office or at Becky.Stretch@americanbar.org. Comments should be submitted no later than September 16, 2011.

Thank you.

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Rule 3. Accreditation Committee Consideration

(a) Upon completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the application or the status of the law school based upon a record consisting of the law school’s application (in the case of a school seeking provisional or full approval), the site evaluation report, any written material submitted by the school, and other relevant information.

(b) The Committee shall make findings of fact and state conclusions with respect to the law school’s compliance with the Standards. If the matter falls within the provisions of Rule 5(a), the Committee also shall make recommendations to the Council. The Committee also may request (1) that the law school provide the Committee with specific information or (2) that the law school take specific actions, including reporting back to the Committee concerning actions that the law school has taken to bring itself into compliance with the Standards.

(c) In addition to the duties of the Committee set forth in subparts (a) and (b), the Committee shall monitor the accreditation status of law schools on an interim basis using a school’s annual questionnaire submissions, other information requested by the Committee, or information otherwise deemed reliable by the Committee for its review. In conducting interim monitoring of law schools, the Committee shall consider at a minimum: the resources available to the law school [Standard 201], efforts and effectiveness in facilitating student career placement [Standard 511], bar passage [Interpretation 301-6], and student admissions including student credentials, size of enrollment and academic attrition [Standard 501]. Other Standards and Interpretations may be considered as the Committee deems appropriate. This monitoring may result in action by the Committee, including requests for additional information from a school, appointment of a fact finder or other mechanism to ensure compliance by schools with one or more Standards.

(d) The Consultant shall inform the president and the dean of the law school of the Committee’s decision or recommendation in writing.