At its meeting held on August 5, 2016, the Council of the Section of Legal Education and Admissions to the Bar approved for Notice and Comment the following proposed revisions to the ABA Standards and Rules of Procedure for Approval of Law Schools:

- Rule 35: Appeals Panel
- Rule 37: Membership of the Appeals Panel for the Proceeding
- Rule 38: Scheduling of Appeals Panel Hearings

The proposed revisions and accompanying explanations are attached and published on the Section’s website: http://www.americanbar.org/groups/legal_education/resources/notice_and_comment.html.

We solicit and encourage written comments on all of the proposed changes listed above by letter or e-mail. Written comments should be submitted no later than Monday, September 5, 2016.

A hearing on the proposed changes is scheduled for Thursday, September 8, 2016, at 2 p.m. The hearing will be held at the American Bar Association (321 N. Clark St.) in the North Board Room on the 21st floor.

Please address written comments on the proposals and requests to speak at the hearing to JR Clark, jr.clark@americanbar.org, by Monday, September 5, 2016.
In the U.S. Department of Education’s Final Staff Report on the Council’s Petition for Continued Recognition as the accreditor for programs in legal education that lead to the first professional degree in law, the staff concluded that the *ABA Standards and Rules of Procedure for Approval of Law Schools* did not comply with Section 602.15(a)(3) of the recognition criteria, which requires, among other things, that the Appeals Panel have both “academic” and “administrative” personnel. The staff recommended that the Council be required to amend its rules to come into compliance with that provision and to provide evidence that an academic and administrative member serves on the Appeals Panel in the one defined role. The revisions to Rule 35, Rule 37, and Rule 38 address this finding.

Redlined:

**Rule 35: Appeals Panel**

(a) The Appeals Panel shall consist of at least three [five] persons appointed by the Chair of the Council. Members shall serve a one-year term beginning at the end of the Annual Meeting of the Section and continuing to the end of the next Annual Meeting of the Section or until replaced. Appeals Panel members and alternates are eligible to serve consecutive terms or non-consecutive multiple terms.

1. The Chair of the Council shall designate one member of the Appeals Panel to serve as its chair.

2. The Chair of the Council shall also appoint, at the same time as appointing members of the Appeals Panel and for the same term, an equal number of alternates to the Appeals Panel.

(b) Every member of the Appeals Panel and alternate shall be:

1. A former member of the Council or Accreditation Committee; or

2. An experienced site evaluator.

(c) Members of the Appeals Panel and alternates shall be:

1. Experienced in and knowledgeable about the Standards, Interpretations and Rules of Procedure;

2. Trained in the Standards, Interpretations and Rules of Procedure at a retreat or workshop or by other appropriate methods within the 3 years prior to appointment; and

3. Subject to the Section’s Conflicts of Interest Policy, as provided in IOP 19.

(d) The Appeals Panel, and the group of alternates, shall each include legal educators, practitioners, members of the judiciary, and representatives of the public.
(1) an academic;

(2) an administrator;

(3) a legal educator;

(4) a practitioner or member of the judiciary; and

(5) a member of the public.

(e) No more than fifty percent of the members may be persons whose primary professional employment is as a law school dean, faculty or staff member. Public members shall have qualifications and representation consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools.

Rule 37: Membership of the Appeals Panel for the Proceeding

(a) Within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel, the Managing Director shall ensure that the Appeals Panel or the Appeals Panel with alternates is authorized and available to decide the appeal designate the members of the Appeals Panel to hear the particular matter and make the decision.

(b) In the event a member of the Appeals Panel cannot participate in the appeal, the Managing Director shall appoint one of the alternates to the panel hearing the matter and making the decision, and shall ensure that the panel includes one legal educator, one judge or practitioner, and one public member. For law schools for which the Council is the institutional accreditor, the Managing Director shall appoint an academic, an administrator, and a member of the public from the Appeals Panel to hear the particular matter. For law schools for which the Council is the programmatic accreditor, the Managing Director shall appoint a legal educator, a practitioner or member of the judiciary, and a member of the public to the Appeals panel hearing the matter.

(c) In the event an alternate a member of the Appeals Panel cannot be appointed to participate in a decision on appeal so as to ensure that the Appeals Panel hearing the particular matter includes one legal educator, one judge or practitioner, and one public member meets the requirements of Rules 35 and 37, the Managing Director shall appoint to the Appeals Panel another person who meets those requirements:

(1) Wholly or substantially meets the criteria of Rule 35(b) and (e); and

(2) Whose appointment to the panel ensures that the panel includes one legal educator, one judge or practitioner, and one public member.
In the event the Chair of the Appeals Panel is unable to participate in the appeal, the Managing Director shall appoint a Chair Pro Tempore, where possible from among the members of the Appeals Panel appointed by the Chair of the Council.

Rule 38: Scheduling of Appeals Panel Hearings

(a) Within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel, the Managing Director shall refer the appeal to the Appeals Panel. In referring the appeal, the Managing Director shall provide the members of the Appeals Panel hearing the appeal with copies of:

1. The written appeal;
2. The decision of the Council; and
3. The record before the Council, including any transcript of hearing.

(b) The Managing Director, in consultation with the Chair or Chair Pro Tempore of the Appeals Panel, shall set the date, time, and place of the hearing.

1. The hearing shall be scheduled within forty-five days of the Managing Director’s referral of the appeal to the Appeal Panel.
2. The Managing Director shall inform the law school of the date, time, and place of the hearing at least 30 days in advance of the hearing, unless the law school agrees to the hearing on less than 30 days’ notice.

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Rule 35: Appeals Panel

(a) The Appeals Panel shall consist of at least five persons appointed by the Chair of the Council. Members shall serve a one-year term beginning at the end of the Annual Meeting of the Section and continuing to the end of the next Annual Meeting of the Section or until replaced. Appeals Panel members are eligible to serve consecutive terms or non-consecutive multiple terms.

(b) Every member of the Appeals Panel shall be:

1. A former member of the Council or Accreditation Committee; or
2. An experienced site evaluator.

(c) Members of the Appeals Panel shall be:
(1) Experienced in and knowledgeable about the Standards, Interpretations and Rules of Procedure;

(2) Trained in the Standards, Interpretations and Rules of Procedure at a retreat or workshop or by other appropriate methods within the 3 years prior to appointment; and

(3) Subject to the Section’s Conflicts of Interest Policy, as provided in IOP 19.

(d) The Appeals Panel shall include:

(1) an academic;

(2) an administrator;

(3) a legal educator;

(4) a practitioner or member of the judiciary; and

(5) a member of the public.

(e) No more than fifty percent of the members may be persons whose primary professional employment is as a law school dean, faculty or staff member. Public members shall have qualifications and representation consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools.

**Rule 37: Membership of the Appeals Panel for the Proceeding**

(a) Within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel, the Managing Director shall designate the members of the Appeals Panel to hear the particular matter and make the decision.

(b) For law schools for which the Council is the institutional accreditor, the Managing Director shall appoint a legal educator, a practitioner or member of the judiciary, and a member of the public to the Appeals panel hearing the matter. For law schools for which the Council is the programmatic accreditor, the Managing Director shall appoint a legal educator, a practitioner or member of the judiciary, and a member of the public to the Appeals panel hearing the matter.

(c) In the event a member of the Appeals Panel cannot be appointed to participate in a decision on appeal so as to ensure that the Appeals Panel hearing the particular matter meets the requirements of Rules 35 and 37, the Managing Director shall appoint to the Appeals Panel another person who meets those requirements.
Rule 38: Scheduling of Appeals Panel Hearings

(a) Within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel, the Managing Director shall refer the appeal to the Appeals Panel. In referring the appeal, the Managing Director shall provide the members of the Appeals Panel hearing the appeal with copies of:

(1) The written appeal;

(2) The decision of the Council; and

(3) The record before the Council, including any transcript of hearing.

(b) The Managing Director, in consultation with the Chair of the Appeals Panel, shall set the date, time, and place of the hearing.

(1) The hearing shall be scheduled within forty-five days of the Managing Director’s referral of the appeal to the Appeal Panel.

(2) The Managing Director shall inform the law school of the date, time, and place of the hearing at least 30 days in advance of the hearing, unless the law school agrees to the hearing on less than 30 days’ notice.