

MEMORANDUM

To: Greg Murphy, Chair
Council of the Section of Legal Education and Admissions to the Bar

From: Pamela Lysaght, Chair
Standards Review Committee

Date: July 21, 2017

Re: Proposed Change to Standard 106

I am writing to report on the Standard Review Committee's recommendation regarding the proposed revision to the Standard 106 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. At its July 14-15 meeting, the Committee voted to recommend that Standard 106 be amended to conform to Rule 30. The explanation and proposed change follow.

Standard 106. Separate Locations and Branch Campuses

The proposed revision seeks to resolve an inconsistency between Standard 106(b)(1) and Rule 30(b)(1) regarding acquiescence and branch campuses. Under Rule 30(b)(1), a reliable plan submitted in support of an application to establish a branch campus must contain sufficient information to determine that the proposed branch campus "has achieved substantial compliance with the Standards and is reasonably likely to achieve full compliance with each of the Standards within three years of the effective date of acquiescence." In contrast, Standard 106(b)(1) requires the reliable plan to demonstrate only that "the branch campus is reasonably likely to be in substantial compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 30." The language in Standard 106(b)(1) is less demanding than Rule 30 – requiring only substantial compliance within three years, rather than substantial compliance at the time of acquiescence and full compliance within three years – and inaccurately states that this lesser standard is required by Rule 30. The Standards Review Committee believes that Rule 30(b)(1) contains the more appropriate standard. Accordingly, the proposed revision matches the language of Standard 106(b)(1) to the corresponding language in Rule 30(b)(1).

Standard 106. SEPARATE LOCATIONS AND BRANCH CAMPUSES

- (a) A law school that offers a separate location shall provide:
- (1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location;
 - (2) Library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to the student body at the separate location;
 - (3) Academic advising, career services and other student support services that are adequate to support the student body at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school's

- main location;
- (4) Access to co-curricular activities and other educational benefits adequate to support the student body at the separate location; and
 - (5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location.
- (b) In addition to the requirements of section (a), a branch campus must:
- (1) Establish a reliable plan that demonstrates that the branch campus has achieved substantial compliance with the Standards and is reasonably likely to ~~be in substantial~~ achieve full compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 30;
 - (2) Comply with instructional requirements and responsibilities as required by Standard 403(a) and Standard 404(a); and
 - (3) Offer reasonably comparable opportunities for access to the law school's program of legal education, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits as required by Standard 311.
- (c) A law school is not eligible to establish a separate location until at least four years after the law school is granted initial full approval.

Interpretation 106-1

A law school with more than one location may have one dean for all locations.