

**Section of Legal Education and Admissions to the Bar  
American Bar Association  
Council Meeting, Open Session  
May 11, 2018  
Washington, D.C.**

**Council Members present:** Diane F. Bosse, Esq.; Mr. David Byers; Samuel Chang; Professor Roger J. Dennis; Dean Emeritus and Professor Antonio Garcia-Padilla; President Emeritus Robert Glidden; President and Dean Donald Guter; James Hanks Jr., Esq.; Professor Joan Howland (Section Liaison to the House of Delegates); Mathew Kerbis, Esq. (Young Lawyers Division Liaison); Professor James M. Klein; Dean Emeritus and Professor Jeffrey Lewis; Professor Leo Martinez; Gregory G. Murphy, Esq.; the Honorable Jequita H. Napoli; the Honorable Solomon Oliver, Jr. (Section Liaison to the House of Delegates); Dean Maureen O'Rourke (Chair); E. Fitzgerald (Jerry) Parnell III, Esq. (Section Liaison to the Board of Governors); Raymond C. Pierce, Esq.; the Honorable Mary R. Russell; The Honorable Phyllis Thompson; Joseph K. West, Esq.

**Council Members absent:** Mary Campbell McQueen; Dean Emeritus and Professor Cynthia Nance; Senior Vice Chancellor Charles Ray Nash.

**Staff present:** Deputy Managing Director Bill Adams; Director of Operations Carl Brambrink; Accreditation Project Director Ed Butterfoss; Manger of Program Administration JR Clark; Managing Director Barry Currier; Accreditation Counsel Stephanie Giggetts; Section Director Erin Ruehrwein; Associate Executive Director and General Counsel Jarisse Sanborn; Consultant Becky Stretch.

**Guests and Affiliates present:** The Honorable Scott Bales (Accreditation Committee Chair), Pam Lysaght (Standards Review Committee Chair), Judy Areen (AALS), Bill Choyke (ABA Media Relations), Chris Chapman (AccessLex), Camille deJorna (LSAC), Judy Gundersen (NCBE), Susan Krinsky (LSAC), James Leipold (NALP), Melissa Lennon (NALP), Annmarie Levins (LSAC), Brianne Myers (WMU-Cooley Law School), Denise Roy (SALT), Beth Schwartz (CLEA), Wanda Temm (ALWD), Kellye Testy (LSAC), Stephanie Ward (ABA Journal).

**Minutes**

The minutes of the February 9, 2018 Open Session Council Meeting were approved as submitted, by voice vote, without dissent.

**Kutak Award**

Council Chair Maureen O'Rourke announced that the Honorable Solomon Oliver, Jr., Section Liaison to the House of Delegates, is the 2018 Recipient of the Section's Robert J. Kutak Award.

## **Standards Review Committee Report**

The Standards Review Committee met April 13, 2018, to review the comments received regarding the proposed revisions to the *ABA Standards and Rules of Procedure for Approval of Law Schools* approved by the Council for Notice and Comment during its meetings held in November 2017 and February 2018. In addition to the Notice and Comment period, a hearing was held on April 12, 2018, in Washington D.C. before the Committee met on April 13.

### **Standards 205 and 206**

The Council approved a motion to adopt the Standards Review Committee's (SRC) recommendations on proposed changes to Standards 205 (Non-Discrimination and Equality of Opportunity) and 206 (Diversity and Inclusion).

New language was approved for these standards 205 and 206. In both, "gender identity" has been added to the list of characteristics that are covered by those provisions. In addition, language was inserted to make clear that these standards do not require a religiously affiliated law school to act inconsistently with the essential elements of its religious values and beliefs provided that the actions are protected by the First Amendment of the U.S. Constitution.

### **Standards 501 and 503**

The Council approved a motion to adopt the SRC's recommendations on Standard 501 (Admissions) and Standard 503 (Admission Test).

These changes would eliminate Standard 503, which requires a valid and reliable admissions test score from every applicant, and the interpretations to that Standard. The changes would also amend Standard 501 to include in the Standard those factors that are appropriate and helpful for a law school to include in a sound admissions policy, including a law school admissions test. Also, the SRC recommended and the Council adopted a new interpretation to establish a "rebuttable presumption" that a school whose admissions policy and practices are called into question is presumptively out of compliance with Standard 501 if it does not require a valid and reliable admissions test as part of its admission policy.

### **Standards 303/304, 306, 307, and 601**

The Council approved a motion to adopt the SRC's recommendations on proposed changes to Standards 303 (Curriculum)/304 (Simulation Courses, Clinics, and Field Placements), 306 (Distance Education), 307 (Studies, Activities, and Field Placements Outside the United States), and 601 (Library and Information Resources, General Provisions).

Changes to Standard 303 and Standard 304 make clear that an experiential course be “primarily experiential in nature,” and that “direct supervision of the student’s performance by the faculty member” is required for both simulation and clinic courses and for field placements.

Revisions to Standard 306 include allowing law schools to give credit for up to one-third of the credits it requires for the J.D. degree for distance learning courses, and to allow up to ten of those credits to be in the 1L year.

Changes to Standard 601 include deleting the requirement of a written assessment of the law library during the reaccreditation process.

### **Revisions to the Rules of Procedure**

Changes to the following Rules were approved for Notice and Comment at the Council’s November 2017 meeting. The Council approved a motion to adopt the SRC’s recommendation on the proposed changes.

- Rule 3: Accreditation Committee Responsibility and Authority
- Rule 5: Site Evaluations
- Rule 10: Notice of Accreditation Decision by Other Agency
- Rule 14: Actions on Determinations of Noncompliance with a Standard
- Rule 22: Council Consideration of Recommendation of Accreditation Committee
- Rule 23: Council Consideration of Appeal from Accreditation Committee Decision
- Rule 24: Evidence and Record for Decision
- Rule 25: Decisions by the Council
- Rule 34: Teach-Out Plan
- Rule 52: Disclosure of Decision Letters

### **Reorganization Rules, Standards, Bylaws, IOP’s**

The Council discussed the proposed revisions to the Rules, Standards, Bylaws, and IOP’s based on the proposed reorganization of the Accreditation Committee, Standards Review Committee and Council into one Council body. The Council approved a motion to adopt the proposed changes.

Before becoming effective, the bylaw changes must be approved by the ABA Board of Governors and the Section membership at the Section’s annual business meeting during the upcoming ABA Annual Meeting, and changes in the Standards and Rules of Procedure must be concurred in by the ABA House of Delegates.

## **Affiliate Reports**

Judy Areen, Executive Director of AALS highlighted the addition of two new staff members and provided a status update on the *Before the JD* project.

Wanda Temm of ALWD discussed ALWD's adoption of a Diversity Strategic Action Plan, created to promote diversity and inclusion in the association. She also highlighted the association's first ever Leadership Academy, to be held in 2019, and their new website project.

Kellye Testy, President and CEO of LSAC, summarized LSAC's recent initiatives including research on test-optional admission policies, free LSAT prep with Kahn Academy, the increase of frequency of LSAT administrations for 2018-2019, the launch of a digital LSAT in 2019, and the Discover Law ad campaign to promote legal education and law as a career.

Melissa Lennon and James Leipold of NALP provided an update on current activities and initiatives including a Task Force on Lawyer Well-Being and an update on the legal employment market.

Judy Gundersen, President of NCBE, reported on new initiatives including the Testing Task Force, a new online Character and Fitness Report application, a new website, and provided facts and figures for the MBE, MPRE and UBE.

Denise Roy, Immediate Past President of SALT, reported on the goals of SALT and the upcoming Teaching Conference.

## **Annual Questionnaire and Self-Study Forms Review and Approval**

Becky Stretch and Bill Adams provided an overview of the proposed revisions to the Annual Questionnaire (AQ). Two sections of the AQ that were not reviewed last year – the Fiscal section, relating to law school finances, and the Financial Aid section – have been updated this year. In addition, based on comments received from the law schools and “users” of the AQ, duplication has been eliminated and questions or instructions have been clarified. The 2018 AQ also incorporates new methods of uploading information for certain parts of the questionnaire, such as admissions and enrollment (including attrition) as well as faculty and courses.

The Council approved a motion to adopt the proposed changes to the AQ.

## **Data Collection and Dissemination Discussion**

The Council discussed data transparency and the collection of both voluntary and required data, going forward. A subcommittee will be formed to further explore the topic.

## Reports

Section Director Erin Ruehrwein provided an update on Section activities including the upcoming Law School Development Conference, a new edition of *The Sourcebook on Legal Writing Programs*, co-sponsored programs, upcoming webinars, the work of the Conferences and Publications Committees, and the recent ABA reorganization.

Law Student Council member Sammy Chang reported on the next student to serve on the Council, Sarah Correll, and upcoming resolutions of the Law Student Division.

Mathew Kerbis, Young Lawyers Division Liaison, provided an update on the YLD's Spring Conference and the possibility of having a Legal Ed staff member present to YLD members on site team opportunities.

Jerry Parnell, Board of Governors Liaison, provided an update on the current state of the ABA and its finances.

Managing Director Barry Currier provided an update on the staff's new office space at the ABA, the ABA reorganization, and technology programs.

There being no further business to conduct in Open Session, Chair O'Rourke adjourned the Open Session of the Council at 2:30 p.m.