Memorandum

To: Dean Maureen O'Rourke, Chair
    Council of the Section of Legal Education and Admissions to the Bar

From: Stephanie Giggetts
    Accreditation Counsel

Date: January 30, 2018

Re: Proposed Change to Rule of Procedure 53

You have received a Memoranda addressing proposed changes to Rule 53 Applications, Decisions and Recommendations Made Public from the Standards Review Committee. That draft was prepared by the Standards Review Committee’s Transparency Working Group, which included Anthony Caprio, Peter Joy (Chair), Stephanie Giggetts (ABA Staff), Susan Kay (Accreditation Committee Liaison), and Chris Pietruszkiewicz. The Committee unanimously voted to recommend that the Council distribute for Notice and Comment the proposed changes to Rule 53, which appear in that report.

Last week, the Managing Director’s Office received a call from the press regarding the status of a law school that had been found out of compliance with certain Standards but had come back into compliance. The Office’s website still had the non-compliance letter posted, and ABA Rules do not currently allow the Office to comment on these matters as they are confidential under Rule 49. The non-compliance letter was moved to the archives. The Office decided that it may be beneficial to add a provision to Rule 53 to allow for the reporting of this type of information. Therefore, the Office proposes to add section (e) to Rule 53 and recommends that the Council distribute this change for Notice and Comment as an addition to the proposed changes to Rule 53 made by the Standards Review Committee.

Proposed Changes to Rule 53 with Addition of Section (e)

Rule 53: Applications, Plans, Decisions and Recommendations Made Public

(a) When a law school has applied for provisional or full approval, acquiescence in a major change, or a variance, or has submitted a teach-out plan for approval, the Council or the Managing Director shall provide public notice:

   (1) That the law school has submitted an application or plan; and

   (2) Of the procedural steps for consideration of the application or plan.

(b) After a law school has been notified of the Committee’s decision or recommendation, the Managing Director may state publicly the conclusions of the Committee and its decision or
recommendation, with an explanation of the procedural steps in further consideration of the
matter, concerning:

(1) The law school’s application for provisional or full approval;
(2) The law school’s application for acquiescence in a major change;
(3) The law school’s application for a variance;
(4) The imposition of sanctions or specific remedial action on the law school;
(5) The placing of the law school on probation; or
(6) The withdrawal of the law school’s approval; or
(7) The law school’s significant non-compliance with one or more Standards under Rule
   12(a)(4). (c)

After a law school has been notified of the Council’s decision, the Managing Director shall
provide public notification of the Council’s conclusions and decision (except as to a sanction that
is explicitly not public), with an explanation of any procedural steps for further consideration of
the matter, concerning:

(1) The law school’s application for provisional or full approval;
(2) The law school’s application for acquiescence in a major change;
(3) The law school’s application for a variance;
(4) The imposition of sanctions or specific remedial action on the law school;
(5) The placing of the law school on probation; or
(6) The withdrawal of the law school’s approval; or
(7) The law school’s significant non-compliance with one or more Standards under Rule
   12(a)(4); or
(8) The law school’s submission of a teach-out plan.

(d) After a matter concerning a law school has been acted upon by an Appeals Panel, the Council or
the Managing Director shall provide public notification of the conclusions and decision of the
Appeals Panel.

(e) After a law school has received a decision from the Committee or Council, the Managing Director,
with the concurrence of the Council Chair, may issue a public statement in writing or orally to
address other matters related to the accreditation of the school, to confirm or deny media reports
on the law school’s accreditation or matters related to that accreditation, or to respond to frequent
inquiries from the public.

CLEAN VERSION

Rule 53: Applications, Plans, Decisions and Recommendations Made Public
(a) When a law school has applied for provisional or full approval, acquiescence in a major change, a variance, or has submitted a teach-out plan for approval, the Managing Director shall provide public notice:

1. That the law school has submitted an application or plan; and
2. Of the procedural steps for consideration of the application or plan.

(b) After a law school has been notified of the Committee’s decision or recommendation, the Managing Director may state publicly the conclusions of the Committee and its decision or recommendation, with an explanation of the procedural steps in further consideration of the matter, concerning:

1. The law school’s application for provisional or full approval;
2. The law school’s application for acquiescence in a major change;
3. The law school’s application for a variance;
4. The imposition of sanctions or specific remedial action on the law school;
5. The placing of the law school on probation;
6. The withdrawal of the law school’s approval; or
7. The law school’s significant non-compliance with one or more Standards under Rule 12(a)(4).

(c) After a law school has been notified of the Council’s decision, the Managing Director shall provide public notification of the Council’s conclusions and decision (except as to a sanction that is explicitly not public), with an explanation of any procedural steps for further consideration of the matter, concerning:

1. The law school’s application for provisional or full approval;
2. The law school’s application for acquiescence in a major change;
3. The law school’s application for a variance;
4. The imposition of sanctions or specific remedial action on the law school;
5. The placing of the law school on probation;
6. The withdrawal of the law school’s approval;
7. The law school’s significant non-compliance with one or more Standards under Rule 12(a)(4); or
8. The law school’s submission of a teach-out plan.

(d) After a matter concerning a law school has been acted upon by an Appeals Panel, the Managing Director shall provide public notification of the conclusions and decision of the Appeals Panel.

(e) After a law school has been notified of Committee’s recommendation, or a Committee’s or Council’s decision, the Managing Director, with the concurrence of the Council Chair, may issue a public statement in writing or orally to address other matters related to the accreditation of the school, to confirm or deny media reports on the law school’s accreditation or matters related to
that accreditation, or to respond to frequent inquiries from the public.