Memorandum

To: The Council

From: Standards Review Subcommittee

Re: Proposed SRS Agenda for 2020-21

Date: July 31, 2020

The SRS, in consultation with the Council Chair Scott Bales and the Managing Director William Adams, has identified the following goals for this year:

- Lawyer wellbeing and professional responsibility
- Equity, diversity, and inclusion, including bias, cultural competency, and concrete actions
- Distance education

Additionally, we propose taking up unsettled agenda items from the past few years, which include:

- Standard 501, Admissions, to determine if Interpretation 501-3 should be clarified to provide the types of evidence a law school may proffer
- Standard 503, Admission Test, to determine whether the Council requires a standardized admissions test
- Standard 507, Student Loan Programs, to reconsider the objective of the Standard—to focus on inputs or outputs—and to determine the data that should be collected and published

Finally, and as is typical, we have identified through the course of the last year and through the IOP 9 process a number of Standards and Internal Operating Practices that may need to be amended, including:

- Standard 104, Provision of Information by Law Schools to the Council, to update the text to reflect that the SEQ has been replaced with the self-study.
- Standard 304, Experiential Courses: Simulation Courses, Law Clinics, and Field Placements, to determine if, in field placements, both the faculty member and field supervisor have an obligation to supervise and provide feedback to a student.
- Rule 4, Site Visits. The Council has agreed to allow virtual visits in the fall, so Rule 4 will need to be updated to provide for virtual visits.
- Rule 8, Appointment of a Fact Finder. Rule 4 allows a site visit to be postponed in extraordinary circumstances, but Rule 8 does not provide the same flexibility for a fact-finding visit, so Rule 8 needs to be updated.
- Rule 13-Actions on Determinations of Noncompliance with a Standard. Effective July 1, 2020, US Department of Education regulations provide that the timeline (for coming into compliance with a standard) may include intermediate checkpoints on the way to full compliance and must not exceed the four years (for a program) or three years for an
The Council will need to determine if it wants to extend the timeline for a law school to come into full compliance for certain standards.

- **IOP 9-Review of Standards, Interpretations, and Rules.** There is conflicting language on when the Council holds public hearings. This IOP should be amended to clarify that the Council may but is not required to hold public hearings regarding the Standards, Interpretations, and Rules.

The broader goals of revising the standards to better reflect lawyer wellbeing and professional responsibility and equity, diversity, and inclusion will necessarily involve looking at a number of standards. To assist the SRS with the task of proposing how these topics might inform the revision process, we are holding a virtual invitational roundtable on Friday, October 2. This endeavor marks a new approach since the consolidation by seeking input from interested parties before the revision process begins. Of course, as is our usual practice, once the Council approves SRS proposals, there will follow a notice and comment period.

The IOP 9 suggestions on matters to take up this year were especially thoughtful and helpful in developing this proposed agenda. A summary of those submissions and our recommendations is provided in a separate document.