Council Meeting, Open Session
May 15, 2020
Held via Zoom

**Council Members present:** Honorable Scott Bales; Dean Mary Lu Bilek; Diane Bosse, Esq. (Chair); Dean David Brennen; David Byers; Zachary Faircloth; Dean Emeritus and Professor Antonio García Padilla; James Hanks, Esq.; Associate Dean and Professor Joan Howland (Section Delegate); Mathew Kerbis, Esq. (Young Lawyers Division Liaison); Professor and Dean Emeritus Jeffrey Lewis; Professor (retired) Pamela Lysaght; Daniel Madzelan; Professor Leo Martinez; Mary McQueen, Esq.; Gregory Murphy, Esq.; Senior Vice Chancellor Charles Nash; the Honorable Solomon Oliver, Jr. (Section Delegate); Dean Eduardo Peñalver; the Honorable Mary Russell; Daniel Thies, Esq.; Honorable Phyllis Thompson; Joseph West, Esq.; and Dean and Professor Emerita Rebecca Hanner White.

**Staff present:** Managing Director Bill Adams; ABA Senior Associate General Counsel Deborah Boling, Esq.; Director of Operations Carl Brambrink; Senior Accreditation Counsel Edwin Butterfoss; Director of Accreditation Administration JR Clark; Managing Director Emeritus Barry Currier; Manager of Legal Education Assessment Services Genevieve Ferraro; Accreditation Counsel Stephanie Giggetts; Manager of Legal Education Assessment Services Sam Kwak; Section Director Erin Ruehrwein; and Manager of Law School Analytics Kirsten Winek.

**Guests and Affiliates present:** A list of attendees registered for the Open Session webinar are available upon request.

**Minutes**
The minutes of the February 21, 2020 Open Session Council Meeting were approved as submitted, by voice vote, without dissent.

**Standards Review Subcommittee Report**
The Standards Review Subcommittee (SRS) presented its final recommendations on proposed changes to definitions, standards and rules of the ABA Standards and Rules of Procedure for Approval of Law Schools related to distance education. The proposed changes, listed below, move the approval of distance education programs under substantive change and remove it from the variance process

A. Definitions
B. Standard 105
C. Standard 306
D. Standard 311
E. Standard 511
F. Rule 24
G. Criteria for Programs Offered by ABA-Approved Law Schools in a Location Outside the United States
H. Criteria for Accepting Credit for Student Study at a Foreign Institution

The Council approved the changes which will go to the ABA House of Delegate for approval at the 2020 ABA Annual Meeting.

The SRS also submitted proposed revisions to Rule 2 that would permit the Council to provide temporary relief from a rule or the requirements of a standard to allow law schools to respond to a regional or national emergency, such as weather disasters and pandemics. The relief granted would be effective only for the duration of the extraordinary circumstance and only to the extent specifically provided.

The Council approved the proposed change for Notice and Comment.

**Governance Committee Report**

The Governance Committee submitted proposed changes to the Bylaws that would permit the Council to provide temporary relief from a rule or the requirements of a standard to allow law schools to respond to a regional or national emergency, such as weather disasters and pandemics. The relief granted would be effective only for the duration of the extraordinary circumstance and only to the extent specifically provided.

The Council approved the amendment to the Bylaws to go before the ABA Board of Governors at its June Meeting, and then adoption by Section members at the 2020 Annual Business meeting of the Section.

**Standard 316**

Chair Bosse acknowledged the statements submitted regarding Standard 316.

**Questionnaire Related to Law School Responses to COVID-19**

The Council approved the emergency questionnaire to be distributed to law schools. Additionally, the Council will ratify any guidance sent to the schools regarding distance education. The Section will also work on a draft questionnaire to be sent in the Fall, which will be sent to the Council for approval.
Currently, the DOE is allowing the Council to grant law schools the authority to use distance education due to the pandemic through June. Should the DOE extend this date, the Council grants its authority for school’s to continue the use of distance education.

**Site Visits**
The Council discussed the idea of virtual site visits and approved a motion to authorize staff to create a plan for potential virtual site visits.

**Written Reports from Affiliates**
Chair Bosse thanked the several entities that submitted written reports to the Council.

**Reports**

**House of Delegates Report**
Section Delegates Joan Howland and the Honorable Solomon Oliver, Jr. reported that while the 2020 ABA Annual Meeting will be held virtually, they will attend. The Section is submitting a resolution requesting approval of revisions to its definitions, standards, and rules.

**Law Student Division Report**
Zachary Faircloth reported on the Law Student Division’s new leadership.

**Managing Director’s Report**
Bill Adams made remarks regarding the collaboration of the law schools during the pandemic, and thanked the Council and staff.

**Chair’s Report**
Chair Bosse reported on the 2020-2021 Council slate, which will be nominated during the 2020 ABA Annual Meeting, and thanked the Council and staff for their hard work and leadership this year.

Chair-Elect Scott Bales made remarks about outgoing Chair Bosse and thanked her for her service.

Chair Bosse adjourned the Open Session of the Council at 4:00 p.m.