AMERICAN BAR ASSOCIATION
STANDARDS REVIEW COMMITTEE HEARING

PUBLIC HEARING
AMENDMENTS TO STANDARDS AND
RULES OF PROCEDURE
FOR APPROVAL OF LAW SCHOOLS

MONDAY, OCTOBER 21, 2013
1:06 p.m.

321 NORTH CLARK STREET, 21ST FLOOR
CHICAGO, IL
APPEARANCES:

MR. BARRY CURRIER,
Managing Director of
Accreditation and Legal Education

THE HONORABLE REBECCA WHITE BERCH,
Chief Justice.

MR. MARK HANSEN,
ABA Journal
PUBLIC HEARING

MONDAY, OCTOBER 21, 2013

1:06 p.m.

MS. BERCH: Good afternoon. My name is Rebecca White Berch. I'm the vice chair of Council. I've been asked to chair this hearing.

As you know, the Council of the Section of Legal Education/Admissions to the Bar has approved for notice and comment proposed revisions to Chapter 1, the general purposes and practices; Chapter 3, program of legal education; Chapter 4, the faculty and Standard 203(b), dealing with the dean's position; and Standard 603(d), Director of the Law Library of the ABA Standards and Rules of Procedure for Approval of Law Schools.

Explanations of the changes, as well as strikeout versions showing the changes, have been widely published, and we received many written comments, and some members of Council have been personally lobbied.

This hearing is part of a process designed to ensure that every individual or group that wishes to do so has a meaningful opportunity to have its position heard. There will be another similar
hearing on February 5 and 6, 2014.

We're pleased, Gary, that you've joined us. We have a rather empty room.

MR. PALM: Rather big and empty room.

MS. BERCH: If you wish to speak, Gary, we'd enjoy hearing from you.

We are transcribing these proceedings for future reference. And, Gary, if you haven't submitted written comments, we encourage you to submit any comments in writing.

Since there's nobody here who has expressed an interest in speaking, we will remain here for a while and allow time for those who might have had trouble parking or finding their way up here to appear.

So we'll simply wait for a while.

MR. PALM: Can I ask a question about the process?

MR. CURRIER: And we'll go off the record now?

MS. BERCH: Do you want this on the record?

MR. PALM: Yeah.

In the past, when we had the comments come in on the proposed standards that have been set up
by the Council, they went back to standards review, and we reviewed the comments and make any changes they thought appropriate.

And they used to do the hearing, but I noticed now that the Council is doing the hearing. So is it going to go back to standards review or not?

MR. CURRIER: Our expectation is that standards review will have an opportunity and take the opportunity to review the transcripts and all the written comments and make whatever additional comments they wish to make to the Council.

MR. PALM: And when is this expected to be given to the house of delegates?

MR. CURRIER: Fingers crossed --

MS. BERCH: August.

MR. CURRIER: -- August 2014.

MR. PALM: Not this August?

MR. CURRIER: This August has passed, so the next --

MR. PALM: That's true.

MR. CURRIER: But not at the midyear meeting.

MR. PALM: That's good.

MR. CURRIER: There's no definite
timetable, so if things aren't ready to go, then we'll take them to the House when Council's adopted them and they're ready to move forward.

MR. PALM: And where is the 2014 August meeting going to be?

MR. CURRIER: I think it is in Boston.

The ABA annual meeting is in Boston.

MR. PALM: Okay. Those are the questions I wanted to understand.

MR. CURRIER: And the midyear, when we have additional hearings, is here in Chicago.

MR. PALM: I know that.

MR. CURRIER: All right.

(WHEREUPON, a short recess was had.)

MS. BERCH: The time is now 1:33. We've had an enjoyable chat with Gary Palm. No one has appeared to make any comments on any of the proposed revisions.

So one more call to the public.

None being heard, we'll adjourn this meeting and we'll meet again tomorrow morning.

MR. CURRIER: Tomorrow morning.

MS. BERCH: At 9 o'clock. 9:00 a.m. is the posted time.

Thank you all very much.
(WHEREUPON, the presentation was concluded
at 1:32 p.m.)
STATE OF ILLINOIS )

) SS:

COUNTY OF DU PAGE )

I, Nicole Scola, a Certified Shorthand Reporter of the
of Illinois, do hereby certify that I reported in
the proceedings had at the meeting aforesaid, and that the
foregoing is a true, complete and correct transcript of
proceedings of said meeting as appears from my
notes so taken and transcribed under my personal
IN WITNESS WHEREOF, I do hereunto set my hand at Chicago,
Illinois, this 22nd day of October, 2013.

Certified Shorthand Reporter

C.S.R. Certificate No. 084-004524.
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AMERICAN BAR ASSOCIATION
STANDARDS REVIEW COMMITTEE HEARING

PUBLIC HEARING
AMENDMENTS TO STANDARDS AND
RULES OF PROCEDURE
FOR APPROVAL OF LAW SCHOOLS

TUESDAY, OCTOBER 22, 2013
9:00 a.m.

321 NORTH CLARK STREET, 21ST FLOOR
CHICAGO, IL
APPEARANCES:

MR. BARRY CURRIER,
Managing Director of
Accreditation and Legal Education

THE HONORABLE REBECCA WHITE BERCH,
Chief Justice.

MR. MARK HANSEN,
ABA Journal
PUBLIC HEARING

TUESDAY, OCTOBER 22, 2013

9:00 a.m.

MS. BERCH: Good morning, my name is Rebecca White Berch, and I've been asked to chair this hearing.

As you know, the Council of the Section of Legal Education and Admissions to the Bar has approved for notice and comment proposed revisions to Chapter 1, general purposes and practices; Chapter 3, program of legal education; Chapter 4, the faculty and Standards 203(b), dealing with the dean's position; and Standards 603(d), which deals with the director of the law library. These are the ABA Standards and Rules of Procedure for Approval of Law Schools.

Explanations of the changes, as well as the strikeout version showing all the changes, has been widely published, and we've received many written comments, and some members of the Council have been personally lobbied.

This hearing was part of a process designed to ensure that every individual or group has a meaningful opportunity to have its position
heard. There will be another hearing on February 5 and 6 of 2014.

It doesn't appear that we have anyone here to present to us, but we'll remain here for the next half hour or so to see if anyone shows up.

We will be transcribing the hearing and any comments that are made for future reference.

We also encourage anyone who speaks -- will encourage anyone who speaks, who hasn't already done so, to submit written comments.

At this point, we'll go off the record and wait and see if anyone shows up.

Thank you.

(WHEREUPON, a short recess was had.)

MS. BERCH: Would you introduce yourself, Gary.

MR. PALM: Yeah. Gary Palm, Professor of Emeritus of Law, University of Chicago Law School.

You want me to talk?

MS. BERCH: Please do so.

MR. PALM: I'm not going to discuss the primary issues that relate to clinical teachers, legal writing instructors, tenure of that today. But one issue that really has concerned me, ever since I was on the Council for six years
and on Accreditation Committee for seven and for
many -- for years before that on the skills training
and several other committees of the section, one of
the major concerns I have is the excessive role of
the deans. This is having the regulated -- the
deans regulate themselves.

The -- I know they recuse on their own
schools and on competitor schools, but the real
issue is that they -- in writing these standards,
they should be recusing, too, because this is going
to regulate their behavior, the behavior of their
law schools. And they are like the CEOs of the law
school, and the whole notion of putting, say, the
CEOs of big banks on the Federal Reserve Board, for
example, would be seen as a clear contrast of
interest.

And that wouldn't mean that they wouldn't
play a role; they could certainly recuse and then
give testimony. The question of whether they could
stay in the meeting for confidential proceedings,
although there really shouldn't be any on standards,
is a different issue.

So I would urge that the Council consider
when they do -- when they finally resolve the issues
for the -- this process of looking at everything,
that they look at, again, the conflict of interest rules, particularly as they relate to deans of law schools who are being regulated, which is every -- pretty much any school that's -- they could sit for the bar when they graduate, that they be disqualified from voting on the -- or for consideration and voting on the standards that are submitted to the House of Delegates.

MS. BERCH: Okay.

MR. HANSEN: Was that on the record?

MS. BERCH: Yes.

MR. PALM: Yes.

MR. HANSEN: I don't know what you're talking about.

MS. BERCH: Standard 203(b) is open for comment today, that deals with the dean's role. And Gary was speaking a little more broadly to their presence on Council and the appropriateness of their voting on standards relating to governance of law schools.

Gary, thank you very much for your comments.

Are there any further comments from anyone in the room? If not, I'd encourage anyone who has comments to submit, to submit them to
jr.clark@americanbar.org.

That will conclude today's hearing. Thank you all very much for coming.

(WHEREUPON, the presentation was concluded at 9:35 a.m.)
STATE OF ILLINOIS

) SS:

COUNTY OF DU PAGE

I, Nicole Scola, a Certified Shorthand Reporter of the
of Illinois, do hereby certify that I reported in
the proceedings had at the meeting aforesaid, and that the
foregoing is a true, complete and correct transcript of
proceedings of said meeting as appears from my
notes so taken and transcribed under my personal
IN WITNESS WHEREOF, I do hereunto set my hand at Chicago,
Illinois, this 22nd day of October, 2013.

Certified Shorthand Reporter

C.S.R. Certificate No. 084-004524.
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