

Council acts on ABA law school approval standards at March 2014 meeting

The Council of the ABA Section of Legal Education and Admissions to the Bar is nearing completion of a comprehensive review of the ABA Standards and Rules of Procedure for Approval of Law Schools led by the Section's Standards Review Committee. During the review process, the Committee sent recommendations to the Council, which then circulated the recommendations for notice and comment from interested constituencies, including legal educators, lawyers, judges, bar admissions authorities, and university presidents.

The Council approved the vast majority of the recommendations that had been circulated for notice and comment at its meeting in San Diego on March 14 – 15, 2014. Importantly, the proposed changes to the Standards are designed to incorporate student learning outcomes into the Standards. The changes also provide greater clarity and guidance to the law schools that must comply with the Standards. In addition, the revisions address many of the changes that have happened in legal education since the last comprehensive review more than a decade ago, modified the Standard on variances to emphasize greater experimentation, responded to changes and requirements in Department of Education regulations, streamlined the sabbatical review process, strengthened curricular requirements and highlighted reporting requirements.

The issue discussed by the Council that generated the most public comment was the effort to clarify the requirements regarding tenure. A majority of the Council expressed dissatisfaction with current Standard 405, which governs faculty status and security of position for law faculty. However, neither of the alternative proposals that the Council had circulated for notice and comment were acceptable to a majority of the Council. Both of those proposals had been loudly criticized by law school faculty during the comment period. Because no proposal for change garnered a majority of the Council, current Standard 405 remains in place.

Experiential instruction was also a topic of the standards review. The Council had circulated for notice and comment alternative proposals for a requirement of experiential instruction – one alternative proposed a requirement of one or more courses totaling at least six credit hours of instruction; the other required at least 15 credit hours. To qualify, the instruction must be in a simulation course, law clinic, or field placement, all as defined in subsequent Standards. The Council determined that six credit hours was the appropriate requirement at this time. The Council also added language to an Interpretation encouraging law schools to promote opportunities for law students to provide at least 50 hours of pro bono service during law school.

The Council approved several additional matters for notice and comment: revised Rules of Procedure; a new Definitions section; the deletion of Chapter 8 (involving Council authority, variances, and amendments, which are now covered in other parts of the Standards and Rules); a new Interpretation 503-2 that provides a “safe harbor” for admitting certain students without an LSAT score; and the deletion of a current prohibition on students (in Interpretation 305-3) from receiving academic credit for paid internships. The Council also decided to send out for comment for a second time proposed Standard 505, which places limits on the amount of transfer credit that can be received in certain circumstances. The matters sent out for comment will be finalized by the Council in June.

The complete set of revisions is expected to be reviewed by the ABA House of Delegates in August 2014 in accordance with House Rule 45.9. The House may either concur with the Council's decisions or refer a proposed change back to the Council for further consideration. Any reference back to the Council must

include a statement setting forth the reasons for the referral. A decision by the Council is subject to a maximum of two referrals back to the Council by the House. The decision by the Council following the second referral is final.

The comprehensive review grew out of the Section's 2006 strategic plan, the recommendations of the 2006 – 2007 Accreditation Policy Task Force, and the recommendations of three special committees appointed in 2007 to study security of position, transparency, and outcome measures. The Council referred these reports to its Standards Review Committee in August 2008 and directed the Committee to conduct a comprehensive review of the Standards.

Further information about the Standards Review process can be found at http://www.americanbar.org/groups/legal_education/committees/standards_review.html.

Below are links to drafts that show the proposed changes approved by the Council, as well as the matters currently out for notice and comment.

[Proposed Standards and Explanations](#)

[Proposed Rules and Explanations](#)

The Council of the [ABA Section of Legal Education and Admissions to the Bar](#) and its accreditation committee are recognized by the U.S. Department of Education as the national accrediting agency for programs leading to the J.D.