

Memorandum

To: Council of the Section of Legal Education and Admissions to the Bar

From: Standards Review Subcommittee

Re: Proposed Standards Review Agenda for 2018-19

Date: November 1, 2018

In consultation with the Managing Director's Office, the Council's Standards Review Subcommittee (SRS) recommends to the Council the following charge to the SRS for the 2018-2019 year:

The SRS is directed to focus this year on first, Standards that need minor revisions for clarification and second, amending or proposing new Rules to facilitate the Council's expanded work as a result of the consolidation or that are necessary in light of recent experience.

Specific Projects Proposed for the 2018-19 Academic Year

- *Credit Hour*
Charge: Propose changes to Standard 310 to simplify the language in order to clarify the requirements of the standard and assist law schools with compliance.
- *Study Outside the United States*
Charge: Propose the reinsertion of Interpretation 307-2 relating to brief visits to a country outside the United States, giving some guidance as to what constitutes a brief visit.
- *Appeals or Reconsideration of Council Accreditation Decisions*
Charge: Consider whether the Rules should be amended regarding the opportunity of a law school to seek further review of a Council decision other than decisions covered by the appeals process in Rules 30-36, in light of the fact that the prior structure provided for an appeal to the Council of Accreditation Committee decisions, which the new structure eliminates.
- *Law School Closures and Teach Out Plans*
Charge: Review Rule 29, USDE regulations, and the approaches and rules of other accreditors regarding school closures and teach-out plans; propose any changes that would facilitate the management and process of law school closures and teach-out arrangements and serve well the interests of students, schools, the public, and the accreditation process.

- *Appeal Procedures and Process*
Charge: Review and propose changes to update and improve Rules 30 to 36 relating to procedures for appeals of decisions covered by those rules. Additionally, review and make recommendations concerning the process for those appeals.
- *Attorney Fees*
Charge: Consider whether and how to provide in the regulatory framework a requirement making law schools responsible for attorney fees if they file suit against the Council or the ABA on matters relating to accreditation and are unsuccessful.
- *Nominating Process*
Charge: Review the Bylaws to consider whether the Council nominating process should be updated and improved.

The SRS also reviewed the suggestions received in response to the annual request for suggestions for standards and rules changes called for in Internal Operating Practice 8. A summary of those suggestions is attached as an appendix. The SRS notes that there were a number of thoughtful suggestions. In particular, the SRS suggests that suggestions made by the ABA Commission on Lawyer Assistance and others related to law student and lawyer well-being should be taken up at some point in time, and that suggestions related to Standard 509 regarding the collection and publication of law school data should be considered in a more comprehensive review of the larger questions around the purposes for and uses of data that the Council collects. After a review, however, the SRS is recommending that the Council decline to include any of them at this time as they are outside the scope of the proposed agenda. For example, several suggestions seek to expand the reach of existing Standards; and others request additional reporting requirements for law schools, either through existing standards or a new standard.

Thank you for your consideration.