Council Meeting, Open Session  
August 23, 2019  
Chicago, IL

**Council Members present:** the Honorable Scott Bales; Dean Mary Lu Bilek; Diane Bosse, Esq. (Chair); Dean David Brennen; 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.; the Honorable Phyllis Thompson; Joseph West, Esq.; and Dean and Professor Emerita Rebecca Hanner White.

**Council Members absent:** David Byers and Michele Wong Krause (Section Liaison to the Board of Governors).

**Staff present:** Deputy Managing Director Bill Adams; ABA Senior Associate General Counsel Deborah Boling; Director of Operations Carl Brambrink; Senior Accreditation Counsel Ed Butterfoss; Director of Accreditation Administration JR Clark; Managing Director 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:** Mary Adkins (ALWD); Chris Chapman (AccessLex Institute); Christine Church (WMU-Cooley Law School); Camille deJorna (LSAC); Darby Dickerson (AALS); Emily Florio (AALL); Georgia Emery Gray (NALP); Judy Gundersen (NCBE); Kendall Kerew (CLEA); Beth Lyon (SALT); Denise Roy (SALT); Beth Schwartz (CLEA); Myron Steeves (Trinity Law School); Fred Thrasher (NALP); Vani Ungapen (AALL); Stephanie Ward (ABA Journal); and Kevin Washburn (LSAC).
Minutes

The minutes of the May 17, 2019 Open Session Council Meeting were approved as submitted, by voice vote, without dissent.

Affiliate Reports

American Association of Law Libraries (AALL)
Emily Florio (Vice President) reported on the Association’s Annual Meeting in Washington, D.C.; 2020 Annual Meeting to be held in New Orleans; State of the Profession report; advocacy efforts; and professional development.

Association of American Law Schools (AALS)
Darby Dickerson (President-Elect) reported on activities including the Association’s Faculty Recruitment Conference, Study of the American Law School Dean, and upcoming Annual Meeting to be held in Washington, D.C.

AccessLex Institute
Chris Chapman reported on the federal government loan policy, reauthorization of the Higher Education Act, and its new bar prep product.

Clinical Legal Education Association (CLEA)
Kendall Kerew (Vice President) provided several committee updates, an update on the new Social Justice Issues Committee, and the launch of funding for rural clinicians.

Law School Admission Council (LSAC)
Kevin Washburn (Chair) and Camille deJorna (Deputy for Legal and Global Higher Education) provided updates on the LSAT test taker reports, application trends and statistics, the new LSAC Board, the release of the digital LSAT in July, the BE indivISIBLE campaign, and the Access to Justice Challenge.

National Association for Law Placement (NALP)
Georgia Gray (President) and Fred Thrasher (Deputy Director) reported on the preliminary findings of the employment outcomes for the Class of 2018, new and continuing research activities, and educational programming.

National Conference of Bar Examiners (NCBE)
Judy Gundersen (President and CEO) provided an update on the July bar exam, the transition of the Multistate Professional Responsibility Examination (MPRE) from paper to a computer, and the Testing Task Force and its Phase I First Year report.
Standards

The Council’s standards review subcommittee (SRS) reported on matters out for notice and comment, proposed changes to the *Criteria for Foreign Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States* and the *Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools*, and the 2019-20 Standards Review Committee agenda.

The Council, at its May 2019 meeting, approved for Notice and Comment a number of proposed changes to the *ABA Standards and Rules of Procedure for Approval of Law Schools* including:

- Standard 202. Resources for Program
- Standard 206. Diversity and Inclusion
- Standard 307. Studies, Activities, and Field Placements Outside the United States
- Standard 310. Determination of Credit Hours for Coursework
- Standard 311. Academic Program and Academic Calendar
- Standard 502. Educational Requirements
- Standard 509. Required Disclosures
- Rule 13. Actions on Determinations of Noncompliance with a Standard
- Rule 29. Teach-Out Plan
- Rules 30-36. Appeals Panel Procedure
- Rule 37. Complaints in General
- Rule 39. Disposition of Complaint

The Council, at the recommendation of the committee chairperson, agreed to defer action of Standard 206. A motion to approve all other recommended changes was approved by the Council. Those matters will be sent to the ABA House of Delegates for review and concurrence at the 2020 ABA Midyear Meeting.

A motion to approve the proposed changes to the *Criteria for Foreign Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States* and the *Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools* was approved by the Council.

A motion to approve the proposed 2019-2020 work plan for the SRS, which was included in the Council’s agenda materials and with the additions of e lawyer substance abuse and well-being, Standard 501, and Standard 507, was approved by the Council.
Bar Passage Outcomes Reporting

The Council discussed the Bar Passage Questionnaire and the Standard 509 public report template. Staff reported that the form was similar to the form of questionnaire used for 2019 reporting other than the addition of a requirement that schools report outcomes by race and gender. The Council approved the 2020 Bar Passage Questionnaire form recommended by staff. The Council agreed, however, to defer for at least one reporting cycle any public report of bar exam outcomes by race and gender, so that the Council could see these outcomes for 2019 (to be reported in 2020) and consider whether and in what form that outcome data would be included in aggregate or school-specific reports going forward.

Employment Data Collection Process & Council Action

The Council approved the Employment Outcome Protocols for the Class of 2019 that were proposed by staff and included in the meeting agenda materials.

509 Reporting of Admission Test Scores

The Council approved the continuing use of the current Standard 509 public reporting form, which does not break out and report in detail on matriculants who did not submit an admissions test score other than an LSAT. This decision was based in large part on the relatively small number of Fall 2019 matriculants who did not report a non-LSAT admissions test score.

Budget for FY20

The Council approved both the Section ad Accreditation budgets for 2019-20.

Reports

Erin Ruehrwein (Section Director) reported on the Section’s New Deans and Deans Workshops, Associate Deans Conference, and 2019 Annual Meeting Student Debt program; publications including The Sourcebook on Legal Writing Programs, Syllabus, 2019-20 Standards; and updates to the website.

Section Delegates Solomon Oliver, Jr. and Joan Howland reported on the 2019 Annual Meeting.
Mathew Kerbis, Young Lawyers Division (YLD) Liaison, reported on the YLD’s Task Force on Law Student Debt.

Zachary Faircloth reported on the Law Student Division’s new leadership and its focus for the upcoming year on mental health and wellness, debt, and sexual harassment in the workplace.

Chair Diane Bosse recognized Council member Joe West who recently received the Chambers and Partners’ Inaugural Lifetime Achievement Award: Diversity & Equality, and staff member Kirsten Winek who recently earned her PhD in Higher Education Administration. Chair Bosse announced the 2019 Kutak Award Recipient, The Honorable Christine M. Durham, who was presented with the award at a reception and dinner on Friday, August 24. She also updated the Council on the search for the next Managing Director.

Chair Diane Bosse adjourned the Open Session of the Council at 3:10 p.m.