August 2014

MEMORANDUM

To: Persons Interested in Establishing a New Law School or Seeking Approval of an Existing School

From: Barry Currier, Managing Director
Section of Legal Education and Admissions to the Bar

In response to your request for information about American Bar Association accreditation of law schools that have been or are about to be established, or existing law schools contemplating seeking American Bar Association approval, we enclose for your use the following material:

(1) ABA Standards and Rules of Procedure for Approval of Law Schools
(2) Law School Accreditation Brochure
(3) Timeline for Seeking Provisional/Full Approval

Other documents that might be of interest can be viewed and downloaded from our website (http://www.americanbar.org/groups/legal_education.html). For questionnaires that must be submitted by a school interested in ABA approval, click on ABA Questionnaires (scroll down) to review the Annual and Site Visit Questionnaires. For memoranda related to the site visit and the review process, click on Accreditation Overview.

Organizing and leading a law school through the ABA accreditation process is a substantial and serious undertaking. This memorandum and the accompanying materials outline the process and briefly describe what must be accomplished and in place for a law school to be approved by the American Bar Association.

The initial level of approval that the ABA awards to a law school is provisional approval. Provisional approval is discussed in Standard 102 and its Interpretations. The process for obtaining provisional approval is set out in Rule 27 (formerly Rule 4) of the Rules of Procedure for Approval of Law Schools. This Standard and this Rule are included in the Standards for Approval of Law Schools book that we are sending you. This book contains the Standards, Interpretations, and Rules that apply to ABA-approved law schools generally. This material, including the new Standards and Rules are also available on our website (click on Standards for Approval of Law Schools).

Standard 102 states the Council shall grant provisional approval to a law school if at the
time the school seeks such approval it demonstrates that it has achieved substantial compliance with the Standards and presents a reliable plan for bringing the law school into full compliance with each of the Standards within three years of receiving provisional approval. Rule 27 states that a law school cannot apply for provisional approval until it has completed the first full academic year of its program. An application for provisional approval must be submitted no later than October 15th in the academic year in which the law school is seeking approval. A new law school seeking provisional approval must request a site visit by March if they want a fall visit. Because the application process includes gathering and reporting a considerable amount of data in ABA annual and site evaluation questionnaires, we should emphasize even at this early date that advance planning is crucial to your efforts.

**Application for Provisional Approval**

Rule 27 also describes the components of an application for provisional approval. At the outset of this process, we draw your attention to Rule 27(b)(3), which calls for a law school seeking provisional approval to have completed a comprehensive feasibility study. This study will consider, among other things, how the law school will acquire the necessary resources to develop and maintain an institution of quality. It should demonstrate how the proposed law school could substantially comply with each of the Standards at the time of seeking provisional approval, and how the school might thereafter fully comply with each of the Standards. This feasibility study should include consideration of the mission, goals and character of the proposed law school.

**Feasibility Study**

The feasibility study should address the market for the proposed new law school: the distance from other law schools in the area from which the proposed school might draw students; the number, characteristics, and interests of the students who might apply; the availability of resources necessary to create and sustain the proposed law school; and the demand for law-trained individuals in the geographic area(s) in which the graduates of the proposed school might be expected to pursue their careers. The feasibility study should address the school’s potential applicant pool in light of national trends and projections. This feasibility study should be completed prior to commencement of a program of instruction.

**Estimated Costs**

The costs of establishing and operating a law school that complies with the ABA
accreditation standards are substantial. It might be helpful to provide you with some general information about these costs, which include capital costs for facilities and information resources and operating expenses. The major capital expenditures involved in establishing a new law school are, of course, those for the law building and the library collection. Costs for a facility may vary, depending upon anticipated size of student body, the character of program, and local construction costs.

Library costs are substantial, but it is increasingly difficult to estimate what they might be. The Standards are focusing more on “access to information,” which is likely to be a combination of print and electronic materials. As the format in which materials are provided change and evolve, it may impact the number and qualifications of a library staff. Many new schools find a library consultant to assist them in developing and executing a library plan.

Technology is another major necessary investment for a law school in the twenty-first century. This includes information technology (to permit students, faculty, and staff to access the wide range of law and law-related information available electronically); classroom technology (permitting the use of electronic resources in the classroom); and also technology infrastructure, systems, and software to support other parts of the law program and operations.

The primary operating expenditures are those for personnel. Funds must be available for faculty, administrative and supporting services, research, travel, and secretarial assistance. Additional funds should be provided for student financial aid.

The process of establishing a law school or moving an existing law school toward ABA approval also requires the hiring of a dean and the undertaking of the feasibility study and self study. Standard 402(b) requires that a law school have a sufficient number of full-time faculty to enable the law school to operate in compliance with the Standards and carry out its program of legal education.

Self Study

The self study builds on the feasibility study. It is completed by the faculty and dean and should involve appropriate representatives of the constituencies of the law school. The self study should address evaluation of outputs in relation to expressed institutional objectives. Comparison should be made with available regional and national data. The diversity of the educational activity should be reviewed, showing how the law school proposes to offer a sound program of instruction in lawyering skills. It should
demonstrate that the law school has sufficient financial resources to permit the
development of the institution.

The self study should describe the goals that the law school has set for itself, identify and
analyze the school’s strengths and weaknesses in light of these stated objectives, and
relate the available resources to the stated objectives. The self study should also indicate
how the school substantially complies with the Standards and how the school will
achieve full compliance with the Standards within three years after receiving provisional
approval.

A thoughtful and candid self study is essential to fully inform the site evaluation team
prior to its visit. It will greatly assist the team in the factual information that the
Accreditation Committee and the Council of the Section of Legal Education and
Admissions to the Bar need in order to evaluate a school’s application for provisional
approval. We urge the dean and faculty to devote substantial attention to the preparation
of this important document.

Disclosures

It is the policy of the American Bar Association that an unapproved law school seeking
or intending to seek Provisional Approval include the following language in its printed or
electronic materials:

The Dean has informed himself/herself fully as to the Standards and Rules of
Procedure for the Approval of Law Schools by the American Bar Association.
The college administration and the dean are determined to devote all necessary
resources and in other respects to take all necessary steps to present a program of
legal education that will qualify for approval by the American Bar Association.
The law school makes no representation to any applicant that it will be approved
by the American Bar Association prior to the graduation of any matriculating
student.

You should also know that Standard 102(g) (formerly Interpretation 102-8) specifically
provides that a law school seeking provisional approval shall not delay conferring a J.D.
degree upon a student in anticipation of obtaining approval.

Fees

It is the policy of the American Bar Association that all schools applying for provisional
approval be charged an application fee, which at the present time is $80,000 (see
http://www.americanbar.org/groups/legal_education/resources/accreditation/schedule-of-law-school-fees.html for additional information on fees). When a school is in position to make formal application, a check for the amount of the application fee should be forwarded to the Managing Director’s office as part of the completed application. The check should be made payable to the American Bar Association.

Resources

Given the substantiality and complexity of the work required to move a law school through the ABA accreditation process, you might find it useful to visit our offices in Chicago and to discuss your plans with us. In addition, our office can conduct a pre-visit of your school upon request. Finally, we conduct an annual site evaluators workshop in early fall that generally includes a meeting with new schools as part of the program. Many schools consider hiring a consultant to assist them with this process and we can provide some additional information upon request. If we can be of help to you, please do not hesitate to contact us.