The Consent Decree and Policies Deriving From It on Its Expiration


At a meeting on February 11, 2006 the Council of the ABA Section of Legal Education and Admissions to the Bar adopted motions, took action, and agreed that it and the accreditation process would continue to follow the substantive provisions of the Consent Decree. This document reminds those who act in the Accreditation Process of the decisions that the Council has made with respect to continuing observance of the substantive provisions of the Consent Decree.

Prohibited Conduct in the Consent Decree

The Consent Decree prohibited certain practices in the accreditation process:

(A) adopting or enforcing any Standard, Interpretation or Rule, or taking any action that has the purpose or effect of imposing requirements as to the base salary, stipends, fringe benefits, or other compensation paid law school deans, associate deans, assistant deans, faculty, library directors, librarians, or other law school employees, or in any way conditioning the accreditation of any law school on the compensation paid law school deans, associate deans, assistant deans, faculty, library directors, librarians, or other law school employees;

(B) collecting from or disseminating to any law school data concerning compensation paid or to be paid to deans, administrators, faculty, librarians, or other employees;

(C) using law school compensation data in connection with the accreditation or review of any law school; and

(D) adopting or enforcing any Standard, Interpretation or Rule, or taking any action that has the purpose or effect of prohibiting a law school from:

(1) enrolling a member of the bar or graduate of a state-accredited law school in an LL.M. program or other post-J.D. program;

(2) offering transfer credits for any course successfully completed at a state-accredited law school, except that the ABA may require that two-thirds of the credits required for graduation must be successfully completed at an ABA-approved law school; or

(3) being an institution organized as a for-profit entity.
Permitted Conduct in the Consent Decree

Nothing herein shall be construed to prohibit the ABA from: (1) adopting or applying such other reasonable Standards, Interpretations or Rules, consistent with all other provisions of this Final Judgment, as are necessary to attract and retain a competent faculty; (2) investigating or reporting on whether a law school is in compliance with such Standards, Interpretations or Rules, or the cause of non-compliance; or (3) requiring that a law school take remedial action to comply with such Standards, Interpretations or Rules as a condition of obtaining or maintaining ABA approval. Nor shall anything herein be construed to prohibit the ABA, upon receipt of a complaint concerning discrimination, from collecting and considering compensation information that is relevant to the allegations of discrimination in order to determine whether the school that is the subject of the complaint complies with Standards or Interpretations thereunder that prohibit discrimination. Compensation information collected or considered in connection with such an inquiry will not include information concerning the levels of compensation paid by schools other than the school that is the subject of the complaint.