

# Standards and Rules of Procedure for Approval of Law Schools

2022-2023

AMERICAN BAR ASSOCIATION  
SECTION OF LEGAL EDUCATION  
AND ADMISSIONS TO THE BAR



AMERICANBARASSOCIATION

Legal Education and  
Admissions to the Bar

ABA STANDARDS  
*and*  
RULES OF  
PROCEDURE  
*for*  
APPROVAL OF  
LAW SCHOOLS

2022–2023

The ABA Standards and Rules of Procedure for Approval of Law Schools are promulgated by the Council of the ABA Section of Legal Education and Admissions to the Bar and concurred in by the ABA House of Delegates.

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# Preface

## Scope of Accrediting Authority

The Council of the American Bar Association Section of Legal Education and Admissions to the Bar (Council) is recognized by the United States Department of Education (USDE) as the accreditor of first-professional degree in law (J.D.) programs. Further, with very few exceptions, in all bar-admitting jurisdictions in the United States, a J.D. degree from an ABA-approved law school is sufficient to meet the minimal education requirements established by a jurisdiction to qualify a person to sit for the bar examination. In most jurisdictions, an ABA-approved law school J.D. degree is a necessary credential to qualify to sit for the bar examination. Whether a jurisdiction requires education at an ABA-approved law school is a decision made by a jurisdiction's highest court and its bar admission authority and not by the Council or the ABA. The Council and the ABA believe, however, that every candidate for admission to the bar should have graduated from a law school approved by the ABA and that every candidate for admission should be examined by public authority to determine fitness for admission.

The Council's recognition as a USDE-recognized accrediting agency was established in 1952. USDE recognition criteria require an accrediting agency within a professional association to operate separately and independently of the association of which it is a part. Therefore, it is the Council, and not the American Bar Association, that is the formally recognized accreditor. Nonetheless, for ease of reference, law schools accredited by the Council are referred to as "ABA-approved." While the ABA supports the Council and its work in a variety of ways, including financially, "separate and independent" means, at a minimum, that the ABA is not involved in any way in the approval of a law school or the enforcement of the ABA Standards for Approval of Law Schools against law schools, including findings of non-compliance, imposition of sanctions, or withdrawal of approval.

The ABA's interest and role in supporting legal education began in 1879, when the Standing Committee on Legal Education and Admissions to the Bar was established as one of the ABA's first committees. In 1893, the Section of Legal Education and Admissions to the Bar was established as the Association's first section. In 1921, the ABA promulgated the first *Standards for Legal Education*. At the same time, the ABA began to publish a list of ABA-approved law schools that met the ABA Standards.

In its role as the "accreditor" and "approver" of law school programs, the Council has been promulgating and enforcing standards for nearly a century. The Standards contain the requirements a law school must meet to obtain and retain ABA approval. In their current form, the Standards often include Interpretations that provide additional guidance concerning the implementation of a particular Standard. The Rules of Procedure govern the accreditation process and the process through which decisions concerning the status of individual schools are made. The Rules also contain provisions related to the operation of the Office of the Managing Director.

## **Revisions of the Standards, Interpretations, and Rules of Procedure through 1996**

### *The Revisions of the Early 1970s*

A major revision of the 1921 Standards was undertaken in the early 1970s. After an extensive comment process, the revised Standards and the Rules of Procedure were adopted by the Section of Legal Education and Admissions to the Bar in August 1972 and were approved by the ABA House of Delegates in February 1973. A major revision of these standards occurred in 1989 as the result of the work of the *Ramsey Commission*, chaired by Judge Henry Ramsey, Jr., of the Alameda County, California, Superior Court and Chair-Elect of the Section.

### *Wahl Commission, Department of Justice Consent Decree, and 1996 Revisions*

The Council had commenced a comprehensive review of the Standards and Rules in 1992. In April 1994, the Council had established the Commission to Study the Substance and Process of the American Bar Association's Accreditation of American Law Schools, which was chaired by Justice Rosalie E. Wahl of the Supreme Court of Minnesota, and a former chair of the Section. The Wahl Commission's mandate was to conduct a thorough, independent examination of all aspects of law school accreditation by the ABA. It prepared a report and recommendations that were ready for consideration at the 1995 ABA Annual Meeting. However, in June 1995, the United States Department of Justice filed a civil antitrust suit against the ABA, alleging violations of antitrust laws in the ABA law school accreditation program, and the review of these changes was put on hold.

The litigation was concluded by a final Consent Decree (June 1996). It included requirements for review of the Standards. The Consent Decree was in force for a period of ten years and expired by its own terms on June 25, 2006. The Council has determined, however, that it will continue to observe the substantive provisions of the Consent Decree.

The Consent Decree required that the ABA establish a special commission to determine whether the Standards, Interpretations, and Rules of Procedure should be revised in some respects. It was agreed by the Department of Justice and the ABA that the Wahl Commission's mandate would be enlarged to include these matters and that the Commission's tenure would be continued. In response to this additional mandate, in November 1995, the Wahl Commission submitted a supplement to its August 1995 report.

A revision process that the Council had begun in 1992, then incorporated into the work of the Wahl Commission in 1994, and which had continued and was enlarged in response to the Consent Decree in 1996, led to a set of standards and rules of procedure that were approved by the Council and concurred in by the ABA House of Delegates in August 1996.

## **Review of the Standards, Interpretations, and Rules of Procedure Since 1996**

Review of the Standards and Rules is an ongoing process. Each year, proposed revisions to the Standards, Interpretations, and Rules of Procedure are considered, suggestions for matters that need study are solicited, and proposed changes are subject to an extensive public comment process. Proposed revisions are carefully considered in light of the comments received before any final action is taken.

Further comprehensive reviews of the Standards and Interpretations were undertaken in 1996-2000 and 2003-2006. A comprehensive review of the Rules of Procedure took place in 2004-2006. From 2008-2014, another comprehensive review, this time of both the Standards and the Rules, was undertaken.

The Section's website ([www.americanbar.org/legaled](http://www.americanbar.org/legaled)) contains considerable history of the Standards and the Standards review process. Visit the following pages for more information:

[https://www.americanbar.org/groups/legal\\_education/resources/standards/standards\\_archives/](https://www.americanbar.org/groups/legal_education/resources/standards/standards_archives/)

[https://www.americanbar.org/groups/legal\\_education/committees/standards\\_review/comp\\_review\\_archive/](https://www.americanbar.org/groups/legal_education/committees/standards_review/comp_review_archive/)



## **Council Responsibility**

The Council grants provisional and full ABA approval to law schools located in the United States, its territories, and possessions. It also adopts the Standards for Approval of Law Schools and the Interpretations of those Standards, and the Rules of Procedure that govern the law school accreditation process. The Council also must grant prior acquiescence in any substantive changes that are proposed by an approved law school and may impose sanctions for noncompliance with the Standards.

## **ABA House of Delegates Responsibility**

In August 2010, the role of the ABA House of Delegates in accreditation matters was revised to comply with new Department of Education requirements regarding appeals. Prior to August 2010, a school that was denied provisional or full approval by the Council was able to file an appeal to the House of Delegates. The House of Delegates could either concur in the Council's decision or refer that decision back to the Council for further consideration. A decision of the Council was final after referral from the House of Delegates a maximum of two times in the case of decisions denying provisional or full approval, or once in the case of decisions to withdraw approval from a school. The 2010 changes removed any authority or role for the ABA House of Delegates with respect to the approval or removal of approval of a law school.

The House of Delegates continues to play a limited role in the revision of the Standards and Rules of Procedure. The House's role is called "concurrence." Changes adopted by the Council are referred to the House, which may "concur," in which case the changes become effective at the adjournment of the ABA meeting where the changes were reviewed, or "refer back," in which case the changes do not become effective and are returned to the Council for further consideration. If the Council confirms the changes that it had previously adopted, the changes are returned for a second review by the House of Delegates. If the House does not concur in this review, the matter is returned to the Council. If the Council once again confirms the changes it had adopted, the Council's decision stands without further review by the House.

## **This Book Includes:**

- **Definitions**
- **The 2022-2023 Standards and Rules of Procedure**

These are the current criteria that law schools must meet to obtain and retain ABA approval. The 2022-2023 edition reflects all changes approved by the Section's Council and concurred in by the ABA House of Delegates through August 2022.
- **Criteria for Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States**

These Criteria apply to summer, intersession, semester, and year-long programs offered by ABA-approved law schools in a location outside of the United States.
- **Criteria for Accepting Credit for Student Study at a Foreign Institution**

These Criteria apply to programs in which students enroll in an institution outside the United States to receive credit toward the J.D. degree.



- **Section Bylaws**

- **Internal Operating Practices (IOPs)**

The IOPs provide direction concerning the operation of accreditation functions and other activities of the Office of the Managing Director.

- **Additional Information and Guidelines Available Online**

Please visit [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/) to access Council Statements and Guidance Memos. Council Statements are positions that the Council has taken on various matters that do not have the force of a mandatory Standard or Interpretation. Guidance Memos are issued periodically to assist schools in coming into or remaining in compliance with the Standards.



# Definitions

As used in the Standards, Interpretations, and Rules of Procedure:

- (1) **“Approved law school” means a fully approved law school that the Council has determined meets the requirements of Standard 103 or a provisionally approved law school that the Council has determined meets the requirements of Standard 102.**
- (2) **“Association” means the American Bar Association.**
- (3) **“Branch campus” means a type of separate location at which a student may earn more than two-thirds of the credit hours that the law school requires for the award of a J.D.**
- (4) **“Council” means the Council of the Section.**
- (5) **“Credit(s) or Credit Hour(s)” means semester hour credits as defined in Standard 310. Law schools that use academic schedules other than semesters, such as a quarter system, shall convert these credits in a manner that is consistent with the provisions of Standard 310 or as otherwise provided in a particular Standard or Interpretation.**
- (6) **“Dean” means the chief administrative officer of a law school and includes an acting or interim dean.**
- (7) **“Distance education course” means one in which students are separated from all faculty members for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction between the students and all faculty members, either synchronously or asynchronously.**
- (8) **“Distance Education J.D. Program” means a program where a law school grants a student more than one-third of the credit hours required for the J.D. degree for distance education courses or more than 10 credit hours during the first one-third of a student’s program of legal education.**
- (9) **“Full-time faculty member” means an individual whose primary professional employment is with the law school, who is designated by the law school as a full-time faculty member, who devotes substantially all working time during the academic year to responsibilities described in Standard 404(a), and whose outside professional activities, other than those described in Standard 404(a), if any, do not unduly interfere with his or her responsibilities as a full-time faculty member.**

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- (10) **“Governing board”** means a board of trustees, board of regents, or comparable body that has ultimate policy making authority for a law school or the university of which the law school is a part.
- (11) **“House”** means the House of Delegates of the American Bar Association.
- (12) **“Interpretations”** means the Interpretations of the Standards for Approval of Law Schools.
- (13) **“J.D. degree”** means the professional degree in law granted upon completion of a program of legal education that is governed by the Standards.
- (14) **“Managing Director”** means the Managing Director of the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (15) **“President”** means the chief executive officer of a university or, if the university has more than one administratively independent unit, of the independent unit. If a law school is not part of a university, “president” refers to the chief executive officer of any entity that owns the law school, if there is such a person, or else the Chair of the Board of Directors of the law school.
- (16) **“Probation”** is a public status indicating that a law school is not being operated in compliance with the Standards and is at risk of having its approval withdrawn.
- (17) **“Rules”** means the Rules of Procedure for Approval of Law Schools.
- (18) **“Section”** means the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (19) **“Separate location”** means a physical location within the United States: (1) at which the law school offers J.D. degree courses, (2) where a student may earn more than sixteen credit hours of the school’s program of legal education, and (3) that is not in reasonable proximity to the law school’s main location.
- (20) **“Standards”** means the Standards for Approval of Law Schools.
- (21) **“University”** means a post-secondary educational institution, whether referred to as a university, college, or by any other name, that confers a baccalaureate degree (and may grant other degrees).



Fourth of March,

of its powers, that further declaratory and restrictive clauses should be  
THE Conventions of a number  
RESOLVE  
concurring that the following Articles be proposed to the  
said Legislatures, to be valid to all intents and  
of the several States, pursuant  
Article the first....

# We the People

insure domestic Tranquility, provide for the common  
and our Posterity, We ordain and establish this Const

## Article 1

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a  
Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the  
in each State shall have Representatives in proportion to the most numerous Branch of the State Legislature.  
No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years  
and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.  
Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union  
Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term  
not exceed three Years, and of three fourths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting  
and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives  
shall not exceed one for every thirty thousand, but each State shall have at least one Representative. Representatives on, Connecticut five, New York  
thirty, Massachusetts eight, Rhode Island and Providence Plantations one, Vermont five, New Hampshire three, New Jersey four,  
Pennsylvania six, Delaware three, Maryland five, Virginia six, North Carolina five, South Carolina five, and Georgia three.  
When vacancies happen in the House of Representatives, the Executive Authority thereof shall fill the Warrants  
The House of Representatives shall be the House of Representatives.  
Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature of the State for six Years,  
and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided into three Classes. In the first Class, one Senator shall hold Office for six Years, in the second Class, one Senator shall hold Office for six Years, and in the third Class, one Senator shall hold Office for six Years. One half of the Senate shall be chosen every second Year, but the Names of the Senators to be chosen every second Year shall be inrolled by the Clerks of the Senate in the first Year of the first Election.  
The President shall have the Power to fill up Vacancies in the Senate, and he shall have the Power to make temporary Provisions in all Cases in which he may see fit.

2022-2023 STANDARDS



# 2022-2023 Standards for Approval of Law Schools

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# CHAPTER 1

## General Purposes and Practices

### Standard 101. BASIC REQUIREMENTS FOR APPROVAL

- (a) A law school seeking approval by the Council shall demonstrate that it is being operated in compliance with the Standards.
- (b) Approval of a law school by the Council is not transferable. A transfer of all, or substantially all, of the academic programs or assets of (1) a law school, or (2) a university or college of which the law school is a part does not include the transfer of the law school's approval.

### Standard 102. PROVISIONAL APPROVAL

- (a) 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 after receiving provisional approval. In order to demonstrate that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific actions that it plans to take to bring the school into full compliance and demonstrate that there is a reasonable probability that such actions will be successful. A provisionally approved law school may apply for full approval no earlier than two years after receiving provisional approval and must obtain full approval within five years after receiving provisional approval.

- (b) The Council may withdraw provisional approval if the Council determines that the law school is no longer in substantial compliance with the Standards, is not making adequate progress toward achieving full compliance with each of the Standards, or is no longer able to demonstrate that there is a reasonable probability that the school will achieve full compliance with each of the Standards within the allotted time frame.
- (c) If five years have elapsed since the law school was provisionally approved and the Council has not granted full approval, provisional approval shall terminate, except that the Council may extend provisional approval to allow the law school to complete a teach-out plan. Before the end of the five-year period in an extraordinary case and for good cause shown, the Council may extend the time within which the law school must obtain full approval.
- (d) A provisionally approved law school shall not offer a post-J.D. degree program or other non-J.D. degree program, offer a program in a country outside the United States, or seek to establish a separate location.
- (e) A provisionally approved law school shall state that it is provisionally approved in all of its printed and electronic materials describing the law school and its program and in any other publication that references the law school's approval by the Council.
- (f) A law school seeking provisional approval shall make its status clear in any printed and electronic materials describing the law school and its program and in any other publication that references the law school's approval status. At a minimum, the law school shall state the following in all such communications:

**The law school is not currently approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and makes no representation to any applicant that it will receive approval from the Council before the graduation of any matriculating student.**
- (g) A law school seeking provisional approval shall not delay conferring a J.D. upon a student in anticipation of obtaining approval. An approved law school may not retroactively grant a J.D. degree as an approved school to a student who graduated from the law school before its approval.

### ***Interpretation 102-1***

*Plans to achieve substantial compliance with any of the Standards are not sufficient to demonstrate substantial compliance.*

## **Standard 103. FULL APPROVAL**

- (a) The Council shall grant full approval to a provisionally approved law school if at the time the school seeks such approval it demonstrates that it is in full compliance with each of the Standards. Plans to achieve full compliance with any Standard are not sufficient to demonstrate full compliance.
- (b) A law school granted approval under this Standard remains approved unless the Council withdraws that approval.

- (c) Once a law school is granted full approval, the Council shall not reclassify the law school as a provisionally approved law school unless, following the loss of approval, the law school reapplies for provisional approval.

#### **Standard 104. PROVISION OF INFORMATION BY LAW SCHOOLS TO THE COUNCIL**

A law school shall complete and submit all questionnaires, the self study, and other information required by the Council. This information must be complete, accurate, and not misleading, and must be submitted in the form, manner, and time frame specified by the Council.

#### **Standard 105. ACQUIESCENCE FOR SUBSTANTIVE CHANGE IN PROGRAM OR STRUCTURE**

- (a) Before a law school makes a substantive change in its program of legal education or organizational structure, it shall obtain the acquiescence of the Council for the change. A substantive change in program or structure that requires application for acquiescence includes:
- (1) Acquiring another law school, program, or educational institution;
  - (2) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;
  - (3) Transferring all, or substantially all, of the program of legal education or assets of the approved law school to another law school or university;
  - (4) Merging or affiliating with one or more approved or unapproved law schools;
  - (5) Merging or affiliating with one or more universities;
  - (6) Materially modifying the law school's legal status or institutional relationship with a parent institution;
  - (7) A change in control of the school resulting from a change in ownership of the school or a contractual arrangement;
  - (8) A change in the location of the school that could result in substantial changes in the faculty, administration, student body, or management of the school;
  - (9) Establishing a branch campus;
  - (10) Establishing a separate location;
  - (11) A significant change in the mission or objectives of the law school;
  - (12) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the latest site evaluation including (i) instituting a new full-time or part-time division, (ii) instituting a Distance Education J.D. Program, or (iii) establishing a new or different program leading to a certificate or degree other than a J.D. degree;
  - (13) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;

- (14) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;
  - (15) The addition of graduate programs of study by an institution that previously offered only undergraduate degrees or certificate programs;
  - (16) A change in program length measurement from clock hours to credit hours;
  - (17) A substantial increase in the number of clock or credit hours required for graduation; and
  - (18) The addition of each direct assessment program.
- (b) The Council shall grant acquiescence only if the law school demonstrates that the change will not detract from the law school's ability to remain in compliance with the Standards.
- (c) A law school may not apply for acquiescence in a substantive change if the law school is on probation or receives a finding of significant non-compliance with one or more Standards under Rule 11(a)(4), has been subject to such action by the Council over the prior three academic years, or is under a provisional certification under Title IV of the Higher Education Act of 1965, as amended, unless the law school can show the substantive change will assist the law school in making progress toward achieving full compliance.

## **Standard 106. SEPARATE LOCATIONS AND BRANCH CAMPUSES**

- (a) A law school that offers a separate location shall provide:
- (1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the separate location;
  - (2) Library resources and staff that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to the student body at the separate location;
  - (3) Academic advising, career services and other student support services that are adequate to support the student body at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main location;
  - (4) Access to co-curricular activities and other educational benefits adequate to support the student body at the separate location; and
  - (5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the separate location.
- (b) In addition to the requirements of section (a), a branch campus must:
- (1) Establish a reliable plan that demonstrates that the branch campus has achieved substantial compliance with the Standards and is reasonably likely to achieve full compliance with each of the Standards within three years of the effective date of acquiescence as required by Rule 25;
  - (2) Comply with instructional requirements and responsibilities as required by Standard 403(a) and Standard 404(a); and

- (3) Offer reasonably comparable opportunities for access to the law school's program of legal education, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits as required by Standard 312.
- (c) A law school is not eligible to establish a separate location until at least four years after the law school is granted initial full approval.

### ***Interpretation 106-1***

*A law school with more than one location may have one dean for all locations.*

## **Standard 107. VARIANCES**

- (a) A law school proposing to make any change that is or may be inconsistent with one or more of the Standards may apply to the Council for a variance only on one of the following bases:

- (1) A law school may apply for a variance in response to extraordinary circumstances in which compliance with the relevant Standard or Standards would create or constitute extreme hardship for the law school and/or its students. In such cases, the law school must demonstrate that: i) the proposed variance is consistent with the general purposes and objectives of the overall Standards, and ii) the anticipated benefits of granting the variance outweigh any anticipated harms to the law school's program or its students.

The variance, if granted, will be for a term certain and limited to the expected duration of the extraordinary circumstances on the basis of which it was granted. It may be extended once for a further term certain, but only if the extraordinary circumstances persist and are beyond the control of the law school.

The decision granting a variance on this basis may require the law school to report to the Managing Director or the Council regularly as specified in the decision.

- (2) In all variance applications that do not fall within subsection (a)(1), the law school must demonstrate that: i) the proposed variance is consistent with the general purposes and objectives of the overall Standards, ii) the proposed changes or actions that are the basis for the requested variance are experimental or innovative and have the potential to improve or advance the state of legal education, and iii) the anticipated benefits of granting the variance outweigh any anticipated harms to the law school's program or its students.

The variance, if granted, shall be for a term certain and can be extended once, with the extension being for either a further term certain or indefinite, but subject to revocation on the basis of either a change in the showing made by the law school when the variance was granted or a change in circumstances.

The decision granting a variance on this basis may require the law school to report to the Managing Director or the Council regularly as specified in the decision.

- (b) If the changes that are the subject of the application for a variance constitute or come to constitute a substantive change in programs or structure under Standard 105 or 106, then the law school shall seek acquiescence by the Council in order to initiate or continue the changes.



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- (c) **A variance, when granted, is school specific and shall be based on and limited to the facts and circumstances that existed at the law school at the time it applied for the variance.**

# CHAPTER 2

## Organization and Administration

### Standard 201. LAW SCHOOL GOVERNANCE

- (a) The dean and the faculty shall have the primary responsibility and authority for planning, implementing, and administering the program of legal education of the law school, including curriculum, methods of instruction and evaluation, admissions policies and procedures, and academic standards.
- (b) The dean and the faculty shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of members of the faculty.
- (c) The dean and the faculty shall each have a significant role in determining educational policy.
- (d) The policies of a university that are applicable to a law school shall be consistent with the Standards. The law school shall have separate policies where necessary to ensure compliance with the Standards.
- (e) A law school that is not part of a university shall be governed by a board with responsibility and authority for ensuring operation of the law school in compliance with the Standards.

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**Standard 202. RESOURCES FOR PROGRAM**

- (a) The current and anticipated financial resources available to the law school shall be sufficient for it to operate in compliance with the Standards and to carry out its program of legal education.
- (b) A law school that is part of a university shall obtain at least annually from its university an accounting for all charges and costs assessed by the university against resources generated by the law school.
- (c) A law school is not in compliance with the Standards if its current financial condition has a negative and material effect on the school's ability to operate in compliance with the Standards or to carry out its program of legal education.
- (d) A law school is not in compliance with the Standards if its anticipated financial condition is reasonably expected to have a negative and material effect on the school's ability to operate in compliance with the Standards or to carry out its program of legal education.
- (e) A law school shall be given the opportunity to present its recommendations on budgetary matters to the university administration before the budget for the law school is submitted to the governing board for adoption.

**Interpretation 202-1**

*"Resources generated by the law school" include law school tuition and fees generated by the law school, appropriated support, endowment income restricted to the law school, restricted and unrestricted gifts to the law school, and any other revenue generated by the law school, including but not limited to revenue from grants, contracts, and property of the law school.*

**Interpretation 202-2**

*A law school satisfies Standard 202(b) if the accounting identifies resources generated by the law school, all charges and costs assessed by the university, and the general disposition of any surplus or source of any deficit. The accounting must provide line-item specificity with regard to resources generated and charges and costs.*

**Standard 203. DEAN**

- (a) A law school shall have a full-time dean with the authority and support necessary to discharge the responsibilities of the position.
- (b) Except in extraordinary circumstances, a dean shall also hold appointment as a member of the faculty with tenure.
- (c) The dean shall be selected by the university or the governing board of the law school, as appropriate, which shall have and follow a procedure for decanal appointment or reappointment that assures meaningful involvement by the faculty or a representative body of the faculty in the selection of a dean.

***Interpretation 203-1***

*Except for good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty.*

***Interpretation 203-2***

*In the appointment of an interim or acting dean, the university or the governing board of the law school, as appropriate, should follow a procedure that assures meaningful consultation with the faculty or a representative body of the faculty.*

***Interpretation 203-3***

*The extension of an interim or acting dean's service beyond two years is a regular decanal appointment or reappointment for the purposes of Standard 203(c).*

**Standard 204. SELF STUDY**

Before each site evaluation visit the law school shall prepare a self study comprising (a) a completed site evaluation questionnaire, and (b) a law school assessment that includes (1) a statement of the law school's mission and of its educational objectives in support of that mission, (2) an evaluation of the educational quality of the law school's program of legal education, including a description of the program's strengths and weaknesses, and (3) a description of the school's continuing efforts to improve the educational quality of its program.

**Standard 205. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY**

- (a) A law school shall adopt, publish, and adhere to a policy of non-discrimination that prohibits the use of admission policies or other actions to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status.
- (b) A law school shall adopt, publish, and adhere to policies that foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status.
- (c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

- (d) **Non-discrimination and equality of opportunity in legal education includes equal employment opportunity. A law school shall communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement services the school's firm expectation that the employer will observe the principles of non-discrimination and equality of opportunity on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status in regard to hiring, promotion, retention, and conditions of employment.**

#### ***Interpretation 205-1***

*A law school may not require applicants, students, faculty, or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily.*

#### ***Interpretation 205-2***

*So long as a school complies with Standard 205(c), the prohibition concerning sexual orientation and gender identity or expression does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, Standard 205(c) does not require a school to recognize or support organizations whose purposes or objectives with respect to sexual orientation or gender identity or expression conflict with the essential elements of the religious values and beliefs held by the school.*

#### ***Interpretation 205-3***

*Standard 205(d) applies to all employers, including government agencies and religiously affiliated organizations, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully.*

#### ***Interpretation 205-4***

*The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status if the basis of denial relied upon is an admission qualification of the school that is intended to prevent the admission of applicants on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status though not purporting to do so.*

#### ***Interpretation 205-5***

*The denial by a law school of employment to a qualified individual is treated as made upon the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status if the basis of denial relied upon is an employment policy of the school that is intended to prevent the employment of individuals on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status though not purporting to do so.*

**Interpretation 205-6**

*The requirements stated in Standards 205(a) and 205(b) that a law school adopt, publish, and adhere to policies regarding non-discrimination and equality of opportunity may be satisfied by adopting, publishing, and adhering to policies of a parent institution that comply with this Standard.*

**Standard 206. DIVERSITY AND INCLUSION**

- (a) **Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.**
- (b) **Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.**

**Interpretation 206-1**

*The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.*

**Interpretation 206-2**

*In addition to providing full opportunities for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds. The forms of concrete action required by a law school to satisfy the obligations of this Standard are not specified. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote diversity and inclusion. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups.*

**Standard 207. REASONABLE ACCOMMODATION FOR QUALIFIED INDIVIDUALS WITH DISABILITIES**

- (a) **Assuring equality of opportunity for qualified individuals with disabilities, as required by Standard 205, requires a law school to provide such students, faculty and staff with reasonable accommodations consistent with applicable law.**

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- (b) **A law school shall adopt, publish, and adhere to written policies and procedures for assessing and handling requests for reasonable accommodations made by qualified individuals with disabilities.**

***Interpretation 207-1***

*Applicants and students shall be individually evaluated to determine whether they meet the academic standards requisite to admission and participation in the law school program. The use of the term “qualified” in the Standard requires a careful and thorough consideration of each applicant and each student’s qualifications in light of reasonable accommodations. Reasonable accommodations are those that are consistent with the fundamental nature of the school’s program of legal education, that can be provided without undue financial or administrative burden, and that can be provided while maintaining academic and other essential performance standards.*



# CHAPTER 3

## Program of Legal Education

### Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION

- (a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.
- (b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

### Standard 302. LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

**Interpretation 302-1**

*For the purposes of Standard 302(d), other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.*

**Interpretation 302-2**

*A law school may also identify any additional learning outcomes pertinent to its program of legal education.*

**Standard 303. CURRICULUM**

- (a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:
  - (1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;
  - (2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and
  - (3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.
- (b) A law school shall provide substantial opportunities to students for:
  - (1) law clinics or field placement(s);
  - (2) student participation in pro bono legal services, including law-related public service activities; and
  - (3) the development of a professional identity.
- (c) A law school shall provide education to law students on bias, cross-cultural competency, and racism:
  - (1) at the start of the program of legal education, and
  - (2) at least once again before graduation.

**For students engaged in law clinics or field placements, the second educational occasion will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses.**

**Interpretation 303-1**

*A law school may not permit a student to use a course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper-class writing requirement [see 303(a)(2)] or as a simulation course [see 304(a) and 304(b)] provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard.*

**Interpretation 303-2**

*Factors to be considered in evaluating the rigor of a writing experience include the number and nature of writing projects assigned to students, the form and extent of individualized assessment of a student's written products, and the number of drafts that a student must produce for any writing experience.*

**Interpretation 303-3**

*Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons. In addition, lawyers are encouraged to provide pro bono law-related public service. In meeting the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established in Model Rule 6.1. In addition, law schools are encouraged to promote opportunities for law students to provide over their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2). Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.*

**Interpretation 303-4**

*Law-related public service activities include (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.*

**Interpretation 303-5**

*Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.*

**Interpretation 303-6**

*With respect to 303(a)(1), the importance of cross-cultural competency to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced.*

**Interpretation 303-7**

*Standard 303(c)'s requirement that law schools provide education on bias, cross-cultural competency, and racism may be satisfied by, among other things, the following:*

- (1) Orientation sessions for incoming students;*
- (2) Lectures on these topics;*

- (3) *Courses incorporating these topics; or*
- (4) *Other educational experiences incorporating these topics.*

*While law schools need not add a required upper-division course to satisfy this requirement, law schools must demonstrate that all law students are required to participate in a substantial activity designed to reinforce the skill of cultural competency and their obligation as future lawyers to work to eliminate racism in the legal profession.*

### **Interpretation 303-8**

*Standard 303 does not prescribe the form or content of the education on bias, cross-cultural competency, and racism required by Standard 303(c).*

## **Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS**

- (a) **Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:**
  - (1) **integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;**
  - (2) **develop the concepts underlying the professional skills being taught;**
  - (3) **provide multiple opportunities for performance;**
  - (4) **provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;**
  - (5) **provide a classroom instructional component; or, for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and**
  - (6) **provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.**
- (b) **A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.**
- (c) **A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.**
- (d) **A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:**
  - (i) **a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles**

- of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
- (ii) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
  - (iii) evaluation of each student's educational achievement by a faculty member; and
  - (iv) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(d)(i).
- (e) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- (f) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

#### ***Interpretation 304-1***

*When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.*

### **Standard 305. OTHER ACADEMIC STUDY**

- (a) A law school may grant credit toward the J.D. degree for courses that involve student participation in studies or activities in a format that does not involve attendance at regularly scheduled class sessions, including, but not limited to, moot court, law review, and directed research.
- (b) Credit granted for such a course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- (c) Each student's educational achievement in such a course shall be evaluated by a faculty member.

#### ***Interpretation 305-1***

*To qualify as a writing experience under Standard 303, other academic study must also comply with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under Standard 303, other academic study must also comply with the requirements set out in Standard 304.*

## **Standard 306. DISTANCE EDUCATION**

Distance Education law school courses for which credit is given towards the J.D. degree must provide regular and substantive interaction between the students and faculty teaching the course. Distance education credits may not be counted towards the J.D. degree if they exceed the credit hour limitations in Standard 311(e).

- (a) Regular interaction between a student and a faculty member in a distance education course shall include:
  - (1) providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course as defined by Standard 310(b);
  - (2) monitoring the student's academic engagement and success; and
  - (3) ensuring that the faculty member is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.
- (b) Substantive interaction in a distance education course requires engaging students in teaching, learning, and assessment, consistent with the content under discussion, and includes at least two of the following:
  - (1) providing direct instruction;
  - (2) assessing or providing feedback on a student's coursework;
  - (3) providing information or responding to questions about the content of a course; or
  - (4) facilitating a group discussion regarding the content of a course.
- (c) Remote participation in a non-distance education course by a student as an accommodation provided under law (such as the Americans with Disabilities Act) or under exceptional circumstances shall not cause the course to count towards the distance education credit limits in Standard 311(e) for that student. The law school shall document all instances in which it permits a student's remote participation in a non-distance education course for which the credits will not be counted towards the credit hour limits in Standard 311(e).

## **Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED STATES**

- (a) A law school may grant credit for study outside the United States that meets the requirements of the Criteria adopted by the Council.
- (b) A law school may grant credit for field placements outside the United States that meet the requirements of Standard 304.
- (c) A law school may grant up to two-thirds of the credits required for the J.D. degree for study outside the United States provided the credits are obtained in a program sponsored by an ABA-approved law school. Programs sponsored by an ABA-approved law school include programs held in accordance with the *Criteria for Programs Offered by ABA-Approved Law Schools in a location Outside the United States* and field placements outside the United States.

- (d) A law school may grant up to a maximum of one-third of the credits required for the J.D. degree for any combination of 1) student participation in study outside the United States under the *Criteria for Accepting Credit for Student Study at a Foreign Institution* and 2) credit for courses completed at a law school outside the United States in accordance with Standard 505(c).
- (e) Credit hours granted pursuant to subsections (b), (c) and (d) shall not in combination exceed two-thirds of the total credits required for the J.D. degree.
- (f) A student participating in study outside the United States must have successfully completed sufficient prerequisites or must contemporaneously receive sufficient training to assure the quality of the student educational experience.

### ***Interpretation 307-1***

*For purposes of Standard 307, a course including only a brief visit outside the United States is not considered “study outside the United States.” A “brief visit” is one-third or less of the class time in a course that is offered and based primarily at the law school and approved through the school’s regular curriculum approval process.*

## **Standard 308. ACADEMIC STANDARDS**

- (a) A law school shall adopt, publish, and adhere to sound academic standards, including those for regular class attendance, good standing, academic integrity, graduation, and dismissal.
- (b) A law school shall adopt, publish, and adhere to written due process policies with regard to taking any action that adversely affects the good standing or graduation of a student.

## **Standard 309. ACADEMIC ADVISING AND SUPPORT**

- (a) A law school shall provide academic advising for students that communicates effectively the school’s academic standards and graduation requirements, and that provides guidance on course selection.
- (b) A law school shall provide academic support designed to afford students a reasonable opportunity to complete the program of legal education, graduate, and become members of the legal profession.

## **Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK**

- (a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.
- (b) A “credit hour” is an amount of work that reasonably approximates:
  - (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or
  - (2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field



**placement, clinical, co-curricular, and other academic work leading to the award of credit hours.**

### ***Interpretation 310-1***

*Based on the fifty minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week over the fifteen-week (or its equivalent) period required by the Standard, at least 42.5 hours of total in-class instruction and out-of-class student work is required per credit [15 x 50 minutes + 15 x 2 hours]. Time devoted to taking a required final examination may count toward the in-class time required, and time devoted to studying for a required final examination may count toward the out-of-class time required. However, merely scheduling a general “exam week” or “exam weeks” does not permit allocating “exam time” to every class. In order to count time spent studying for and taking a final examination, an exam of appropriate length must be required for the particular class.*

### ***Interpretation 310-2***

*A school may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work (42.5 hours) specified in Standard 310(b).*

## **Standard 311. ACADEMIC PROGRAM AND ACADEMIC CALENDAR**

- (a) **A law school shall require, as a condition for graduation, successful completion of a course of study of not fewer than 83 credit hours. At least 64 of these credit hours shall be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction.**
- (b) **A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months and, except in extraordinary circumstances, no later than 84 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.**
- (c) **A law school shall not permit a student to be enrolled at any time in coursework for credit in the J.D. program that exceeds 20 percent of the total credit hours required by that school for graduation.**
- (d) **Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school's J.D. program of study, except for credit that may be granted pursuant to Standard 505. A law school may not grant credit toward the J.D. degree for work taken in a pre-admission program.**
- (e) **A law school that does not offer a J.D. degree via distance education under Standard 105(a)(12)(ii) may grant a student up to one-third of the credit hours required for the J.D. degree for Distance Education Courses; up to 10 of those credit hours may be granted during the first one-third of a student's program of legal education.**

### ***Interpretation 311-1***

- (a) *In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(a), the credit hours may include:*

- (1) *Credit hours earned by attendance in regularly scheduled classroom sessions or direct faculty instruction;*
  - (2) *Credit hours earned by participation in a simulation course or law clinic in compliance with Standard 304;*
  - (3) *Credit hours earned through distance education; and*
  - (4) *Credit hours earned by participation in law-related studies or activities in a country outside the United States in compliance with Standard 307.*
- (b) *In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction for the purpose of Standard 311(a), the credit hours shall not include any other coursework, including, but not limited to:*
- (1) *Credit hours earned through field placements in compliance with Standard 304 and other study outside of the classroom in compliance with Standard 305;*
  - (2) *Credit hours earned in another department, school, or college of the university with which the law school is affiliated, or at another institution of higher learning;*
  - (3) *Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and*
  - (4) *Credit hours earned by participation in studies or activities in a country outside the United States in compliance with Standard 307 for studies or activities that are not law-related.*

### **Interpretation 311-2**

*Whenever a student is permitted on the basis of extraordinary circumstances to exceed the 84-month program limitation in Standard 311(b), the law school shall place in the student's file a statement signed by an appropriate law school official explaining the extraordinary circumstances leading the law school to permit an exception to this limitation. Such extraordinary circumstances, for example, might include an interruption of a student's legal education because of an illness, family exigency, or military service.*

### **Interpretation 311-3**

*If a law school grants credit for prior law study at a law school outside the United States as permitted under Standard 505(c), only the time commensurate with the amount of credit given counts toward the length of study requirements of Standard 311(b). For example, if a student has studied for three years at a law school outside the United States and is granted one year of credit toward the J.D. degree, the amount of time that counts toward the 84 month requirement is one year. The student has 72 months in which to complete law school in the United States.*

## **Standard 312. REASONABLY COMPARABLE OPPORTUNITIES**

**A law school providing more than one enrollment or scheduling option shall ensure that all students have reasonably comparable opportunities for access to the law school's program of legal education, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits. Identical opportunities are not required.**

## **Standard 313. DEGREE PROGRAMS IN ADDITION TO J.D.**

**A law school may not offer a degree program other than its J.D. degree program unless:**

- (a) **the law school is fully approved;**

- (b) the Council has granted acquiescence in the program; and
- (c) the degree program will not interfere with the ability of the law school to operate in compliance with the Standards and to carry out its program of legal education.

***Interpretation 313-1***

*Acquiescence in a degree program other than the J.D. degree is not an approval of the program itself and, therefore, a school may not announce that the program is approved by the Council.*

**Standard 314. ASSESSMENT OF STUDENT LEARNING**

**A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.**

***Interpretation 314-1***

*Formative assessment methods are measurements at different points during a particular course or at different points over the span of a student's education that provide meaningful feedback to improve student learning. Summative assessment methods are measurements at the culmination of a particular course or at the culmination of any part of a student's legal education that measure the degree of student learning.*

***Interpretation 314-2***

*A law school need not apply multiple assessment methods in any particular course. Assessment methods are likely to be different from school to school. Law schools are not required by Standard 314 to use any particular assessment method.*

**Standard 315. EVALUATION OF PROGRAM OF LEGAL EDUCATION, LEARNING OUTCOMES, AND ASSESSMENT METHODS**

**The dean and the faculty of a law school shall conduct ongoing evaluation of the law school's program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.**

***Interpretation 315-1***

*Examples of methods that may be used to measure the degree to which students have attained competency in the school's student learning outcomes include review of the records the law school maintains to measure individual student achievement pursuant to Standard 314; evaluation of student learning portfolios; student evaluation of the sufficiency of their education; student performance in capstone courses or other courses that appropriately assess a variety of skills and knowledge; bar exam passage rates; placement rates; surveys of attorneys, judges, and alumni; and assessment of student performance by judges, attorneys, or law professors from other schools. The methods used to measure the degree of student achievement of learning outcomes are likely to differ from school to school and law schools are not required by this standard to use any particular methods.*

**Standard 316. BAR PASSAGE**

**At least 75 percent of a law school's graduates in a calendar year who sat for a bar examination must have passed a bar examination administered within two years of their date of graduation.**



# CHAPTER 4

## The Faculty

### Standard 401. QUALIFICATIONS

A law school shall have a faculty whose qualifications and experience enable the law school to operate in compliance with the Standards and carry out its program of legal education. The faculty shall possess a high degree of competence, as demonstrated by academic qualification, experience in teaching or practice, teaching effectiveness, and scholarship.

### Standard 402. SIZE OF FULL-TIME FACULTY

A law school shall 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. The number of full-time faculty necessary depends on (a) the size of the student body and the opportunity for students to meet individually with full-time faculty members; (b) the nature and scope of the program of legal education; and (c) the opportunities for the full-time faculty to adequately fulfill its teaching obligations, conduct scholarly research, participate effectively in the governance of the law school, and provide service to the legal profession and the public.

#### *Interpretation 402-1*

*A full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution.*

**Interpretation 402-2**

*Regularly engaging in law practice or having an ongoing relationship with a law firm or other business creates a presumption that a faculty member is not a full-time faculty member under this Standard. This presumption may be rebutted if the law school is able to demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the law school to the same extent expected of full-time faculty.*

**Standard 403. INSTRUCTIONAL ROLE OF FACULTY**

- (a) **The full-time faculty shall teach substantially all of the first one-third of each student's coursework. The full-time faculty shall also teach during the academic year either (1) more than half of all of the credit hours actually offered by the law school, or (2) two-thirds of the student contact hours generated by student enrollment at the law school.**
- (b) **A law school shall ensure effective teaching by all persons providing instruction to its students.**

**Interpretation 403-1**

*Efforts to ensure teaching effectiveness may include: orientation, guidance and mentoring for new faculty members; a faculty committee on effective teaching; class visits; critiques of videotaped teaching; institutional review of student course evaluations; colloquia on effective teaching; and recognition and use of creative scholarship in law school teaching methodology.*

**Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY**

- (a) **A law school shall adopt, publish, and adhere to written policies with respect to full-time faculty members' responsibilities. The policies shall require that the full-time faculty, as a collective body, fulfill these core responsibilities:**
  - (1) **Teaching, preparing for classes, being available for student consultation about those classes, assessing student performance in those classes, and remaining current in the subjects being taught;**
  - (2) **Participating in academic advising, creating an atmosphere in which students and faculty may voice opinions and exchange ideas, and assessing student learning at the law school;**
  - (3) **Engaging in scholarship, as defined by the law school;**
  - (4) **Service to the law school and university community, including participation in the governance of the law school, curriculum development, and other institutional responsibilities described in the Standards;**
  - (5) **Service to the profession, including working with judges and practicing lawyers to improve the profession; and**
  - (6) **Service to the public, including participation in pro bono activities.**
- (b) **The law school shall periodically evaluate the extent to which the faculty discharges its core responsibilities under the law school's policies and the contributions of each full-time faculty member to meeting the core responsibilities of the faculty.**

**Standard 405. PROFESSIONAL ENVIRONMENT**

- (a) A law school shall establish and maintain conditions adequate to attract and retain a competent faculty.
- (b) A law school shall have an established and announced policy with respect to academic freedom and tenure of which Appendix 1 herein is an example but is not obligatory.
- (c) A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.
- (d) A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction as required by Standard 303(a)(2), and (2) safeguard academic freedom.

***Interpretation 405-1***

*A fixed limit on the percent of a law faculty that may hold tenure under any circumstances violates the Standards.*

***Interpretation 405-2***

*A law faculty as professionals should not be required to be a part of the general university bargaining unit.*

***Interpretation 405-3***

*A law school shall have a comprehensive system for evaluating candidates for promotion and tenure or other forms of security of position, including written criteria and procedures that are made available to the faculty.*

***Interpretation 405-4***

*A law school not a part of a university in considering and deciding on appointment, termination, promotion, and tenure of faculty members should have procedures that contain the same principles of fairness and due process that should be employed by a law school that is part of a university. If the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or governing board.*

***Interpretation 405-5***

*If the dean and faculty have determined the question of responsibility for examination schedules and the schedule has been announced by the authority responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.*



**Interpretation 405-6**

*A form of security of position reasonably similar to tenure includes a separate tenure track or a program of renewable long-term contracts. Under a separate tenure track, a full-time clinical faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the entire clinical program. A program of renewable long-term contracts shall provide that, after a probationary period reasonably similar to that for other full-time faculty, during which the clinical faculty member may be employed on short-term contracts, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term renewable contract. For the purposes of this Interpretation, “long-term contract” means at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom. During the initial long-term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the entire clinical program.*

**Interpretation 405-7**

*In determining if the members of the full-time clinical faculty meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of clinical faculty. A law school should develop criteria for retention, promotion, and security of employment of full-time clinical faculty.*

**Interpretation 405-8**

*A law school shall afford to full-time clinical faculty members participation in faculty meetings, committees, and other aspects of law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in the last sentence of Standard 405(c).*

**Interpretation 405-9**

*Subsection (d) of this Standard does not preclude the use of short-term contracts for legal writing teachers, nor does it preclude law schools from offering fellowship programs designed to produce candidates for full-time teaching by offering individuals supervised teaching experience.*

# CHAPTER 5

## Admissions and Student Services

### Standard 501. ADMISSIONS

- (a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, its mission, and the objectives of its program of legal education.
- (b) A law school shall only admit applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.
- (c) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

#### *Interpretation 501-1*

*Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.*

***Interpretation 501-2***

*Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.*

***Interpretation 501-3***

*A law school having a cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that the law school is not in compliance with the Standard.*

**Standard 502: EDUCATIONAL REQUIREMENTS**

- (a) A law school shall require for admission to its J.D. degree program a bachelor's degree that has been awarded by an institution that is accredited by an accrediting agency recognized by the United States Department of Education.
- (b) Notwithstanding subsection (a), a law school may also admit to its J.D. degree program:
  - (1) an applicant who has completed three-fourths of the credits leading to a bachelor's degree as part of a bachelor's degree/J.D. degree program if the institution is accredited by an accrediting agency recognized by the United States Department of Education; and
  - (2) a graduate of an institution outside the United States if the law school assures that the quality of the program of education of that institution is equivalent to that of institutions accredited by an accrediting agency recognized by the United States Department of Education.
- (c) In an extraordinary case, a law school may admit to its J.D. degree program an applicant who does not satisfy the requirements of subsections (a) or (b) if the applicant's experience, ability, and other qualifications clearly demonstrate an aptitude for the study of law. For every such admission, a statement of the considerations that led to the decision shall be placed in the admittee's file.
- (d) Except in extraordinary circumstances, a law school shall have on file each enrolled student's official transcripts by the following deadlines:
  - (1) for students matriculating in the fall, by October 15; and
  - (2) for students matriculating at any other time, within 4 weeks of the date classes begin.

***Interpretation 502-1***

*Official transcript means: (1) a paper or electronic transcript certified by the issuing institution and delivered directly to the law school; or (2) a paper or electronic transcript verified by a third-party credential assembly service and delivered directly to the law school. With respect to electronic copies, it is sufficient for transcripts to be maintained at the law school or off-site by a third-party provider as long as the law school has access to the documents on demand.*

***Interpretation 502-2***

*The official transcripts for any student admitted as a transfer student shall include verification of any academic credits undertaken at any other law school attended.*

**Standard 503. ADMISSION TEST**

**A law school shall require each applicant for admission as a first-year J.D. degree student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.**

***Interpretation 503-1***

*A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.*

***Interpretation 503-2***

*This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.*

***Interpretation 503-3***

- (a) *It is not a violation of this Standard for a law school to admit no more than 10% of an entering class without requiring the LSAT from:*
- (1) *Students in an undergraduate program of the same institution as the J.D. program; and/or*
  - (2) *Students seeking the J.D. degree in combination with a degree in a different discipline.*
- (b) *Applicants admitted under subsection (a) must meet the following conditions:*
- (1) *Scored at or above the 85th percentile on the ACT or SAT for purposes of subsection (a)(1), or for purposes of subsection (a)(2), scored at or above the 85th percentile on the GRE or GMAT; and*
  - (2) *Ranked in the top 10% of their undergraduate class through six semesters of academic work, or achieved a cumulative GPA of 3.5 or above through six semesters of academic work.*

**Standard 504. QUALIFICATIONS FOR ADMISSION TO THE BAR**

- (a) **A law school shall include the following statement in its application for admission and on its website:**

**In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. Applicants are encouraged to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.**

- (b) The law school shall, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness, and other requirements for admission to the bar in each jurisdiction in which they intend to seek admission to the bar.

### **Standard 505. GRANTING OF J.D. DEGREE CREDIT FOR PRIOR LAW STUDY**

- (a) A law school may admit a student and grant credit for courses completed at another law school approved by the Council if the courses were undertaken as a J.D. degree student.
- (b) A law school may admit a student and grant credit for courses completed at a law school in the United States that is not approved by the Council if the unapproved law school has been granted the power to confer the J.D. degree by the appropriate governmental authority in the unapproved law school's jurisdiction, or if graduates of the unapproved law school are permitted to sit for the bar examination in the jurisdiction in which the unapproved law school is located, provided that:
  - (1) the courses were undertaken as a J.D. degree student; and
  - (2) the law school would have granted credit toward satisfaction of J.D. degree requirements if earned at the admitting school.
- (c) A law school may admit a student and grant credit for courses completed at a law school outside the United States if the admitting law school would have granted credit towards satisfaction of J.D. degree requirements if earned at the admitting school.
- (d) A law school may grant credit toward a J.D. degree to a graduate of a law school in a country outside the United States for credit hours earned in an LL.M. or other post-J.D. program it offers if:
  - (1) that study led to successful completion of a J.D. degree course or courses while the student was enrolled in a post-J.D. degree law program; and
  - (2) the law school has a grading system for LL.M. students in J.D. courses that is comparable to the grading system for J.D. degree students in the course.
- (e) A law school that grants credit as provided in Standard 505(a) through (d) may award a J.D. degree to a student who successfully completes a course of study that satisfies the requirements of Standard 311 and that meets all of the school's requirements for the awarding of the J.D. degree.
- (f) Credit hours granted pursuant to subsection (b) through (d) shall not, individually or in combination, exceed one-third of the total required by the admitting school for its J.D. degree.

### **Standard 506. ENROLLMENT OF AUDITORS, NON-DEGREE CANDIDATES, OR CANDIDATES FOR A DEGREE OTHER THAN A J.D.**

Without requiring compliance with its J.D. admission standards and procedures, a law school may enroll individuals in any J.D. course as auditors, non-degree candidates, or candidates for a degree other than a J.D., provided that such enrollment does not interfere with the ability of the law school to operate in compliance with the Standards and to carry out its program of legal education.

**Standard 507. STUDENT LOAN PROGRAMS**

- (a) A law school shall demonstrate reasonable steps to minimize student loan defaults, including provision of debt counseling at the inception of a student's loan obligations and again before graduation.
- (b) A law school shall provide each admitted applicant information on resources related to financial aid and student loan debt and the availability of individual student loan counseling at the law school, the university of which it is a part, or from third party sources. Such information shall also be posted on the law school's financial aid webpage.

***Interpretation 507-1***

*The student loan default rates of a law school's graduates, including any results of financial or compliance audits and reviews, are relevant in assessing the extent to which a law school complies with this Standard.*

***Interpretation 507-2***

*For a law school not affiliated with a university or not receiving access to Title IV through a university, the school's student loan cohort default rate is sufficient if it is not greater than 10% for any of the three most recently published annual cohort default rates. Failure to comply with Title IV of the Higher Education Act of 1965, as amended, or having a student loan cohort default rate greater than the rate permitted by Title IV is cause for review of a law school's compliance with the Standards. A school shall demonstrate that it has resolved all areas of deficiency identified in financial or compliance audits, program reviews, or other information provided by the United States Department of Education.*

***Interpretation 507-3***

*A law school has complied with this Standard if the university of which the law school is a part takes the steps described in this Standard.*

**Standard 508. STUDENT SUPPORT SERVICES**

**A law school shall provide all its students, regardless of enrollment or scheduling option, with:**

- (a) Basic student services, including maintenance of accurate student records, academic advising and counseling, financial aid and debt counseling, and career counseling to assist students in making sound career choices and obtaining employment; and
- (b) Information on law student well-being resources.

**If a law school does not provide these student services in (a) directly, it shall demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources.**

***Interpretation 508-1***

*Law student well-being resources include information or services related to mental health, including substance use disorders. Other law student well-being resources may include information for students in need of critical services such as food pantries or emergency financial assistance. Such resources encompass*

*counseling services provided in-house by the law school, through the university of which the law school is a part, or by a lawyer assistance program. Law schools should strive to mitigate barriers or stigma to accessing such services, whether within the law school or larger professional community.*

### ***Interpretation 508-2***

*Reasonable access, at a minimum, involves informing law students and providing guidance regarding relevant information and services, including assistance on where the information and services can be found or accessed.*

## **Standard 509. REQUIRED DISCLOSURES**

- (a) All information that a law school reports, publicizes, or distributes shall be complete, accurate and not misleading to a reasonable law school student or applicant. A law school shall use due diligence in obtaining and verifying such information. Violations of these obligations may result in sanctions under Rule 15 of the Rules of Procedure for Approval of Law Schools.
- (b) A law school shall publicly disclose on its website, in the form and manner and for the time frame designated by the Council, the following information:
  - (1) admissions data;
  - (2) tuition and fees, living costs, and financial aid;
  - (3) conditional scholarships;
  - (4) enrollment data, including academic, transfer, and other attrition;
  - (5) numbers of full-time and part-time faculty, professional librarians, and administrators;
  - (6) class sizes for first-year and upper-class courses; number of seminar, clinical and co-curricular offerings;
  - (7) employment outcomes; and
  - (8) bar passage data.
- (c) A law school shall publicly disclose on its website, in a readable and comprehensive manner, the following information on a current basis:
  - (1) refund policies;
  - (2) curricular offerings, academic calendar, and academic requirements; and
  - (3) policies regarding the transfer of credit earned at another institution of higher education. The law school's transfer of credit policies must include, at a minimum:
    - (i) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and
    - (ii) A list of institutions, if any, with which the law school has established an articulation agreement.
- (d) A law school shall distribute the data required under Standard 509(b)(3) to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

- (e) **If a law school makes a public disclosure of its status as a law school approved by the Council, it shall do so accurately in a form and manner approved by the Council.**

***Interpretation 509-1***

*Current curricular offerings, for the purposes of Standard 509(c), are only those courses offered in the current and past two academic years.*

***Interpretation 509-2***

*A law school may publicize or distribute information in addition to that required by this Standard, including, without limitation, the employment outcomes of its graduates, so long as such information complies with the requirements of subsection (a).*

***Interpretation 509-3***

*A conditional scholarship is any financial aid award, the retention of which is dependent upon the student maintaining a minimum grade point average or class standing, other than that ordinarily required to remain in good academic standing.*

***Interpretation 509-4***

*Articulation Agreement means a formal written agreement between a law school and another accredited university or institution providing for the transfer of defined academic credits between the parties to the agreement.*

**Standard 510. STUDENT COMPLAINTS IMPLICATING COMPLIANCE WITH THE STANDARDS**

- (a) **A law school shall establish, publish, and comply with policies for addressing student complaints.**
- (b) **A law school shall maintain a record of student complaints submitted during the most recent accreditation period. The record shall include the resolution of the complaints.**

***Interpretation 510-1***

*A “complaint” is a communication in writing that seeks to bring to the attention of the law school a significant problem that directly implicates the school’s compliance with the Standards.*

***Interpretation 510-2***

*A law school’s policies on student complaints must address, at a minimum, procedures for filing and addressing complaints, appeal rights, if any, and timelines.*

**Standard 511. VERIFICATION OF STUDENT IDENTITY**

**A Law School shall verify that a student who registers for any distance education course is the same student that academically engages in the course. The verification of student identity shall protect**



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**student privacy. If any additional student charges are associated with verification of student identity, students must be notified at the time of registration or enrollment.**

# CHAPTER 6

## Library and Information Resources

### Standard 601. GENERAL PROVISIONS

- (a) A law school shall maintain a law library that:
  - (1) provides support through expertise, resources, and services adequate to enable the law school to carry out its program of legal education, accomplish its mission, and support scholarship and research;
  - (2) develops and maintains a direct, informed, and responsive relationship with the faculty, students, and administration of the law school;
  - (3) working with the dean and faculty, engages in a regular planning and assessment process, including assessment of the effectiveness of the library in achieving its mission and realizing its established goals; and
  - (4) remains informed on and implements, as appropriate, technological and other developments affecting the library's support for the law school's program of legal education.
- (b) A law school shall provide on a consistent basis sufficient financial resources to the law library to enable it to fulfill its responsibilities of support to the law school and realize its established goals.

**Standard 602. ADMINISTRATION**

- (a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.
- (b) The director of the law library and the dean, in consultation with the faculty, shall determine library policy.
- (c) The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.
- (d) The budget for the law library shall be determined as part of, and administered in the same manner as, the law school budget.

***Interpretation 602-1***

*This Standard envisions law library participation in university library decisions that may affect the law library. While it is preferred that the law school administer the law library, a law library may be administered as part of a university library system if the dean, the director of the law library, and the faculty of the law school are responsible for the determination of basic law library policies, priorities, and funding requests.*

**Standard 603. DIRECTOR OF THE LAW LIBRARY**

- (a) A law school shall have a full-time director of the law library whose principal responsibilities are managing the law library and providing information resources in appropriate formats to faculty and students.
- (b) The selection and retention of the director of the law library shall be determined by the law school.
- (c) A director of a law library shall have appropriate academic qualifications and shall have knowledge of and experience in law library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards.
- (d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.

***Interpretation 603-1***

*Having a director of a law library with a law degree and a degree in library or information science is an effective method of assuring that the individual has appropriate qualifications and knowledge of and experience in library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards. A law school not having a director with these credentials bears the burden of demonstrating that it is in compliance with Standard 603(c).*

**Standard 604. PERSONNEL**

The law library shall have a staff sufficient in expertise and number to provide the appropriate library and information resources services to the school.

***Interpretation 604-1***

*Factors relevant to the number and expertise of librarians and information resource staff needed to meet this Standard include the number of faculty and students, research programs of faculty and students, whether there is a dual division program in the school, any graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing information resource services.*

**Standard 605. SERVICES**

**A law library shall provide the appropriate range and depth of reference, instructional, bibliographic, and other services to meet the needs of the law school's teaching, scholarship, research, and service programs.**

***Interpretation 605-1***

*Factors relevant to determining whether services are appropriate under Standard 605 include the extent to which services enhance the research and bibliographic and information literacy skills of students, provide access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offer interlibrary loan and other forms of document delivery, produce library publications and manage the library's web site, and create other services to enable the law school to carry out its program of legal education and accomplish its mission.*

**Standard 606. COLLECTION**

- (a) The law library shall provide a core collection of essential materials through ownership or reliable access. The choice of format and of ownership in the library or a particular means of reliable access for any type of material in the collection, including the core collection, shall effectively support the law school's curricular, scholarly, and service programs and objectives, and the role of the library in preparing students for effective, ethical, and responsible participation in the legal profession.**
- (b) A law library core collection shall include the following:**
  - (1) all reported federal court decisions and reported decisions of the highest appellate court of each state and U.S. territory;**
  - (2) all federal codes and session laws, and at least one current annotated code for each state and U.S. territory;**
  - (3) all current published treaties and international agreements of the United States;**
  - (4) all current published regulations (codified and uncoded) of the federal government and the codified regulations of the state or U.S. territory in which the law school is located;**
  - (5) those federal and state administrative decisions appropriate to the programs of the law school;**
  - (6) U.S. Congressional materials appropriate to the programs of the law school;**
  - (7) significant secondary works necessary to support the programs of the law school; and**
  - (8) those tools necessary to identify primary and secondary legal information and update primary legal information.**

- (c) **In addition to the core collection of essential materials, a law library shall also provide a collection that, through ownership or reliable access,**
  - (1) **meets the research needs of the law school's students, satisfies the demands of the law school curriculum, and facilitates the education of its students;**
  - (2) **supports the teaching, scholarship, research, and service interests of the faculty;**
  - (3) **serves the law school's special teaching, scholarship, research, and service objectives; and**
  - (4) **is complete, current, and in sufficient quantity or with sufficient continuing access to meet faculty and student needs.**
- (d) **The law library shall formulate and periodically update a written plan for development of the collection.**
- (e) **The law library shall provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection.**

#### ***Interpretation 606-1***

*The appropriate mixture of collection formats depends on the needs of the library and the law school. A collection that consists of a single format may violate Standard 606.*

#### ***Interpretation 606-2***

*Reliable access to information resources may be provided through:*

- (a) *databases to which the library or the parent institution subscribe or own and are likely to continue to subscribe and provide access;*
- (b) *authenticated and credible databases that are available to the public at no charge and are likely to continue to be available to the public at no charge; or*
- (c) *participation in a formal resource-sharing arrangement through which materials are made available, via electronic or physical delivery, to users within a reasonable time.*

#### ***Interpretation 606-3***

*Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner.*

#### ***Interpretation 606-4***

*Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to enable the law school to carry out its program of legal education and accomplish its mission. Standard 606 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region.*

# CHAPTER 7

## Facilities, Equipment, and Technology

### Standard 701. GENERAL REQUIREMENTS

- (a) A law school shall have facilities, equipment, technology, and technology support that enable it to operate in compliance with the Standards and carry out its program of legal education.
- (b) A law school is not in compliance with the Standards if its facilities, equipment, technology, or technology support have a negative and material effect on the school's ability to operate in compliance with the Standards; or to carry out its program of legal education.

#### *Interpretation 701-1*

*In determining whether technology and technology support comply with this Standard, among the factors to be considered are:*

- (1) *the hardware and software resources and infrastructure available to support the teaching, scholarship, research, service, and administrative needs of students, faculty, and staff of the law school;*
- (2) *staff support and space for staff operations; and*
- (3) *the law school's financial resources and overall ability to maintain and, as appropriate, adopt new technology.*

**Standard 702. FACILITIES****(a) A law school's facilities shall include:**

- (1) suitable class and seminar rooms in sufficient number to permit reasonable scheduling of all classes, skills offerings, and seminars;**
- (2) a law library that is suitable and sufficient in size, location, and design in relation to the law school's programs and enrollment to accommodate the needs of the law school's students and faculty and the law library's services, collections, staff, operations, and equipment;**
- (3) suitable and sufficient space for staff providing support services, including student support services, to the program of legal education;**
- (4) office space for full-time faculty members that is suitable and sufficient for faculty research, class preparation, and faculty-student conferences; and suitable and sufficient space for part-time faculty members to conduct faculty-student conferences;**
- (5) facilities and equipment that meet all applicable health and safety codes;**
- (6) suitable and sufficient space for equipment and records;**
- (7) suitable and sufficient space appropriate for conducting any in-house clinical programs in a manner that assures competent and ethical representation of clients and meaningful instruction and supervision of students, including confidential space for (i) client interviewing, (ii) working on and discussing client cases, and (iii) security for client files;**
- (8) suitable and sufficient space for its students and faculty for quiet study and research; and**
- (9) suitable and sufficient space for group study and other forms of collaborative work.**

**(b) A law school shall provide reasonable access and accommodations to persons with disabilities, consistent with applicable law.*****Interpretation 702-1***

*If all or part of the facilities are leased or financed, determining whether the law school is in compliance with the Standards includes a determination of the law school's right to occupy and continue to occupy the premises, including its financial and overall ability to comply with the lease or financing terms; the duration, lease renewal terms, and conditions; and termination or foreclosure provisions.*

***Interpretation 702-2***

*A law school's facilities should be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, the arrangements must permit proper scheduling of all law classes and other law school activities.*

***Interpretation 702-3***

*In determining whether class and seminar rooms comply with this Standard, among the factors to be considered are: acoustics, sight lines, seating, lighting, temperature, ventilation, and available educational technology.*

# APPENDIX 1:

## Statement on Academic Freedom and Tenure\*

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

### Academic Freedom

1. Teachers<sup>1</sup> are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
3. College or university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as a citizen, they should be free from institutional

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\* The text of the statement follows the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors.

<sup>1</sup> The word *teacher* as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.



censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

## Academic Tenure

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution, it may be agreed in writing that the new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.
3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.
4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an adviser of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.
5. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

## **APPENDIX 2:**

# **LSAC Cautionary Policies Concerning LSAT Scores**

These Cautionary Policies are intended for those who set policy and criteria for law school admission, interpret LSAT scores and Credential Assembly Service Law School Reports, and use other LSAC services. The Policies are intended to inform the use of these services by law schools, and to promote wise and equitable treatment of all applicants through their proper use.

### **I. The Law School Admission Test**

Because LSATs are administered under controlled conditions and each test form requires the same or equivalent tasks of everyone, LSAT scores provide a standard measure of an applicant's proficiency in the well-defined set of skills included in the test. Comparison of a law school's applicants both with other applicants to the same school and with all applicants who have LSAT scores thus becomes feasible. However, while LSAT scores serve a useful purpose in the admission process, they do not measure, nor are they intended to measure, all the elements important to success at individual institutions. LSAT scores must be examined in relation to the total range of information available about a prospective law student. It is in this context that the following restraints on LSAT score use are urged:

#### **Do not use the LSAT score as a sole criterion for admission.**

The LSAT should be used as only one of several criteria for evaluation and should not be given undue weight solely because its use is convenient. Those who set admission policies and criteria should always keep in mind the fact that the LSAT does not measure every discipline-related skill necessary for academic work, nor does it measure other factors important to academic success.

#### **Evaluate the predictive utility of the LSAT at your school.**

In order to assist in assuring that there is a demonstrated relationship between quantitative data used in the selection process and actual performance in your law school, such data should be evaluated regularly so that your school can use LSAT scores and other information more effectively. For this purpose, the Law

School Admission Council annually offers to conduct correlation studies for member schools at no charge. Only by checking the relationship between LSAT scores, undergraduate grade-point average, and law school grades will schools be fully informed about how admission data, including test scores, can be used most effectively by that school.

**Do not use LSAT scores without an understanding of the limitations of such tests.**

Admission officers and members of admission committees should be knowledgeable about tests and test data and should recognize test limitations. Such limitations are set forth in the Guide to LSAC Admission Services and Policies and are regularly discussed at workshops and conferences sponsored by the Law School Admission Council.

**Avoid improper use of cut-off scores.**

Cut-off LSAT scores (those below which no applicants will be considered) are strongly discouraged. Such boundaries should be used only if the choice of a particular cut-off is based on a carefully considered and formulated rationale that is supported by empirical data, for example, one based on clear evidence that those scoring below the cut-off have substantial difficulty doing satisfactory law school work. Note that the establishment of a cut-off score should include consideration of the standard error of measurement in order to minimize distinctions based on score differences not sufficiently substantial to be reliable. Significantly, cut-off scores may have a greater adverse impact upon applicants from minority groups than upon the general applicant population. Normally, an applicant's LSAT score should be combined with the undergraduate grade-point average before any determination is made of the applicant's probability of success in law school.

**Do not place excessive significance on score differences.**

Scores should be viewed as approximate indicators rather than exact measures of an applicant's abilities. Distinctions on the basis of LSAT scores should be made among applicants only when those score differences are reliable.

**Avoid encouraging use of the LSAT for other than admission functions.**

The LSAT was designed to serve admission functions only. It has not been validated for any other purpose. LSAT performance is subject to misunderstanding and misuse in other contexts, as in the making of an employment decision about an individual who has completed most or all law school work. These considerations suggest that LSAT scores should not be included on a law school transcript, nor routinely supplied to inquiring employers. Without the student's specific authorization, the Buckley Amendment would preclude the latter, in any event.



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Article the first. .... Aff

*Article I.*

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of the most numerous Branch of a new State, and each Representative shall have Qualifications requisite for Senators of the most numerous Branch of a new State, and each Representative shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

and who shall not, when elected, be apportioned among the Representatives and direct Taxes shall be apportioned among the Representatives, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first meeting, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such Enumeration, New York thirty, Pennsylvania, Massachusetts eighty, Rhode Island and Providence Plantations six, Connecticut five, New Jersey sixteen, New Hampshire eight, Vermont five, New York and North Carolina five, and Georgia three. When vacancies happen in the Representation of any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

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**RULES OF**

PROCEEDINGS

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## RULES OF PROCEDURE

# Rules of Procedure for Approval of Law Schools

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# I. Scope and Authority

## Rule 1: Scope and Purpose

These Rules of Procedure govern the accreditation process as carried out by the Council, Managing Director, and Appeals Panel. They establish processes relating to accreditation that further the purposes of the Standards and promote consistency, fairness, and transparency.

## Rule 2: Council Responsibility and Authority

- (a) The Council has authority to determine compliance with the Standards. The Council has authority to:
  - (1) grant or deny an application of a law school for provisional approval or full approval;
  - (2) withdraw provisional or full approval;
  - (3) grant or deny applications for acquiescence in a substantive change, as provided in the Standards;
  - (4) grant or deny applications for variances;
  - (5) grant or deny an application for approval of a foreign program, and the continuance of a foreign program as set forth in the Criteria for Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States; and the Criteria for Accepting Credit for Student Study at a Foreign Institution;
  - (6) approve or deny approval of a teach-out plan;
  - (7) impose sanctions and/or direct specific remedial action; and
  - (8) set fees for services and activities related to accreditation.
- (b) A determination by the Council shall be effective upon issuance and is not retroactive.
- (c) The Council shall interpret “written” or “in writing” as used in these Rules to indicate that any notice, decision, or other notification from the Council or submission to the Council will be electronic when possible and practicable.
- (d) The Council is authorized to adopt emergency policies and procedures in response to extraordinary circumstances in which compliance with the Standards would create or constitute extreme hardship for multiple law schools. These policies and procedures will be effective upon adoption by the Council for a term certain and limited to the duration of the extraordinary circumstance.



**Rule 3: Appeals Panel Authority**

An Appeals Panel has authority to consider appeals of the following decisions of the Council:

- (a) Denial of provisional approval;
- (b) Denial of full approval; or
- (c) Withdrawal of provisional or full approval.

## II. Information

**Rule 4: Site Evaluations**

- (a) A site evaluation of a law school or of a program is a comprehensive examination of the law school or program conducted by one or more persons qualified to conduct site evaluations who:
  - (1) Review documents relating to the law school or program;
  - (2) Evaluate the law school or program through an on-site visit or a virtual visit followed by a limited on-site visit; and
  - (3) Prepare a factual report to be used by the Council for purposes of making decisions or recommendations relating to accreditation status of the law school or program.
- (b) Site evaluations of law schools shall be conducted according to the following schedule:
  - (1) A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and every tenth year thereafter.
  - (2) A site evaluation of a provisionally approved law school shall be conducted in accordance with subsection (g) below.
  - (3) A site evaluation shall be conducted upon application by a law school for provisional approval.
- (c) The Council may order additional site evaluations of a law school when special circumstances warrant.
- (d) In extraordinary circumstances, a site evaluation of a law school may be postponed. In such cases, the postponement shall be at the discretion of the Managing Director in consultation with the chair of the Council and the visit shall be scheduled for the earliest practicable time.



- (e) When a site evaluation of a law school is required under the Standards or these Rules, the Managing Director shall make the following arrangements:
  - (1) Schedule the site evaluation during the regular academic year, at a time when classes in the program of legal education are being conducted;
  - (2) Appoint a qualified site evaluation team of sufficient size to accomplish the purposes of the site evaluation, and appoint a chair of the site evaluation team;
  - (3) Provide the site evaluation team all relevant documents relating to the accreditation history and Council action regarding the law school;
  - (4) Provide the site evaluation team with any third-party comments received by the Managing Director's Office regarding the law school's compliance with the Standards;
  - (5) Provide the site evaluation team all complaints received under Rule 41 and not previously dismissed; and
  - (6) Provide the site evaluation team with any necessary or appropriate directions or instructions.
- (f) In connection with a site evaluation of a law school, the Managing Director shall direct the law school to provide the following documents to the site evaluation team before the site evaluation:
  - (1) All completed forms and questionnaires, as adopted by the Council; and
  - (2) In the case of a law school applying for provisional or full approval, the completed application for provisional or full approval.
- (g) Site evaluations for provisionally approved law schools shall be conducted as follows:
  - (1) In years two and four, and upon application for full approval, the law school shall be inspected in accordance with the rules for site evaluation of fully approved law schools.
  - (2) The Council has the discretion to order a site evaluation in any other year. The Council may direct that the additional site evaluation be limited in scope.
- (h) Following a site evaluation, the site evaluation team shall prepare a written report on facts and observations that will enable the Council to determine compliance with the Standards or other issues relating to the accreditation status of the law school. A site evaluation report shall not contain conclusions regarding compliance with Standards or make recommendations for action by the Council.
- (i) The Managing Director shall review the report submitted by a site evaluation team and ensure that it complies with (h). The Managing Director shall then transmit the report to the president and the dean in order to provide an opportunity to make factual corrections and comments. The law school shall be given at least 30 days to prepare its response to the report, unless the law school consents to a shorter time period. The 30 day period shall run from the date on which the Managing Director transmits the report to the law school.
- (j) Following receipt of the law school's response to the site evaluation report, the Managing Director shall forward a copy of the report with the law school's response to the Council and the site evaluation team.
- (k) Site evaluations regarding foreign programs shall be conducted as provided under the:

- (1) Criteria for Programs Offered by ABA-Approved Law Schools in a Location Outside of the United States.

### **Rule 5: Interim Monitoring of Accreditation Status**

- (a) The Council shall monitor the accreditation status of law schools on an interim basis between site evaluations. In its interim monitoring of a law school's accreditation status, the Council shall use a law school's annual questionnaire submissions, other information requested by the Council, and information otherwise deemed reliable by the Council for its review.
- (b) In conducting interim monitoring of law schools, the Council shall consider at a minimum:
  - (1) Resources available to the law school;
  - (2) Efforts and effectiveness in facilitating student career placement;
  - (3) Bar passage; and
  - (4) Student admissions including student credentials, size of enrollment, and academic attrition.

### **Rule 6: Acquisition of Additional Information by the Council**

At any time in carrying out their responsibilities under the Standards and Rules, the Council, or the Managing Director in consultation with the Chair of the Council, may require a law school to provide information or respond to an inquiry.

### **Rule 7: Submission of Information**

In any case in which the Council or the Managing Director requests information from a law school pursuant to Rule 6, the law school shall be given a date certain to provide the information.

### **Rule 8: Appointment of a Fact Finder**

- (a) One or more qualified persons may be appointed as fact finders for the specific purpose of gathering information to enable the Council to determine a law school's compliance with a Standard. A fact finder may be required at any time at the direction of the Council or Managing Director, and may be required under Rules 24(c) and 25(e) in connection with a law school's application for acquiescence in a substantive change; under Rule 24(d) to assess compliance subsequent to the effective date of acquiescence in a substantive change; under Rule 28(b) in connection with a request for a variance; and under Rule 42(b) in connection with a complaint.
- (b) The appointment of a fact finder shall include the following:
  - (1) A statement of the Standards, Rules, or other requirements to which the appointment relates;
  - (2) A statement of questions or issues for determination by the fact finder;
  - (3) A statement of relevant documents or information provided to the fact finder; and
  - (4) A date by which the fact-finding report shall be submitted.

- (c) The fact finder shall prepare a written report on facts and observations that will enable the Council to determine compliance with a Standard or any other issue before the Council, or determine appropriate action in response to an actual or potential violation of a Standard. A fact-finding report shall not contain conclusions regarding compliance with the Standards or make recommendations for action by the Council.
- (d) The Managing Director shall review the report submitted by a fact finder and ensure that it complies with (c). The Managing Director shall then transmit the report to the dean in order to provide an opportunity for the law school to make factual corrections and comments. The law school shall be given at least 30 days to prepare its response to the report, unless the law school consents to a shorter time period. The 30 day period shall run from the date on which the Managing Director transmits the report to the law school.
- (e) In extraordinary circumstances, a visit by a fact finder may be postponed. In such cases, the postponement shall be at the discretion of the Managing Director in consultation with the chair of the Council and the visit shall be scheduled for the earliest practicable time.

### **Rule 9: Notice of Accreditation Decision by Other Agency**

- (a) An approved law school shall promptly inform the Managing Director of the following actions with respect to the law school:
  - (1) Pending or final action by State agency to suspend, revoke, withdraw, or terminate legal authority to provide post-secondary education;
  - (2) Decision by recognized agency to deny accreditation or pre-accreditation;
  - (3) Pending or final action by recognized agency to suspend, revoke, withdraw, or terminate accreditation or pre-accreditation; or
  - (4) Probation or equivalent status imposed by recognized agency.
- (b) If the law school is part of a university, then the law school shall promptly inform the Managing Director of the above actions with respect to the university or any program offered by the university.
- (c) The Council will not grant approval to a law school if the Council knows, or has reasonable cause to know, that the law school is subject to the actions in subsection (a), unless the Council can provide a thorough and reasonable explanation, consistent with the Standards, why the action of the other body does not preclude the Council's grant of approval. Such explanation will be provided to the Secretary of the Department of Education.
- (d) If the Council learns that an approved law school is the subject of an adverse action by another recognized accrediting agency or has been placed on probation or an equivalent status by another recognized agency, the Council will promptly review its approval of the law school to determine if it should also take adverse action or place the law school on probation.
- (e) The Council will, upon request, share with other appropriate recognized accrediting agencies and recognized State approval agencies information about the accreditation status of a law school and any adverse actions it has taken against a law school.

**Rule 10: Failure to Provide Information or Cooperate with the Gathering of Information**

- (a) The Council may find that a law school has:
  - (1) Failed to provide information required to be provided under the Standards;
  - (2) Failed to comply with a request for information under these Rules of Procedure;
  - (3) Provided information to the Council or the Managing Director's Office that the Council has reason to believe is false or misleading; or
  - (4) Failed to cooperate with a site evaluation, a fact finder, or other process for the gathering of information under the Standards or these Rules of Procedure.
- (b) If the Council makes a finding under (a) above, then the Council may direct that representatives of the law school, including any person specifically designated by the Council, appear at a hearing to determine whether to impose sanctions and/or direct specific remedial action.

### **III. Action on Information**

**Rule 11: Proceedings to Determine Compliance with Standards in General**

- (a) In a proceeding to determine accreditation status or compliance with the Standards within the jurisdiction of the Council under Rule 2, the Council may:
  - (1) Conclude that the law school is in compliance with a Standard or all of the Standards;
  - (2) Request or gather further information that will enable the Council to determine compliance with one or more Standards;
  - (3) Conclude that the Council has reason to believe that a law school has not demonstrated compliance with the Standards;
  - (4) Conclude that the law school is not in compliance with a Standard; or
  - (5) Direct the Managing Director to appoint a fact finder.
- (b) In the event the Council requests or gathers further information or appoints a fact finder in accordance with Rule 11(a) upon receipt of the law school's response or any fact-finding report, the Council must find the law school in compliance or not in compliance with the Standards for which information was requested or gathered, absent clearly articulated special circumstances. In the event of such special

circumstances, the Council may request or gather further information pursuant to Rules 11(a)(2), 11(a)(3), or 11(a)(5).

### **Rule 12: Determinations of Compliance**

- (a) A determination that the law school is in compliance with all of the Standards means that the law school remains an approved law school.
- (b) In finding a law school in compliance with a Standard, the Council may couple the finding with a statement calling the law school's attention to the requirements of that Standard when the Council has reason to believe that the law school might, at some time before the next scheduled site evaluation, no longer be in compliance with the Standard in question.
- (c) The approval status of a law school is not affected while an appeal from a decision of the Council is pending.

### **Rule 13: Actions on Determinations of Noncompliance with a Standard**

- (a) Following a determination by the Council of non-compliance with a Standard in accordance with Rule 11(a)(4), the Council shall:
  - (1) Require the law school to bring itself into compliance and submit information by a specific date to demonstrate that it has come into compliance with the Standard; and
  - (2) Direct that representatives of the law school, including any person specifically designated by the Council, appear at a hearing to determine whether to impose sanctions and/or direct specific remedial action in connection with the law school's non-compliance with the Standard.
- (b) The period of time by which a law school is required to demonstrate compliance with a Standard shall not exceed two years from the date of determination of noncompliance, except as provided for in subsection (c).
- (c) For good cause, the Council may extend the date of compliance for up to three years if the requirements of IOP 18 are met.

### **Rule 14: Reconsideration; Right to Appeal**

- (a) A law school does not have the right to request reconsideration of a decision made by the Council.
- (b) A law school has a right to appeal a decision of the Council as provided in Rule 3.

## IV. Sanctions

### Rule 15: Sanctions for Noncompliance with a Standard

- (a) Conduct for which sanctions may be imposed upon a law school includes, without limitation:
  - (1) Substantial or persistent noncompliance with one or more of the Standards;
  - (2) Failure to present a reliable plan to bring the law school into compliance with the Standards;
  - (3) Failure to provide information or to cooperate in a site evaluation as required by the Standards;
  - (4) Making misrepresentations or engaging in misleading conduct in connection with consideration of the law school's status by the Council, or in public statements concerning the law school's approval status;
  - (5) Initiating a substantive change or implementing a new program without having obtained the prior approval or acquiescence required by the Standards; or
  - (6) Provision of incomplete, inaccurate or misleading consumer information in violation of Standard 509.
- (b) Sanctions may include any or all of the following:
  - (1) A monetary payment;
  - (2) A requirement that the law school refund all or part of tuition or fees paid by students;
  - (3) Public censure;
  - (4) Private censure;
  - (5) Publication or distribution of an apology or corrective statement by the law school;
  - (6) A prohibition against initiating new programs for a specific period;
  - (7) Probation for a specific period or until specific conditions are fulfilled; or
  - (8) Withdrawal of provisional or full approval.
- (c) Any sanction under (b) may be imposed, even if the law school has, at the time of the decision or recommendation, ceased the actions that are the basis for sanctions or otherwise brought itself into compliance with the Standards.
- (d) The Council shall consider aggravating and mitigating circumstances in determining the appropriate sanction, including the amount of a monetary payment.
  - (1) Aggravating circumstances are considerations or factors that may justify an increase in the degree or severity of the sanction to be imposed and include, without limitation:
    - (i) prior history of violations;
    - (ii) degree of negligence, recklessness, or knowledge;

- (iii) effort to conceal;
  - (iv) dishonest or selfish motive;
  - (v) a pattern of misconduct;
  - (vi) bad faith obstruction of an investigation or sanction proceeding by failing to comply with requests of the Managing Director's Office, a fact finder, or rules of a sanction proceeding;
  - (vii) submission of false or misleading evidence, false or misleading statements, or other deceptive practices during the investigation process or sanction proceeding;
  - (viii) refusal to acknowledge wrongful nature of conduct;
  - (ix) injury to former, current, or prospective law students;
  - (x) apparent amount of monetary, strategic, or reputational gain;
  - (xi) failure to have sufficient systems in place to ensure compliance, including the law school dean's lack of oversight;
  - (xii) institutional incentive structures that may contribute to noncompliance; and
  - (xiii) failure to enquire or investigate when circumstances warrant enquiry or investigation.
- (2) Mitigating circumstances are any considerations or factors that may justify withholding or reducing a sanction and include, without limitation:
- (i) absence of a prior history of violations;
  - (ii) degree of negligence, recklessness, or knowledge;
  - (iii) apparent lack of monetary, strategic, or reputational gain;
  - (iv) self-reporting of violation;
  - (v) timely good faith effort to rectify consequences of violation;
  - (vi) full and free disclosure to and cooperation with Managing Director's Office, cooperation with fact finder, or cooperative attitude toward sanction proceedings; and
  - (vii) imposition of other sanctions.

### **Rule 16: Sanctions for Failure to Cure Noncompliance with a Standard**

If, following a determination by the Council that a law school is not in compliance with a Standard, the law school fails to bring itself into compliance within the time specified by the Council, including any extension for good cause, or fails to complete remedial action directed under Rule 20(c) or fails to comply with sanctions imposed by the Council under Rule 15(b), the Council shall impose further remedial action or sanctions as provided for in Rule 15 or the Council may extend the period for the law school to bring itself into compliance.

**Rule 17: Monitoring and Enforcing Compliance with Sanctions**

- (a) The Council shall monitor the law school's compliance with any requirements for remedial action, any sanctions, or any requirements of probation imposed under these Rules. If the Council concludes that the law school is not complying with the sanctions that have been imposed, or not making adequate progress toward bringing itself into compliance with the Standards, or not fulfilling the requirements of its probation, the Council may impose additional sanctions referred to in Rule 15(b).
- (b) If a law school has been placed on probation, the law school shall demonstrate compliance with the Standards by the end of the period fixed for probation. If the law school fails to demonstrate compliance, then the Council shall:
  - (1) Withdraw approval; or
  - (2) Extend the period for the law school to bring itself into compliance for good cause shown.
- (c) If a law school has been placed on probation, and the law school demonstrates compliance with the Standards by the end of the period fixed for probation, then the Council shall remove the probationary status of the law school.

## V. Hearings and Meetings of the Council

**Rule 18: Council Consideration**

- (a) The Council shall consider the status of a law school under Part III or an application from a law school under Part VI based on a record consisting of the following, as appropriate:
  - (1) Any fact finder's report relating to the subject matter under consideration and any response from the law school;
  - (2) The most recent site evaluation report and any response from the law school;
  - (3) The most recent site evaluation questionnaire;
  - (4) The most recent annual questionnaire;
  - (5) Any letters reporting accreditation decisions written subsequent to the most recent site evaluation report, and any responses of the law school;
  - (6) The application for provisional or full approval;
  - (7) The application for acquiescence in a substantive change;



- (8) The application for a variance of a standard; and
  - (9) Any other information that the Managing Director and the Chair of the Council determine relevant to the matter under consideration.
- (b) The Council shall make findings of fact and state conclusions with respect to the matter under consideration.

### **Rule 19: Attendance at Council Meetings and Hearings**

- (a) A law school has a right to have representatives of the law school, including legal counsel, appear before the Council at a hearing regarding
  - (1) the law school's application for provisional approval,
  - (2) the law school's application for full approval,
  - (3) the law school's application for acquiescence in a substantive change under Rule 24(a)(1) - 24(a)(18) [excluding Rule 24(a)(12)(iii)], or
  - (4) whether to impose sanctions and/or direct specific remedial action on the part of the law school.
- (b) The Managing Director, in consultation with the Chair of the Council, may set reasonable limitations on the number of law school representatives that may appear and on the amount of time allotted for the appearance.
- (c) Except as permitted in subsection (a), a law school does not have a right to appear at a meeting of the Council or to observe the deliberations of the Council related to the law school's appearance at a hearing.
- (d) The Managing Director or designee and any additional staff designated by the Managing Director shall be present at Council meetings and hearings. Legal Counsel for the Section may also be present at Council meetings and hearings.

### **Rule 20: Hearings before the Council**

- (a) In any hearing held in accordance with Rules 10(b) or 13(a)(2), the Managing Director shall give the law school at least 30 days' notice of the Council hearing. The notice shall specify the apparent non-compliance with the Standards or the apparent failure to provide information or to cooperate with the gathering of information and shall state the time and place of the hearing. For good cause shown, the Managing Director in consultation with the Chair may grant the law school additional time, not to exceed 30 days. Both the notice and the request for extension of time must be in writing.
- (b) In any hearing before the Council, the Managing Director shall provide the Council with all appropriate questionnaires, reports, correspondence and any other information that the Managing Director and the Chair determine relevant to the hearing.
- (c) If the Council determines following a hearing that a law school is not in compliance with a Standard then the Council may:
  - (1) Impose sanctions on the law school; and/or
  - (2) Direct specific remedial action on the part of the law school.

- (d) Upon receipt of information demonstrating compliance with the Standard, the Council may at any time find that the law school is in compliance and cancel the hearing.
- (e) Decisions of the Council shall be effective upon issuance.

### **Rule 21: Action by Council Following Appeals Panel Proceeding**

- (a) If the Appeals Panel remands a decision of the Council for further consideration or action by the Council, the Council shall proceed in a manner consistent with the Appeals Panel's decisions or instructions.
- (b) In implementing the decision of the Appeals Panel, the Council may impose monitoring, reporting or other requirements on the law school consistent with the Appeals Panel decision and the Rules of Procedure.

## **VI. Applications**

### **Rule 22: Application for Provisional or Full Approval**

- (a) A law school seeking provisional or full approval shall file with the Managing Director a written notice of intent to seek approval.
  - (1) The notice shall be filed no later than March 15 in the academic year prior to the academic year in which the law school will apply for approval and shall indicate the law school's preference for a fall or spring site evaluation visit.
  - (2) Upon receipt of written notice of a law school's intent to seek provisional or full approval, the Managing Director shall arrange for a site evaluation as provided under Rule 4.
  - (3) A law school may not apply for provisional approval until it has completed the first full academic year of operating a full-time program of legal education.
  - (4) A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted.
  - (5) Upon notice to the Managing Director of its intent to seek provisional approval, a law school seeking provisional approval shall comply with Standard 102(f) regarding communication of its status.
- (b) The application for provisional or full approval is due at least eight weeks prior to the scheduled site evaluation visit and must contain:

- (1) A letter from the dean certifying that the law school has completed all of the requirements for seeking provisional or full approval or that the law school seeks a variance from specific requirements of the Standards and that the law school has obtained the concurrence of the president in the application;
  - (2) All completed forms and questionnaires, as adopted by the Council;
  - (3) In the case of a law school seeking provisional approval, a copy of a feasibility study that evaluates the nature of the educational program and goals of the law school, the profile of the students who are likely to apply, and the resources necessary to create and sustain the law school, including relation to the resources of a parent institution, if any;
  - (4) In the case of a law school applying for provisional approval, the law school must submit a teach-out plan in accordance with Rule 29, that includes the names of other law schools that could enter into a teach-out agreement with the law school;
  - (5) A copy of the self study;
  - (6) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;
  - (7) Appropriate documents detailing the law school and parent institution's ownership interest in any land or physical facilities used by the law school;
  - (8) A request that the Managing Director schedule a site evaluation at the law school's expense; and
  - (9) Payment to the Section of any required fee.
- (c) A law school must demonstrate that it or the university of which it is a part is legally authorized under applicable state law to provide a program of education beyond the secondary level.
- (d) A law school shall disclose whether an accrediting agency recognized by the United States Secretary of Education has denied an application for accreditation filed by the law school, revoked the accreditation of the law school, or placed the law school on probation. If the law school is part of a university, then the law school shall further disclose whether an accrediting agency recognized by the United States Secretary of Education has taken any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the law school shall provide the Managing Director with information concerning the basis for the action of the accrediting agency.

### **Rule 23: Reapplication for Provisional or Full Approval**

- (a) If the Council denies an application for provisional or full approval or withdraws provisional or full approval, or if a law school withdraws an application for provisional or full approval, a law school shall not reapply until it is able to certify that it has addressed the reasons for the denial, removal, or withdrawal, explain how it has done so, and is able to demonstrate that it is operating in compliance with the Standards.
- (b) Any notice and reapplication must be filed within the schedule prescribed by Rule 22.

**Rule 24: Application for Acquiescence in Substantive Change**

(a) Substantive changes requiring application for acquiescence include:

- (1) Acquiring another law school, program, or educational institution;
- (2) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;
- (3) Transferring all, or substantially all, of the program of legal education or assets of the approved law school to another law school or university;
- (4) Merging or affiliating with one or more approved or unapproved law schools;
- (5) Merging or affiliating with one or more universities;
- (6) Materially modifying the law school's legal status or institutional relationship with a parent institution;
- (7) A change in control of the law school resulting from a change in ownership of the law school or a contractual arrangement;
- (8) A change in the location of the law school that could result in substantial changes in the faculty, administration, student body, or management of the law school;
- (9) Establishing a branch campus;
- (10) Establishing a separate location other than a branch campus;
- (11) A significant change in the mission or objectives of the law school;
- (12) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the latest site evaluation including (i) instituting a new full-time or part-time division, (ii) instituting a Distance Education J.D. Program, or (iii) establishing a new or different program leading to a certificate or degree other than a J.D. degree;
- (13) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;
- (14) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;
- (15) The addition of graduate programs of study by an institution that previously offered only undergraduate degrees or certificate programs;
- (16) A change in program length measurement from clock hours to credit hours;
- (17) A substantial increase in the number of clock or credit hours required for graduation; and
- (18) The addition of each direct assessment program.

(b) An application for acquiescence in a substantive change shall consist of the following:

- (1) All completed forms and questionnaires, as adopted by the Council;

- (2) A letter from the dean certifying that the law school has completed all of the requirements for requesting acquiescence in a substantive change and that the law school has obtained the concurrence of the president in the application;
  - (3) A copy of the law school's most recent self study or an updated self study if the most recent self study is more than three years old where the application is for acquiescence in a substantive change described in Rule 24(a)(1) through 24(a)(13);
  - (4) A description of the proposed change and a detailed analysis of the effect of the proposed change on the law school's compliance with the Standards;
  - (5) Payment to the Section of the application fee.
- (c) The Managing Director shall appoint a fact finder in connection with an application for acquiescence in a substantive change, except that no fact finder is required if the Managing Director and the Chair of the Council determine that the application does not require additional information to assist Council determination of the question of acquiescence.
- (d) When the Council grants acquiescence in a substantive change under Rules 24(a)(1) through 24(a)(9), the Managing Director shall appoint a fact finder subsequent to the effective date of acquiescence as provided in Rule 25(e). The Council also may direct appointment of a fact finder subsequent to the effective date of acquiescence in a substantive change under Rules 24(a)(10) through 24(a)(18) for purposes of determining whether the law school remains in compliance with the Standards. When the Council grants acquiescence under Rule 24(a)(10) in a separate location at which the law school offers more than 50% of the law school's program of legal education, the Managing Director shall appoint a fact finder to conduct a visit within six months of the effective date of acquiescence or in the first academic term subsequent to acquiescence in which students are enrolled at the separate location.
- (e) In addition to satisfying the requirements of Rule 24(b), an application for acquiescence shall contain information sufficient to allow the Council to determine whether the substantive change is so significant as to constitute the creation of a new or different law school. If the Council determines that the substantive change constitutes the creation of a new or different law school, then it shall require that the school apply for provisional approval under the provisions of Standard 102 and Rule 22. Factors that shall be considered in making the determination of whether the substantive change is so significant as to constitute the creation of a new or different law school include, without limitation:
- (1) the financial resources available to the law school;
  - (2) a significant change, present or planned, in the governance of the law school;
  - (3) the overall composition of the faculty and staff at the law school;
  - (4) the educational program offered by the law school; and
  - (5) the location or physical facilities of the law school.
- (f) A law school's approval status remains unchanged following acquiescence in any substantive change.
- (g) A law school's request for acquiescence in the proposed substantive change in organizational structure shall be considered under the provisions of Rule 25, and will become effective upon the decision of the Council. The decision of the Council may not be retroactive.

- (h) A law school shall not receive acquiescence in a substantive change if the law school is on probation or receives a finding of significant non-compliance with one or more Standards under Rule 11(a)(4), has been subject to such action by the Council over the prior three academic years, or is under a provisional certification under Title IV of the Higher Education Act of 1965, as amended, unless the law school can show the substantive change will assist the law school in making progress toward achieving full compliance.
- (i) The decision of the Council granting acquiescence in a substantive change to institute a Distance Education J.D. Program under Rule 24(a)(12)(ii) may be for a term certain and can be extended once, with the extension being for either a further term certain or indefinite, but subject to revocation.
- (j) The decision granting acquiescence in a substantive change to institute a Distance Education J.D. Program may require the law school to report to the Managing Director or the Council regularly as specified in the decision.

### **Rule 25: Substantive Changes Requiring a Reliable Plan**

- (a) In addition to satisfying the requirements of Rule 24(b), an application for acquiescence under Rule 24(a)(1) through Rule 24(a)(9) shall include a reliable plan.
- (b) The reliable plan in connection with the establishment of a branch campus under Rule 24(a)(9) shall contain information sufficient to allow the Council to determine that:
  - (1) The proposed branch campus has achieved substantial compliance with the Standards and is reasonably likely to achieve full compliance with each of the Standards within three years of the effective date of acquiescence;
  - (2) The proposed branch campus will meet the requirements of Standard 106 applicable to separate locations and branch campuses.
- (c) The reliable plan regarding a matter involving a substantial change in ownership, governance, control, assets, or finances of the law school, under Rule 24(a)(1) through Rule 24(a)(7) shall contain information sufficient to allow the Council to determine whether the law school is reasonably likely to be in full compliance with each of the Standards as of the effective date of acquiescence.
- (d) The reliable plan regarding a change in location of the law school that could result in substantial changes in the faculty, administration, student body, or management of the law school under Rule 24(a)(8) shall contain information sufficient to allow the Council to determine whether the law school is reasonably likely to be in full compliance with each of the Standards within one year of the effective date of acquiescence.
- (e) In a case where the Council has acquiesced in a substantive change subject to (a), the Managing Director shall appoint a fact finder subsequent to the effective date of acquiescence, as provided in (f), (g), or (h).
- (f) In the case of the establishment of a branch campus under Rule 24(a)(9), the fact-finding visit required in accordance with (e) shall be conducted within six months of the effective date of acquiescence or in the first academic term subsequent to acquiescence in which students are enrolled at the branch campus to verify that the branch campus satisfies the requisites of (b)(2).

- (g) In a case involving a substantial change in ownership, control, assets, or finances of the law school under Rule 24(a)(1) through 24(a)(7), the fact-finding visit required in accordance with (e) shall be conducted within six months of the effective date of acquiescence to verify that the law school is in compliance with the Standards.
- (h) In a case involving a substantial change in location of the law school that could result in substantial changes in the faculty, administration, student body, or management of the law school, under Rule 24(a)(8), the fact-finding visit required in accordance with (e) shall be conducted within one year of acquiescence to verify that the law school is in compliance with the Standards.

### **Rule 26: Reapplication for Acquiescence in Substantive Change**

- (a) If the Council denies an application for acquiescence in a substantive change, or if an application for acquiescence in a substantive change is withdrawn by a law school, a law school shall not reapply until it is able to certify in its application that it has addressed the reasons for the denial or withdrawal, explains how it has done so, and is able to demonstrate that it is operating in compliance with the Standards.
- (b) Any new application must be filed in accordance with Rule 24.

### **Rule 27: Application for Approval of Foreign Program**

- (a) A law school may apply for approval of programs in accordance with the procedures set forth in the following Criteria:
  - (1) Criteria for Programs Offered by ABA-Approved Law Schools in a location outside the United States; or
  - (2) Criteria for Accepting Credit for Student Study at a Foreign Institution.

### **Rule 28: Application for Variance**

- (a) A law school applying for a variance has the burden of demonstrating that the variance should be granted. The application should include, at a minimum, the following:
  - (1) A precise description of the program changes or other actions for which the variance is sought, and identification of the Standard or Standards with which they are or may be inconsistent;
  - (2) An explanation of the bases and reasons that justify granting the variance; and
  - (3) Any additional information and factual material needed to sustain the law school's burden of proof and support the granting of the application.
- (b) The Managing Director may appoint one or more fact finders to elicit additional information and facts relevant and necessary to consideration of the application for a variance.
- (c) The Managing Director may request written reports from a law school to which a variance has been granted in addition to the written reports required under the terms of the variance.

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**Rule 29: Teach-Out Plan**

- (a) If a provisional or fully approved law school or branch is closing, suspending, or ceasing to operate its approved program of legal education, the law school shall promptly provide notice to the public, all students at the law school, the Managing Director, the appropriate state licensing authority, and the United States Department of Education of the action.
- (b) A provisional or fully approved law school must submit a teach-out plan for approval upon occurrence of any of the following events:
  - (1) The United States Secretary of Education notifies the Managing Director's Office of a determination by the law school's independent auditor expressing doubt about the law school's ability to operate as a going concern or indicating an adverse opinion or a finding of material weakness related to financial stability.
  - (2) The Council acts to place the law school on probation or equivalent status.
  - (3) The United States Secretary of Education notifies the Managing Director's Office that the law school is participating in Title IV, HEA programs under a provisional program participation agreement and the Secretary has required a teach-out plan as a condition of participation.
- (c) A provisional or fully approved law school must submit a teach-out plan, and if practicable, teach-out agreements for approval upon occurrence of any of the following events:
  - (1) The law school notifies the Managing Director's Office that it intends to close, suspend, or cease to operate its approved program of legal education at the law school or a branch campus;
  - (2) The Council acts to withdraw, terminate, or suspend the accreditation of the law school;
  - (3) The United States Secretary of Education notifies the Managing Director's Office that the Secretary has placed the law school on the reimbursement payment method under 34 CFR 668.162(c) or heightened cash monitoring payment method, requiring the Secretary's review of the law school's supporting documentation under 34 CFR 668.162(d)(2);
  - (4) The United States Secretary of Education notifies the Managing Director's Office that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any Title IV, HEA program, in accordance with Section 487(c)(1)(F) of the HEA, and that a teach-out plan is required;
  - (5) A state licensing or authorizing agency notifies the Managing Director's Office that an institution's license or legal authorization to provide an educational program has been or will be revoked;
  - (6) The Council or its Executive Committee determines that the law school is at risk of sudden closure, suspension, or ceasing of some or all of its operations because it is in financial distress, under governmental investigation, or facing other significant challenges.
- (d) A law school applying for provisional approval under Rule 22 must submit a teach-out plan for approval with its application that includes the names of other law schools that could enter into a teach-out agreement with the law school.
- (e) The law school shall submit the teach-out plan required by paragraph (c) to the Managing Director's Office within the time specified by the Managing Director. Upon submission of the teach-out plan, the law school must cease recruiting students, accepting deposits, and admitting new students.



- (f) The Council or its Executive Committee may require a law school to enter into a teach-out agreement as part of its teach-out plan if the law school will not be able to teach out its own students prior to its closure as a law school.
- (g) A law school must submit the “Teach-Out Plan Approval Form,” as adopted by the Council, and address each item in the form.
- (h) If the Council or its Executive Committee requires a law school to submit a teach-out agreement as part of a teach-out plan, the law school must submit the “Teach-Out Agreement Approval Form,” as adopted by the Council, and address each criterion in the form.
- (i) A law school is not permitted to serve as a teach-out law school if the law school is subject to the conditions of (b) or (c), or is under investigation, subject to an action, or being prosecuted for an issue related to academic quality, misrepresentation, fraud, or other severe matters by a law enforcement agency.
- (j) The Council or its Executive Committee may waive requirements regarding the percentage of credits that must be earned by a student at the law school awarding the J.D. if the student is completing a program through a written teach-out agreement or transfer.
- (k) The Council or its Executive Committee shall either approve or reject the teach-out plan submitted in accordance with (b) and (c).
  - (1) Approval of the teach-out plan may be conditioned on specified changes to the plan.
  - (2) If the teach-out plan is rejected, the law school must revise the plan to meet the deficiencies identified and resubmit the plan as directed, after receiving notice of the decision.
- (l) Upon approval of a teach-out plan of a law school or branch campus that is also accredited by another recognized accrediting agency, the Managing Director’s Office shall notify that accrediting agency within 30 days of its approval.
- (m) Upon approval of a teach-out plan, the Managing Director shall within 30 days notify all recognized agencies that accredit other programs offered by the institution of which the law school is a part.
- (n) For a law school that is suspending or reducing operations, the Council may withdraw approval from the law school if it ceases to operate as an educational institution, if its legal authorization to operate and grant degrees is terminated, or if the Council determines, based on its review, that what remains of the law school is no longer in compliance with the Standards as required to sufficiently provide students with a quality legal education.
- (o) In the event a law school closes without an approved teach-out plan or agreement, the Managing Director’s office will work with the United States Department of Education and the appropriate state agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

## VII. Appeals Process

### Rule 30: Notice of Appeal of Decisions of the Council

- (a) A law school may appeal decisions of the Council specified in Rule 3 by filing a written Notice of Intent to appeal within 10 days of the date of the letter from the Managing Director to the Law School reporting the decision of the Council (“Decision Letter”).
- (b) If a law school is required to file a Teach-Out Plan subsequent to the decision of the Council, the time line to file the appeal is stayed until the Teach-Out Plan is filed pursuant to the timetable set by the Managing Director and approved by the Council.

### Rule 31: Grounds for Appeal

- (a) The grounds for an appeal are limited to the following:
  - (1) The decision of the Council was arbitrary and capricious and not supported by the evidence on record; or
  - (2) The decision of the Council was inconsistent with the Rules of Procedure and that inconsistency prejudiced the decision.

### Rule 32: Membership of Appeals Panel and Proceeding Panel

- (a) The Appeals Panel shall consist of at least five persons appointed by the Chair of the Council. Members shall serve a one-year term beginning at the end of the Annual Meeting of the Section and continuing to the end of the next Annual Meeting of the Section or until replaced. Appeals Panel members are eligible to serve consecutive terms or non-consecutive multiple terms.
- (b) Every member of the Appeals Panel shall be:
  - (1) A former member of the Council; or
  - (2) An experienced site evaluator.
- (c) Members of the Appeals Panel shall be:
  - (1) Experienced in and knowledgeable about the Standards, Interpretations and Rules of Procedure; and
  - (2) Subject to the Section’s Conflicts of Interest Policy, as provided in IOP 13.
- (d) The Appeals Panel shall include at least one person who can fill the following roles:
  - (1) an academic;
  - (2) an administrator;
  - (3) a legal educator;

- (4) a practitioner or member of the judiciary; and
- (5) a representative of the public.

By virtue of background and experience, some members may appropriately serve in more than one role. The roles that members can fulfill shall be determined each year when the Panel is appointed.

- (e) Upon receipt of the Notice of Intent to Appeal, if it is within the scope of authority of the Appeals Panel, the Managing Director shall appoint three members of the Appeals Panel to hear the appeal. The appointed members shall be known as the Proceeding Panel. The Managing Director shall designate one member of the Proceeding Panel as chair. The Managing Director shall also appoint a staff person who will serve as Liaison and provide support to the Proceeding Panel. For law schools for which the Council is the institutional accreditor, the Managing Director shall appoint an academic, an administrator, and a representative of the public to serve on the Proceeding Panel. For law schools for which the Council is the programmatic accreditor, the Managing Director shall appoint a legal educator, a practitioner or member of the judiciary, and a representative of the public to serve on the Proceeding Panel.
- (f) In the event a member of the Appeals Panel cannot be appointed to participate in a decision on appeal so as to ensure that the Proceeding Panel meets the requirements of Rule 32, the Managing Director shall appoint to the Proceeding Panel another person that is not a member of the Appeals Panel who meets those requirements.
- (g) Members of the Proceeding Panel will receive training prior to the hearing regarding its responsibilities and in the Standards, Interpretations, and Rules of Procedure.
- (h) The Managing Director shall notify the law school of the Liaison and members of the Proceeding Panel and shall afford the law school an opportunity to present objections regarding conflict of interest; Such objections shall be ruled on by the Managing Director within 30 days of the date of the Decision Letter.

### **Rule 33: Designation of the Record**

- (a) Within 20 days of the date of the Decision Letter, the Managing Director shall deliver to the law school, the Record on Appeal.
- (b) The Record on Appeal shall be:
  - (1) The record before the Council;
  - (2) The decision letter from which the appeal is taken; and
  - (3) The transcript of the hearing before the Council.

### **Rule 34: Filing of Written Appeal**

- (a) A law school shall file electronically, a written appeal with the Liaison and Council within 40 days of the date of the Decision Letter, unless the time period has been extended.
- (b) The written appeal shall include:
  - (1) A statement of the grounds upon which the appeal is based; and

- (2) Documentation in support of the grounds upon which the appeal is based.
- (c) The written appeal and supporting documentation may not contain or refer to any new evidence, nor may the law school refer to any new evidence in its written appeal or arguments to the Proceeding Panel unless the only remaining deficiency cited by the Council in support of an adverse decision is the law school's non-compliance with a Standard dealing with financial resources for the law school. In that case, the process set out in Rule 39(e) applies to new financial information that the law school may want to submit with its appeal.

### **Rule 35: Council's Response to the Appeal**

- (a) The Council's written response to the law school's written appeal shall be filed by the Council with the law school and the Liaison the latter of 60 days of the date of the Decision Letter, or 20 days of the date of the law school's Written Appeal.
- (b) The Council's written response and supporting documentation may not contain or refer to any new evidence, nor may the Council refer to any new evidence in its written response or statements to the Proceeding Panel.

### **Rule 36: Scheduling of Hearings**

- (a) The Managing Director shall refer the appeal to the Proceeding Panel the latter of 70 days of the date of the Decision Letter or 30 days of the date of the law school's Written Appeal. In referring the appeal, the Liaison shall provide the Proceeding Panel with copies of:
  - (1) The written appeal;
  - (2) The Council's response;
  - (3) The Decision Letter of the Council; and
  - (4) The record before the Council, including any hearing transcripts.
- (b) The Managing Director, in consultation with the Chair of the Proceeding Panel, shall set the date, time, and place of the hearing.
  - (1) The hearing shall be held the latter of 100 days of the date of the Decision Letter or 60 days of the date of the law school's Written Appeal.
  - (2) The Managing Director shall inform the law school of the date, time, and place of the hearing at least 30 days in advance of the hearing, unless the law school agrees to the hearing on less than 30 days' notice.

### **Rule 37. Burdens**

The appealing law school has the burden of demonstrating that the Council's decision was arbitrary and capricious, and not supported by the evidence on record, or inconsistent with the Rules of Procedure and that inconsistency prejudiced the decision.

**Rule 38. Hearing Protocol**

- (a) The Chair of the Proceeding panel shall conduct the hearing. The Proceeding Panel may ask questions of the law school, Council representatives, and the staff of the Managing Director's Office.
- (b) The hearing will be a closed proceeding and not open to the public.
- (c) The law school shall have a right to have representatives, including legal counsel, appear at the hearing, any of whom shall be allowed to make any statement or presentation or to respond to any questions directed to the law school by the Proceeding Panel.
- (d) The Council shall have a right to have representatives, including legal counsel, appear at the hearing, any of whom shall be allowed to make any statement or presentation on behalf of the Council or to respond to any questions directed to the Council representatives by the Proceeding Panel.
- (e) The Managing Director or designee shall be present at the hearing. The Managing Director may designate additional staff to be present at the hearing.
- (f) The hearing shall be transcribed by a court reporter and a transcript of the hearing shall be provided to the Proceeding Panel, the Council, and the law school.

**Rule 39. Decision of the Proceeding Panel**

- (a) The Proceeding Panel shall issue a written decision no later than 30 days following the hearing. The decision shall state specifically the grounds upon which it is based.
- (b) The Proceeding Panel, following a hearing, has the authority to:
  - (1) Affirm the decision of the Council;
  - (2) Amend the decision of the Council; or
  - (3) Remand the decision of the Council for further consideration.
- (c) The decision of the Proceeding Panel shall be effective upon issuance. If the Proceeding Panel remands a decision for further consideration or action by the Council, the Proceeding Panel shall identify specific issues that the Council must address.
- (d) Decisions by the Proceeding Panel under (b)(1) are final and not appealable.
- (e) When the only remaining deficiency cited by the Council in support of an adverse decision is a law school's failure to meet the Standards dealing with financial resources for a law school, the law school may request a review of new financial information that was not part of the record before the Council at the time of the adverse decision if all of the following conditions are met:
  - (1) A written request for review is filed with the Office of the Managing Director within 30 days after the date of the Decision Letter reporting the adverse decision of the Council to the law school;
  - (2) The financial information was unavailable to the law school until after the adverse decision subject to the appeal was made; and

- (3) The financial information is significant and bears materially on the financial deficiencies that were the basis of the adverse decision by the Council.
- (f) The request to review new financial information will be considered by the Council at its next meeting occurring at least 30 days after receipt of the request.
- (g) A law school may request review of new financial information only once and a decision made by the Council with respect to that review does not provide a basis for appeal.

## **VIII. Complaints Regarding Noncompliance with Standards**

### **Rule 40: Complaints in General**

- (a) The United States Department of Education procedures and rules for the recognition of accrediting agencies require a recognized accrediting agency to have a process for the reporting of complaints against accredited institutions that might be out of compliance with the agency's accreditation standards. This is the process for the Council with regard to law schools having J.D. programs approved by the Council.
- (b) The process for complaints under these Rules is designed to bring to the attention of the Council, and the Managing Director, facts and allegations that may indicate that an approved law school is operating its program of legal education out of compliance with the Standards.
- (c) This process is not available to serve as a mediating or dispute-resolving process for persons with complaints about the policies or actions of an approved law school. Neither the Council nor the Managing Director will intervene with an approved law school on behalf of an individual with a complaint against or concern about action taken by a law school that adversely affects that individual. The Council will, as a part of this process, provide no individual relief for any person, nor will it order any specific action by a law school with respect to any individual.

### **Rule 41: Submission of Complaints**

- (a) Any person may file with the Managing Director a written complaint alleging non-compliance with the Standards.

- (1) Except in extraordinary circumstances, the complaint must be filed within one calendar year of the facts on which the allegation is based. Pursuit of other remedies does not toll this one calendar year limit.
  - (2) Complaints must be in writing using the form “Complaint Against an ABA Approved Law School” and must be signed. The form shall be available both online and from the Office of the Managing Director.
  - (3) Anonymous complaints will not be considered.
  - (4) A complaint that has been resolved will not be subject to further review or reconsideration unless subsequent complaints about the law school raise new issues or suggest a pattern of significant noncompliance with the Standards not evident from the consideration of the previously resolved complaint.
- (b) The Complaint must provide the following information:
- (1) A clear and concise description of the nature of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the allegation that the law school is out of compliance with the Standards referenced in the complaint.
  - (2) The Standards and Interpretations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred.
  - (3) A description of the steps taken to exhaust the law school’s grievance process and the actions taken by the law school in response to the complaint as a result of prescribed procedures.
  - (4) Disclosure of any other channels the complainant is pursuing, including legal action.
  - (5) A release authorizing the Managing Director’s Office to send a copy of the complaint to the dean.
- (c) If the person filing the complaint is not willing to sign a release authorizing the Managing Director’s Office to send a copy of the complaint to the dean, the matter will be closed. If the Managing Director concludes that extraordinary circumstances so require, the name of the person filing the complaint may be withheld from the law school.

#### **Rule 42: Disposition of Complaints**

- (a) The Managing Director, upon receiving a complaint submitted in accordance with Rule 41 and not dismissed, shall proceed as follows:
- (1) The Managing Director shall acknowledge receipt of the complaint within 14 days of its receipt.
  - (2) The Managing Director shall determine whether the complaint alleges facts that raise issues relating to an approved law school’s compliance with the Standards. This determination shall be made within six weeks of receiving the complaint. If the Managing Director concludes that the complaint does not raise issues relating to an approved law school’s compliance with the Standards, the matter will be closed.
  - (3) If the Managing Director determines that the complaint may raise issues relating to an approved law school’s compliance with the Standards, the Managing Director will send the complaint to the law school and request a response within 30 days. The Managing Director may extend the

period for response if, in the judgment of the Managing Director, there is good cause for such an extension.

- (4) The Managing Director will review any response to a complaint within 45 days of receipt. If the response establishes that the law school is not out of compliance with respect to the matters raised in the complaint, the Managing Director will close the matter.
- (b) If the law school's response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, the Managing Director, in consultation with the Chair of the Council, may appoint a fact finder to investigate the issues raised by the complaint and the law school's response.
- (c) If the law school's response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, then the Managing Director shall refer the complaint, along with the law school's response, the fact finder's report, if any, and any other relevant information, to the Council for further action in accordance with these Rules.
- (d) If a law school that is the subject of a complaint is due to receive a regularly scheduled sabbatical site evaluation within a reasonable amount of time after the complaint is received, usually within one year, the complaint may be handled as part of the sabbatical site evaluation.

#### **Rule 43: Notice of Disposition of Complaint**

The Managing Director will promptly notify the person submitting a complaint of the final disposition of the complaint. The notification shall not include a copy of the law school's response, if any, and shall not include a copy of any written decision of the Council.

#### **Rule 44: Appeal of Managing Director's Disposition of Complaint**

There is no appeal to any body of a conclusion by the Managing Director that a complaint does not raise issues under the Standards.

#### **Rule 45: Review of Complaint Process**

To ensure the proper administration of this complaint process, the Council shall periodically review the written complaints received in the Managing Director's Office and their disposition.

#### **Rule 46: Record of Complaints**

The Managing Director's Office shall keep a record of the complaints under Part VIII of these Rules for a period of ten years.



## **IX. Transparency and Confidentiality**

### **Rule 47: Confidentiality of Accreditation Matters**

Except as otherwise provided in these Rules or Internal Operating Practices, all matters relating to the accreditation of a law school, including any proceedings, hearings or meetings of the Council, shall be confidential.

### **Rule 48: Communication of Decisions**

When a law school is the subject of a decision in accordance with these Rules, the Managing Director shall promptly inform the dean and the president of the decision in writing.

### **Rule 49: Communication and Distribution of Site Evaluation Reports**

- (a) Except as provided in Part IX of these Rules, site evaluation and fact-finding reports shall be confidential.
- (b) The law school may release an entire site evaluation report or fact-finding report or portions of a report.
  - (1) If the law school makes public the site evaluation report or any portion of it, the law school must notify the Managing Director at or before the time of the disclosure. In the event the law school discloses only a portion of the site evaluation report, the Managing Director, in consultation with the Chair of the Council, may subsequently disclose any other portions of the site evaluation report or the entire report.
  - (2) Discussion of the contents of a site evaluation report with, or release of the report to, the faculty, the university administration, or the governing board of the university or law school, does not constitute release of the report to the public within the meaning of this Rule.
- (c) If the dean determines that a site evaluation report for the dean's law school contains criticism of the professional performance, competence, or behavior of a member of the law school's faculty or professional staff:
  - (1) The dean shall make available to the person affected the relevant portions of the report and shall send the Managing Director a copy of those relevant portions and any accompanying memorandum or letter to the affected person.
  - (2) The affected person shall have the right to file with the Managing Director a document responding to the criticism contained in the site evaluation report.
  - (3) Any such response to the criticism shall become part of the law school's official file.

### **Rule 50: Disclosure of Decision Letters**

- (a) If the law school makes public a decision of the Council, the law school must make public the entire decision.

- (1) If the law school makes public a decision of the Council, the law school must notify the Managing Director at or before the time of the disclosure.
  - (i) The Managing Director, in consultation with the Chair of the Council, may subsequently correct any inaccurate or misleading information released or published by the law school in connection with the disclosure or the decision.
  - (ii) A corrective communication by the Managing Director may include the disclosure of portions of the site evaluation report or the entire site evaluation report.
- (2) Discussion of the contents of a decision with, or release of the report to, the faculty, the university, or the governing board of the university or law school, does not constitute release of the decision to the public within the meaning of this Rule.

### **Rule 51: Applications, Plans, Decisions and Recommendations Made Public**

- (a) When a law school has applied for provisional or full approval, acquiescence in a substantive change, or a variance, or has submitted a teach-out plan for approval, the Managing Director shall provide public notice:
  - (1) That the law school has submitted an application or plan; and
  - (2) Of the procedural steps for consideration of the application or plan.
- (b) After a law school has been notified of the Council's decision, the Managing Director shall provide public notification of the Council's conclusions and decision (except as to a sanction that is explicitly not public), with an explanation of any procedural steps for further consideration of the matter, concerning:
  - (1) The law school's application for provisional or full approval;
  - (2) The law school's application for acquiescence in a substantive change;
  - (3) The law school's application for a variance;
  - (4) The imposition of sanctions or specific remedial action on the law school;
  - (5) The placing of the law school on probation;
  - (6) The withdrawal of the law school's approval;
  - (7) The law school's significant non-compliance with one or more Standards under Rule 11(a)(4); or
  - (8) The law school's submission of a teach-out-plan.
- (c) After a matter concerning a law school has been acted upon by an Appeals Panel, the Managing Director shall provide public notification of the conclusions and decision of the Appeals Panel.
- (d) After a law school has been notified of a Council's decision, the Managing Director, with the concurrence of the Council Chair, may issue a public statement in writing or orally to address other matters related to the accreditation of the school, to confirm or deny media reports on the law school's accreditation or matters related to that accreditation, or to respond to an inquiry from the public.

**Rule 52: Statistical Reports**

- (a) School specific information and statistical reports derived from data contained in all questionnaires are for the use of the Council, the Managing Director, and deans of ABA-approved law schools, and are not for public release.
- (b) Information contained in statistical reports prepared from data contained in annual questionnaires is for exclusive and official use by those persons authorized by the Council to receive such statistical reports, except as public disclosure of information about specific law schools is authorized under Standard 509 or has been made public by the law school.
- (c) The Managing Director may release general data from the statistical reports and questionnaires that are not school-specific.

**Rule 53: Publication of List of Approved Law Schools**

The Council shall publish annually a complete list of all approved law schools. The list shall be published in one or more venues designated by the Council pursuant to Standard 509.

## **X. Amendment of Standards, Interpretations and Rules**

**Rule 54: Council Authority**

The Council has authority to adopt, revise, amend or repeal the Standards, Rules, and Interpretations.

**Rule 55: Concurrence by the ABA House of Delegates**

- (a) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules does not become effective until it has been concurred in by the ABA House of Delegates in accordance with House Rule 45.9. After the meeting of the Council at which it decides to adopt, revise, amend or repeal the Standards, Interpretations or Rules, the Chair of the Council shall furnish a written statement of the Council action to the House.
- (b) Once the action of the Council is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the Council's decision or refer the decision back to the Council for

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further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.

- (c) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules is subject to a maximum of two referrals back to the Council by the House. If the House refers a Council decision back to the Council twice, then the decision of the Council following the second referral will be final and will not be subject to further review by the House.



...that further declaratory and rest  
concurring that the following Articles be proposed to the  
said Legislatures, to be valid to all intents and  
the several States, pursuant  
first, .... Art.

Article the second... No law,  
Article the third... Congress shall  
the fourth... assemble, and  
the fifth... A well regulated  
the sixth... The right of the people  
the seventh... No person shall

shall be held to answer  
Military, when in actual service,  
criminal case to be a witness against  
In all criminal prosecutions, the accus-  
district shall have been previously ascertained  
obtaining witnesses in his favor, and  
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hail shall not be required, nor requiring  
in the Constitution, of certain re-  
not delegated to the United States

OFFERED BY  
SCHOOLS

We the People

insure domestic Tranquillity, provide for the common  
and our Posterity, We ordain and establish this Consti-  
tution.

Article I.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

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Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.  
Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.  
No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and when elected shall have been seven Years a Citizen of that State in which he shall be chosen.  
No Person shall be a Representative who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.  
Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The Number of Representatives shall not exceed one for every thirty Thousand Persons, but each State shall have at least one Representative; and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[illegible]

The House of Representatives  
Session 3 The Senate of  
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# **Criteria for Programs Offered by ABA-Approved Law Schools in a Location Outside the United States**

*These Criteria apply to summer, intersession, semester, and year-long programs offered by ABA- approved law schools in a location outside of the United States. Programs in which students enroll in an institution outside the United States to receive credit toward the J.D. degree are governed by the Criteria for Accepting Credit for Student Study at a Foreign Institution.*

*These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.*

*The ABA Standards and Rules of Procedure for the Approval of Law Schools shall apply to study abroad programs except as modified by the Criteria or by necessary implication.*

## **I. Criteria Applicable to All Programs Offered by ABA-Approved Law Schools in a Location Outside the United States**

### **A. Educational Program**

1. The dean and faculty of the law school are responsible for formulating and administering the educational program.
2. The faculty must approve the academic content of the educational program in the same manner as the curriculum of the law school's on-campus program.
3. The academic content of the educational program must meet the same standards, including evaluation of student performance, as the on-campus program of the law school.
4. The number of students enrolled shall not exceed the number appropriate for the academic content of the educational program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

5. Students must be provided with the name and contact information of the program director or another responsible person on-site who can be reached at all times during the program.
6. The law school shall offer students at or shortly after the conclusion of the program an opportunity to evaluate in writing both the overall program and the faculty and courses offered in the program.
7. The law school may include participants other than those earning credit toward the J.D. degree, provided that such participation does not detract from the law school's ability to maintain a program that meets the requirements of these Criteria and the Standards.

## **B. Academic Credit**

1. Length of program
  - (a) The educational program must provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.
  - (b) The number of credits a student may receive in the program must comply with Standard 310 regarding credit hours and in no event shall a student receive more than 1.5 semester credit hours for each week of the program.
2. Instruction Conducted in a Foreign Language
  - (a) When instruction is offered in a foreign language with consecutive English interpretation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of Standard 310 compliance, classes in which consecutive interpretation is needed may not count more than fifty (50) percent of actual class time expended.
  - (b) When instruction is offered in a foreign language with simultaneous English interpretation, the time expended in class is commensurate with class time spent when instruction is in English.
3. If credit is given for field placements, the educational program must meet the requirements of Standard 304.
4. Educational Visits
  - (a) The program shall include at least two visits that relate to the socio-legal environment in the host country.
  - (b) Time or a portion of the time allocated for visits may not be counted toward the requirements of Standard 310 regarding credit hours unless the content of the visit is academic in nature and specifically related to the class for which the credit is being awarded.
5. If course materials, including all case, statutory, and text materials needed for full understanding of the course and completion of assignments, are not self-contained, then adequate library resources must be available.

## **C. Physical Facilities**

1. The faculty shall be provided with office space adequate to achieve the purposes of the program.



2. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.
3. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.
4. If course work depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.
5. Adequate facilities for studying must be available to students.

#### **D. Refund Policies**

1. The law school must adopt and publish policies regarding the circumstances and timing of the refund of monies advanced by students.
2. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any registrant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to withdraw.

#### **E. Disclosures**

The following information must be communicated to students no later than 30 days prior to the date when the students' deposits become nonrefundable.

1. Dates, location(s), description of the program, and anticipated enrollment;
2. The nature of the relationship with the foreign institution, if any, other than the provision of facilities and minimal services;
3. Description of each course and number of credit hours;
4. Schedule of classes with days and times for each class;
5. Requirements for student performance and method of evaluating student performance;
6. Enrollment limitations on any courses offered and criteria for enrollment, including prerequisites, if any;
7. Descriptive biography of the on-site program director;
8. Descriptive biographies, including academic credentials and experience, of each faculty member responsible for teaching a course;
9. Contact information of an informed person at the law school;
10. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
11. Information regarding the cost and availability of housing made available by the program; or, if the program does not provide housing, information on the availability, approximate cost, and location of housing in the same area;
12. The extent to which the country, city, and facilities are accessible to individuals with disabilities;
13. Circumstances under which the program is subject to cancellation, how cancellation will be communicated to the students, what arrangements will be made in the event of cancellation, and information about any prior cancellations, if any;



14. Relevant State Department Travel Information, including Travel Advisories and Warnings; and
15. Refund policies, in accordance with Standard 509(c)(1).

## **II. Additional Criteria Applicable to Co-Sponsored Programs and Programs Open to Students from Other ABA-Approved Law Schools**

### **A. Faculty Oversight**

1. The sponsoring law school(s) shall assign at least one tenured, tenure-track, or full-time faculty member from the law school (or one of the co-sponsoring law schools) to the program who will be present onsite for the duration of the program.
2. A visiting professor to a sponsoring law school is not considered a full-time faculty member for purposes of this provision.
3. The faculty member assigned to fulfill subsection A.1. may also serve as the program director.
4. The faculty member assigned to fulfill subsection A.1. must be well qualified by experience with the sponsoring law school (or one of the co-sponsoring law schools) to provide leadership and appropriate faculty oversight of the program for the sponsoring law school(s).
5. The requirement of a continuous presence of a tenured, tenure-track or full-time faculty member from the sponsoring law school(s) may be satisfied by having different faculty members from the sponsoring law school(s) participating in the program at different times as long as each fulfills subsection A.1. and one such faculty member is on site at all times.

### **B. Program Director**

1. The sponsoring law school(s) must provide a program director who will be present onsite for the duration of the program and who must be appointed with the approval of each of the sponsoring law schools.
2. The same person may serve as both the program director and as the faculty member assigned to fulfill subsection A.1.
3. The requirement of a continuous presence of the program director may be satisfied by having more than one program director at different times as long as one program director who fulfills subsection B.1. is on site at all times and there is provision for continuity of administration and oversight.
4. The director may not participate concurrently in another program.
5. The director shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

### **C. Program Faculty and Administration**

1. Faculty members who are not from the sponsoring law school(s) shall possess academic credentials equivalent to those of the faculty at the sponsoring law school(s) and must be approved to teach in the program in the same manner as required for an adjunct faculty appointment at the sponsoring law school(s).

2. All faculty teaching in the program must be able to communicate effectively with the students in the language of instruction used in the program.
3. The program director or at least one member of the faculty or on-site staff must:
  - (a) Be fluent in both English and the language of the host country, and
  - (b) Be familiar with the country in which the program is offered.
4. The program must have a staffed administrative office or other mechanism in place that is convenient to students and through which the students may communicate effectively with staff and faculty in a timely manner.

#### **D. Academic Requirements**

1. A substantial portion of the educational program must relate to the socio-legal environment of the host country or have an international or comparative focus.
2. The sponsoring law school(s) determines the academic criteria for admission to the program.
3. The sponsoring law school(s) must obtain a letter or other documentation certifying the current good standing of each enrolled student not from the sponsoring law school(s).

#### **E. Disclosures**

1. In addition to the disclosure requirements of Part I.E., co-sponsored programs and programs open to students from other ABA-approved law schools in accordance with Section II must include a statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school.
2. Programs operated in accordance with Section II must post all required disclosures on the program's website no later than 30 days prior to the date when the students' deposits become nonrefundable.

### **III. Procedures**

#### **A. Programs Offered in Compliance with Part I**

*Note: This section applies to law schools offering programs that are not open to students from other ABA-approved law schools. All other programs, including co-sponsored programs, are covered by section B.*

1. A law school offering a program in compliance with Part I of these Criteria is not required to seek approval prior to operation of the program.
2. The law school must retain student evaluations and a record of student complaints submitted during the most recent accreditation period. The record shall include the resolution of the complaints.
3. The law school shall complete an Annual Questionnaire in the form specified by the Council.
4. The Council may ask for further information or direct a site visit of a program in any year where responses to the Annual Questionnaire suggest that the program is out of

compliance with these Criteria. Examples of actions or changes that might trigger this review include:

- (a) Failure to timely file the annual questionnaire;
  - (b) Submitting an incomplete questionnaire; or
  - (c) A persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.
5. If the Council has reason to believe that a law school is not operating in compliance with these Criteria, the Council shall proceed with an action under Rule 11 of the Rules of Procedure.

## **B. Programs Offered in Compliance with Part II**

*Note: This section covers law schools offering programs that are open to students from other ABA-approved law schools and law schools offering programs that are co-sponsored with other ABA-approved law schools.*

1. New Programs
  - (a) A law school seeking to establish a new program under Part II of these Criteria must submit a New Program Questionnaire at least six months prior to the anticipated start date of the program.
  - (b) On the basis of the written submission, the Council will determine whether to approve the program for its first year of operation. Approval will be granted only if the law school demonstrates that the proposed program complies with the Criteria.
  - (c) If the Council grants approval, the program will be evaluated with a site visit during its second year of operation. The Council will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the law school.
  - (d) A law school may not advertise or market any program prior to submitting a request for approval of the program. Any advertising or marketing that is done prior to program approval must clearly indicate that the program is pending approval by the Council.
2. Monitoring of Approved Programs
  - (a) The law school shall complete an Annual Questionnaire in the form specified by the Council.
  - (b) The law school must retain student evaluations and a record of student complaints submitted during the most recent accreditation period. The record shall include the resolution of the complaints.
  - (c) A law school shall provide written notice of any changes in an approved program that do not require approval under Section III.B.3. The Council will determine if additional information is needed to evaluate the program's compliance with the Criteria. Examples of changes that generally do not require approval by the Council include:
    - (i) Change in the number of credit hours offered;
    - (ii) Change in lead sponsoring school; or

- (iii) New agreements to co-sponsor the program with another ABA-approved law school.
- 3. Request for Approval of Significant Change in Existing Program
  - (a) A law school seeking to make a significant change in an existing program must submit a Significant Change Questionnaire at least six months prior to the implementation of the proposed change.
  - (b) The Council will review the information submitted concerning the proposed change and determine if additional information is necessary and if a site visit may be required to evaluate the program's compliance with the Criteria in light of the changes in the program.
  - (c) Examples of changes that require approval by the Council include, without limitation:
    - (i) Change in program location;
    - (ii) Significant changes in program administration on-site;
    - (iii) Significant increase in the enrollment expectations for the program; or
    - (iv) Adding a new field placement program or a substantial increase in the enrollment in an existing field placement program.
- 4. Additional Review
  - (a) The Council may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit.
  - (b) Examples of actions or changes that might trigger this review include:
    - (i) Failure to timely file the annual questionnaire;
    - (ii) Submitting an incomplete questionnaire;
    - (iii) Number and nature of the concerns raised in the most recent review of the program;
    - (iv) Failure to notify the Office of the Managing Director of a change as required in Part III.B.2(c) or Part III.B.3; or
    - (v) A persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.
- 5. Withdrawal of Approval. If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Council in accordance with Rule 11(a)(4) of the Rules of Procedure for Approval of Law Schools.
- 6. Expiration of Approval. If an approved program is not offered in two consecutive years, approval is withdrawn and the sponsoring law school(s) must reapply for approval of the program as a new program. This requirement may be waived by the Council for good cause shown.





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Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and of the three fourths of all other Persons bound to Service, the Number of free Persons, including those bound to Service for a Term of Years, and of the three fourths of all other Persons bound to Service, in each State.

The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

When vacancies happen in the Representation from any State, the Executive Authority of the same shall issue Writs of Election to fill such Vacancies.

The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Representatives and direct Taxes shall be apportioned among the several States, including those claiming to be free States, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and of all other Persons not bound to Service for a Term of Years, in each State, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress, and in every subsequent Term of Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand Persons, and until such Enumeration, there shall be not less than thirty Representatives.

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# STUDENT STUDY AT A FOREIGN INSTITUTION

# Criteria for Accepting Credit for Student Study at a Foreign Institution

*These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.*

*The ABA Standards and Rules of Procedure for the Approval of Law Schools shall apply to study abroad programs except as modified by the Criteria or by necessary implication.*

*For the purpose of these Criteria the following definitions apply:*

- “law school” refers to an ABA-approved law school.
- “foreign institution” refers to the institution outside the United States at which a student from an ABA-approved law school is studying to receive credit toward the law school J.D. degree.

## **I. Criteria Applicable to all Student Study at a Foreign Institution**

### **A. Course of Study**

1. The law school must ensure that the content of the studies at the foreign institution is such that credit would have been granted towards satisfaction of degree requirements of the law school.
2. To be approved for credit toward the J.D. degree, the course of study must be related either to the socio-legal environment of the country in which the foreign institution is located, or it must have an international or comparative focus.
3. A law school that permits students to undertake foreign study under these Criteria shall develop and publish, prior to approving any foreign study, a statement that defines the educational objectives the law school seeks to achieve in allowing students to study abroad for credit toward the J.D. degree. Publication should usually be on a website, in an announcement or brochure, or in writing directly to prospective students.

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4. Academic Advisor
    - (a) The law school must appoint an academic advisor for any student studying at a foreign institution. The academic advisor must approve in advance the student's academic course of study to be undertaken at the foreign institution. The academic advisor must be a faculty member or a law school administrator who has the training or experience to permit effective approval and monitoring of foreign study by law students.
    - (b) The student and the academic advisor shall develop a written plan to define the educational objectives a student seeks to achieve during a period of study abroad. The plan shall specify the methods to be used in evaluating the student's attainment of those objectives. If changes occur, such as a course change or cancellation, the student and the academic advisor shall reexamine the written plan to determine whether the approved foreign study continues to satisfy the stated educational objectives.
  5. The law school must ensure that course materials and methods of evaluation of student performance are satisfactory for the award of credit at the law school.
  6. The law school must ensure that a student approved for foreign study under these Criteria is proficient in the language of instruction.
  7. The law school must ensure that any student who studies at a foreign institution has reliable access to library resources that are adequate to meet the educational objectives of the course of study.
  8. The law school must offer students at or shortly after the conclusion of the period of study abroad an opportunity to evaluate in writing the faculty, courses offered and the experience at the foreign institution.
  9. The law school must ensure that there is a contact person at the foreign institution and must provide the contact information for that person to each student studying at the foreign institution.
- B. The foreign institution. The foreign institution must be:
1. Government sanctioned or recognized, if educational institutions are state regulated within the country;
  2. Recognized or approved by an accrediting agency, if such an agency exists within the country; or
  3. Chartered to award first degrees in law by the appropriate authority within the country.
- C. Academic Credit
1. Credits toward the J.D. degree for all foreign study shall not exceed one-third of the credits required for the J.D. degree at the law school.
  2. A law school shall award credit consistent with the requirements of Standard 310 regarding the determination of credit hours for coursework, and should make reasonable efforts to determine appropriate comparability between the foreign course and the regular law school curriculum.



3. The law school shall ensure that no credit is given for field placements (e.g., in a law firm, government office, or corporation) unless the field placement is consistent with the requirements of Standard 304(d).
- D. Students. Only students who have completed one year of full-time or part-time study and are in good standing at the law school may participate in foreign study under these Criteria.
- E. Fees. The law school shall make known to students any costs in addition to tuition that are charged by the foreign institution, including any fee that is charged for transferring or receiving credit earned at the foreign institution.
- F. State Department Travel Information
1. The law school shall supply the U.S. State Department Country-Specific Information for the country(ies) in which the foreign study will be conducted. If the Country-Specific Information for the country(ies) is revised prior to or during the period of foreign study, the updated information must be distributed promptly to students.
  2. Travel Warnings and Travel Alerts
    - (a) If, prior to the commencement of the foreign study, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the foreign study will be conducted, all students must be notified promptly and be given an opportunity to withdraw.
    - (b) If, during the period of foreign study, a U.S. State Department Travel Warning or Alert covering program dates and destinations is issued for the country(ies) in which the foreign study is being conducted, students must be notified promptly and given an opportunity to withdraw.
- G. Refund Policy. The law school must adopt policies regarding the circumstances and timing of the refund of monies advanced by students.
- H. Disclosures. When the law school has an ongoing or announced relationship with a foreign institution, the following information must be published to each prospective student in a timely fashion, usually on a website for that purpose, in the initial announcement or brochure, or in writing directly to prospective students, but, in any event, prior to the date when the student must commit or pay a nonrefundable deposit, whichever is earlier:
1. The nature of the relationship with the foreign institution;
  2. The number of students from the law school who studied at the foreign institution in the previous year;
  3. Requirements for student performance and grading methods;
  4. Name, address, telephone and email address of the contact person at the foreign institution;
  5. The extent to which the country, city, and facilities are accessible to individuals with disabilities;

6. Circumstances under which the study at the foreign institution is subject to cancellation, what arrangements will be made in the event of cancellation and information regarding prior cancellations, if any;
7. Information on the availability, approximate cost, and location of housing;
8. Refund policies, in accordance with Standard 509(c)(1).

## **II. Procedures for Review**

- A. To assist the Council in monitoring compliance with these Criteria, a law school shall complete an Annual Questionnaire in the form specified by the Council.
- B. The law school must retain student evaluations done in accordance with Section I.A.8. and any student complaints for review by sabbatical site teams.
- C. The Council may ask for further information in any year where responses to the questionnaire suggest that the law school is out of compliance with these Criteria. Examples of actions or changes that might trigger this review include:
  1. Failure to timely file the Annual Questionnaire;
  2. Submitting an incomplete questionnaire;
  3. Changes in the curriculum that significantly reduce the comparative or international focus of the course of study;
  4. A persistent pattern of complaints by students regarding the quality of the educational experience.
- D. If the Council has reason to believe that a law school is not operating in compliance with these Criteria, the Council shall proceed with an action under Rule 11(a)(3).

RESOLVE

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*Article I.*

Section 3. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.  
No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven years a Citizen, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.  
<sup>Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union according to their respective Numbers, which shall be determined by adding to all whole Persons, excluding Indians not taxed, three fifths of all other Persons. All born or naturalized Citizens, and those who during this Period shall become Citizens, shall be counted towards Representation.</sup>

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# Section Bylaws

(Approved by Section Council; Effective August 5, 2022)

## **ARTICLE I NAME, PURPOSES**

### **Section 1. Name.**

This section shall be known as the Section of Legal Education and Admissions to the Bar and herein referred to as the "Section."

### **Section 2. Purposes.**

The purposes of this Section as stated in its Mission Statement are:

to be a creative national force in providing leadership and services to those responsible for and those who benefit from a sound program of legal education and bar admissions,

to provide a fair, effective, and efficient accrediting system for American law schools,

to serve, through its Council, as the nationally recognized accrediting body for American law schools.

In particular the Section through its Council shall:

- (a) establish standards and procedures to be met and observed by law schools in obtaining and retaining the approval of the Council, which standards and procedures shall be publicly available;
- (b) receive and process applications of law schools for provisional or full approval, grant or deny such applications, and withdraw, suspend or terminate approval of law schools;
- (c) consider policies and resolutions referred to it by the Board of Governors or the House of Delegates;



- (d) study and make recommendations in cooperation with the National Conference of Bar Examiners, the Conference of Chief Justices and bar admissions authorities for the improvement of the bar admission process; and
- (e) foster close cooperation among legal educators, practitioners, judges and law students through workshops, conferences and publications.

## **ARTICLE II MEMBERSHIP**

### **Section 1. Members.**

- (a) Any member of the Association in good standing shall be a member of the Section upon request to the Secretary of the Association and the payment of the annual Section dues.
- (b) Any member of the Law Student Division of the Association in good standing shall be enrolled as a Law Student Division member of the Section upon request to the Secretary of the Association and the payment of the annual Section dues applicable to members of the Law Student Division. Law Student Division members shall not be eligible to vote or serve as officers, but shall have the privilege of the floor at Section meetings, including the privilege to make motions and present resolutions, and shall receive Section publications on the same basis as lawyer members of the Section.
- (c) Any individual who is an associate of the Association, upon payment of the dues as provided for Associates of the Section, shall be enrolled as an Associate of the Section. The privileges of Associates shall be prescribed by the Bylaws of the Association and by guidelines adopted by the Board of Governors.

### **Section 2. Dues.**

Upon recommendation of the Council, and, where necessary, approval of the Board of Governors, the Section may establish the amount of the annual dues to the Section for continued membership in the Section.

### **Section 3. Termination of Membership.**

Any member of the Section whose annual Section dues are more than six months past due shall cease to be a member of the Section. Any person who ceases to be a member of the Association shall also cease to be a member of the Section.

## **ARTICLE III**

### **SECTION MEETINGS**

#### **Section 1. Annual Meeting.**

The Section shall meet immediately before or during the Annual Meeting of the Association, in the same city or place as the Annual Meeting of the Association, with such agenda, program and order of business as the Council or the Chairperson with the approval of the Council may arrange.

#### **Section 2. Special Meetings.**

The Section may hold other meetings of its membership during the year, provided that the Board of Governors approves the times and places of other meetings.

#### **Section 3. Quorum.**

The members of the Section present at a meeting of the membership shall constitute a quorum for the transaction of business.

#### **Section 4. Agenda.**

The agenda of the annual meeting of the membership shall consist of the election of officers and members of the Council, the annual report of the Managing Director and such other matters as the Chairperson of the Section or the Council deems appropriate. The agenda shall be published on the Section's website by July 15. The agenda of a special meeting of the membership shall consist of those matters that the Chairperson of the Section or the Council deems appropriate and of which notice has been given by publication on the Section's website at least ten (10) business days before the date of the special meeting.

#### **Section 5. Voting.**

Voting and privilege of the floor at any meeting of the Section is limited to Section members recorded 45 days prior to the meeting. The Secretary shall make this official membership roster open for inspection at any meeting to which it is applicable. All substantive action of the Section shall be by a majority vote of the members present and voting at a duly called meeting, except in those cases in which a referendum by mail ballot may be authorized by the Council pursuant to Article IV, Section (1)(e).

#### **Section 6. Parliamentary Authority.**

The Chairperson shall preside at all meetings of the Section. The conduct of the meetings shall in general conform to these Bylaws and to Robert's Rules of Order.

#### **Section 7. Notice**

Unless otherwise specified in these Bylaws, all notices required or permitted in the Bylaws may be by written notice, e-mail, or other manner of electronic communication and/or publication on the Section website, as the Council may direct.

## **ARTICLE IV COUNCIL**

### **Section 1. Powers and Functions.**

- (a) The Council shall be vested with the powers and duties necessary for the administration of the business of the Section. It shall authorize all commitments for expenditures of Section monies.
- (b) The Council shall develop separate budgets for the Law School Accreditation Project and for other activities of the Section. The Accreditation Project budget will not be subject to review of, approval by, or consultation with the Board of Governors of the Association or any other entity outside the Section. The budget for the activities of the Section other than the Accreditation Project will be subject to the Association's regular budget process. With respect to those activities other than the Accreditation Project, the Council shall not authorize commitments for expenditures in a fiscal year that would exceed the income and reserves of the Section for that fiscal year without approval of the Board of Governors.
- (c) The Council is authorized to establish and organize committees and other entities. The Council shall establish an appropriate chain of responsibility for any committee or entity that it creates. No Section committee or other entity shall have authority to speak for the Section unless specifically authorized by these Bylaws or by the Council.
- (d) Between meetings of the membership, the Council shall have authority to conduct the business of the Section. The Council shall report to the membership of the Section at each annual meeting any actions taken pursuant to this subsection since the last meeting of the membership of the Section.
- (e) The Council may direct a referendum by mail or electronic ballot of Section members as defined in Article III, Section 5. A majority of the votes cast in the referendum shall determine the policy of the Section with respect to the question submitted. Such referendum shall be conducted according to rules established by the Council and the results shall be certified by the Secretary.
- (f) At appropriate times, as determined by the Section Officers Conference, the Council is authorized to submit a nomination for a Section member-at-large of the Board of Governors. Notice of an opening for this position and the procedure to be followed for submitting nominations shall be published on the Section website at least sixty (60) days before the Council decides on the nominee. The selection of the nominee shall be made by the Council with due regard for the eligibility requirements for election to the Board of Governors.
- (g) The Council is authorized to adopt emergency policies and procedures in response to extraordinary circumstances in which compliance with the Standards would create or constitute extreme hardship for multiple law schools. These policies and procedures will be effective upon adoption by the Council for a term certain and limited to the duration of the extraordinary circumstance.

### **Section 2. Qualifications of Members of the Council.**

Members of the Council of the Section shall be chosen without reference to their race, color, creed, gender, gender identity, age, disability, sexual orientation or national origin. Members of the Council shall be persons of integrity and intelligence who have evidenced interest in legal education or admission to the bar and whose participation is likely to be guided by the interests of the public and by the high standards of the

legal profession, rather than any personal interest. Members of the Council (with the exception of public members) shall be members of the Section.

### **Section 3. Composition.**

The Council shall be composed of the following voting members: the Officers of the Section; fifteen members-at-large, who shall include public members whose qualifications and election are consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools; and a representative of the Law Student Division to be selected for nomination by the Nominating Committee from a slate of three nominees recommended to the Section by the Law Student Division no later than May 1 of each year. The Council shall include legal educators, practitioners, members of the judiciary, and representatives of the public. At least one member-at-large of the Council shall have been a licensed lawyer ten years or fewer at the start of the member's term. No more than fifty percent of the voting members of the Council may be persons whose current primary professional employment is as a law school dean, faculty or staff member.

### **Section 4. Terms.**

The term of a member-at-large is three Association years beginning with the adjournment of the Annual Meeting during which the member is elected. The terms of at least one-third of the members-at-large shall expire each year. No member-at-large may serve more than two successive three-year terms in that capacity or more than a total of six years as a member-at-large. Members may, however, be elected to serve additional terms as Officers.

### **Section 5. Meetings.**

- (a) The Council shall hold at least one regular meeting each year at the time and place of the Annual Meeting of the Association. The Chairperson may call other regular meetings of the Council at times and places determined by the Chairperson. The Chairperson shall, upon request of five members of the Council, call special meetings of the Council between annual meetings. Meetings of the Council other than the meeting at the Annual Meeting of the Association may be held by means of telecommunications which permit direct communication among all members participating. Subject to consent of the Chairperson, and when good cause prevents in-person participation, individual members of the Council may participate in meetings of the Council by means of telecommunications.
- (b) Council action at meetings shall be by a majority vote of those members present and voting.
- (c) If a meeting of the Council is not feasible, the Chairperson of the Section shall, upon the written request of five members of the Council, submit in writing to each of the members of the Council any item upon which the Council may be authorized to act. The members of the Council may vote upon the proposition either by written or electronic ballot or by telephone vote, confirmed in writing, to the Secretary of the Section who shall record the proposition and votes on the matter. Council action outside of meetings shall be by a majority vote of those members voting or pursuant to Article VI.

### **Section 6. Compensation.**

No salary or compensation for services shall be paid to any Officer, member of the Council, or member of any committee, except as may be specifically authorized by the Board of Governors.



**Section 7. Vacancies.**

If any member of the Council shall fail to attend two successive meetings of the Council, the member's seat on the Council shall be automatically vacated unless he or she is excused for good cause by action of the Executive Committee. If there is a vacancy in the position of a member-at-large the vacancy shall be filled by the Council from one or more nominations received from the Nominating Committee (See Article VIII). Members so elected shall serve the remainder of the term for which their predecessors were elected. In the case of a vacancy in the position of the Law Student Division representative, the Council may request the Law Student Division to propose another representative.

**Section 8. Liaisons from Other Association Entities.**

The Council shall permit a duly designated representative from the Young Lawyers Division and the Board of Governors to attend meetings of the Council in open and closed session and to have the privileges of the floor at such meetings. Such liaison representatives are not entitled to vote. Attendance at a closed session dealing with accreditation matters is limited to Council members, Section Delegates, the duly designated representative from the Young Lawyers Division, and those determined by the Council to be necessary for the conduct of its business. Attendance at other closed sessions may include the duly designated representative from the Board of Governors. No liaisons appointed by other ABA entities may attend closed sessions of the Council.

**ARTICLE V  
OFFICERS****Section 1. Officers.**

The Officers of the Section shall be the Chairperson, the Chairperson-Elect, the Vice-Chairperson, the Secretary, and the Immediate Past Chairperson of the Section.

**Section 2. Chairperson.**

The Chairperson shall:

- (a) preside at all meetings of the members of the Section and of the Council;
- (b) appoint the chairperson and members of all committees of the Section who are to be appointed during his or her term as Chairperson;
- (c) plan the program of the Section during his or her term, subject to the directions and approval of the Council;
- (d) oversee the performance of all activities of the Section;
- (e) keep the Council informed of the activities of the Section and oversee the implementation of its decisions;

- (f) communicate on a regular basis with the Managing Director and serve as the Managing Director's immediate supervisor; and
- (g) perform such other duties and acts as usually pertain to the office of Chairperson or as may be designated by the Council.

### **Section 3. Chairperson-Elect.**

The Chairperson-Elect shall:

- (a) aid the Chairperson in the performance of the Chairperson's responsibilities in the manner and to the extent as the Chairperson may request;
- (b) preside at meetings of the Section and the Council in the absence of the Chairperson; and
- (c) perform the duties and have the powers that usually pertain to the office or as may be designated by the Council or the Chairperson.
- (d) In case of the death, resignation, or disability of the Chairperson, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term or disability.

### **Section 4. Vice-Chairperson.**

The Vice-Chairperson shall:

- (a) aid the Chairperson in the performance of the responsibilities of the office of Chairperson in the manner and to the extent the Chairperson may request; and
- (b) preside at meetings of the Section and the Council in the absence of the Chairperson and Chairperson-Elect.

### **Section 5. Secretary.**

The Secretary shall:

- (a) consult with and assist the other Officers of the Section in the work of the Section in the manner and to the extent requested;
- (b) be the liaison between the Section and the Association staff with respect to the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section;
- (c) supervise the keeping of a true record of the proceedings of all meetings of the Section and of the Council; and
- (d) confirm the eligibility of those nominated by petition.

**Section 6. Terms.**

- (a) The term of the Chairperson, Chairperson-Elect and the Vice-Chairperson is one Association year, beginning with the adjournment of the Annual Meeting of the Association during which he or she is elected.
- (b) The Secretary shall serve a two-year term beginning with the adjournment of the Annual Meeting of the Association during which he or she is elected. A Secretary may serve no more than two terms as Secretary.
- (c) The Chairperson shall not be eligible for re-election as Chairperson or Chairperson-Elect. The Chairperson-Elect becomes the Chairperson upon the adjournment of the next Annual Meeting of the Association after he or she was elected Chairperson-Elect and is not again eligible for either office.
- (d) The Immediate Past Chairperson shall serve a term of one year after expiration of his or her term as Chairperson.

**Section 7. Vacancies.**

The office of an Officer who fails to attend two successive meetings of the Council shall be automatically vacated unless the officer is excused for good cause by action of the Executive Committee. The Council, between annual meetings of the Section, may fill vacancies in the office of Chairperson-Elect, Vice-Chairperson or Secretary. Officers so elected shall serve until the adjournment of the next Annual Meeting of the Association, except a person elected as secretary who shall serve the remainder of the term of his or her predecessor. In the event of a vacancy in the position of Immediate Past Chairperson, that position shall not be filled.

**Section 8. Managing Director.**

The Council of the Section shall employ a Managing Director, who shall be responsible to the Council, and shall perform such duties relating to the business of the Council as shall be prescribed by the Chairperson and the Council and shall assist the Officers and Council in furthering the work of the Section and of the Association. The Managing Director shall supervise all staff employees of the Section.

## **ARTICLE VI**

### **EXECUTIVE COMMITTEE**

**Section 1. Membership.**

There shall be an Executive Committee of the Council comprised of the five Officers and two members-at-large. The Chairperson of the Section shall appoint the members-at-large to serve on the Executive Committee for a one-year term beginning at the adjournment of the annual meeting at which the Chairperson is elected. The membership of the Executive Committee should include practitioners, members of the judiciary, and at least two legal educators.

## **Section 2. Duties.**

- (a) The Executive Committee shall act on behalf of the Council concerning any matters that require action before the next meeting of the Council and shall have such duties as prescribed by the Council. The Executive Committee may not:
- (1) elect, appoint, or remove members of the Council or fill vacancies on the Council or any of its committees;
  - (2) adopt, amend, or repeal the Bylaws;
  - (3) approve any action with respect to an accreditation matter; or
  - (4) make a finding of non-compliance with a Standard under Rule 11(a)(4), require specific remedial action, or impose a sanction; acquiesce in a substantive change under Rule 24(a); or approve variances or waivers of the Standards or Rules of Procedure except as provided in subsection (b);
- (b) Notwithstanding subsections (a)(3) and (4), the Executive Committee may act on behalf of the Council between Council meetings if it determines that:
- (1) delaying the acquiescence in a substantive change, approving a variance or waiver of a Standard or Rule of Procedure, or delaying the approval or rejection of a teach-out plan would cause undue hardship to a law school, its students or the public; or
  - (2) delaying a finding of non-compliance with a Standard under Rule 11(a)(4), requiring specific remedial action, or the imposition of a sanction will cause undue harm to a law school's students or the public. Before taking such action, the Executive Committee shall give written notice (by email or otherwise) to the Council of the intended action and give Council members no less than five (5) business days to consider the intended action. If within that five-day period written objection (by email or otherwise) is made by three members of the Council, the Executive Committee shall not take the intended action, but may convene a meeting pursuant to Article IV, section 5(a) of the Bylaws.

## **Section 3. Notice and Actions.**

Each member of the Executive Committee shall receive notice of the meetings of the Committee. A vote of a majority of the total members of the Executive Committee shall be necessary for Executive Committee action. The Chairperson of the Section shall timely report the actions of the Executive Committee to the Council.

# **ARTICLE VII**

## **SECTION DELEGATES**

## **Section 1. General.**

The Section Delegates shall represent the Section in the House of Delegates. At appropriate times, as determined by the Section Officers Conference, the Section Delegate so designated by the Council shall serve on the Nominating Committee of the House of Delegates.

**Section 2. Eligibility.**

To be eligible for the position of Section Delegate, a person must be or have served as a member-at-large on the Council. The term of a Section Delegate is three Association years beginning with the adjournment of the Annual Meeting of the Association during which the Delegate is elected. A Section Delegate may serve no more than two consecutive terms or more than a total of six years in this capacity for the Section. The terms of the Section Delegates shall be staggered.

**Section 3. Vacancies.**

If a Section Delegate fails to attend two successive regular meetings of the Council and/or two successive meetings of the House of Delegates, the position shall be automatically vacated unless the Delegate is excused for good cause by action of the Executive Committee. In the event of the absence or inability of a Section Delegate to serve, the Council shall appoint an individual to serve the remainder of the vacated term.

**Section 4. Voting.**

Section Delegates are entitled to attend meetings of the Council in open and closed session and to have the privileges of the floor at such meetings. Section Delegates are not entitled to vote at meetings of the Council.

**ARTICLE VIII  
NOMINATING COMMITTEE****Section 1. Membership, Terms, and Qualifications.**

The Nominating Committee (Committee) shall consist of eight members. Six members of the Committee shall be appointed by the Chair of the Section, in consultation with the Managing Director, from the Section membership and shall serve one three-year term, and no member shall be eligible for reappointment. The terms of one-third of the appointed members shall expire each year. Notwithstanding this term limitation, each Immediate Past Chair of the Section shall serve a two-year term on the Nominating Committee and shall act as Chair of the Nominating Committee in the second year of his or her term on the Committee. Membership on the Committee should include legal educators, practitioners and members of the judiciary. Terms commence at the adjournment of the meeting at which the election occurs.

**Section 2. Nominations for General Elections.**

The Managing Director shall solicit nominations from the membership of the Section to fill vacancies on the Council. One or more candidates may be nominated by the Nominating Committee for each position to be filled by election as provided in these Bylaws. The Nominating Committee shall report the identity of each nominee and shall include a brief statement of his or her activities in the Section, in legal education, and in the legal profession. The Nominating Committee shall submit its report to Section members no later than 60 days prior to the election. The report may be submitted to Section members by written notice, by e-mail or other digital communication, and/or publication on the Section website, as the Council may direct.

### **Section 3. Nominations for Filling Vacancies.**

If there is a vacancy in a member-at-large position on the Council, the Nominating Committee shall provide the Council with one or more names of persons to serve the remainder of the unexpired term (see Article IV, Section 7).

## **ARTICLE IX**

### **ELECTION OF OFFICERS, COUNCIL MEMBERS, LAW STUDENT DIVISION REPRESENTATIVE, AND SECTION DELEGATES**

#### **Section 1. Election.**

Elections shall be held at the Annual Meeting of the Association. The seats of members-at-large shall be designated as legal educators, other legal professionals or public seats so as to cause the composition of the Council to comply with the provisions of Article IV, Section 3, and nominees must be qualified for the seat as so designated. If no member-at-large continuing in office satisfies the experience requirement of Article IV, Section 3, the Nominating Committee shall designate at least one of the seats to be elected (legal educator or other legal professional) to satisfy the experience requirement at the time it nominates candidates pursuant to Article VIII, Section 2. All other nominees for that seat must then satisfy the experience requirement to be eligible for election to that seat. Elections for positions for which there is more than one nominee shall be by written ballot, and each such position shall be voted upon separately. Election shall be by majority of the votes cast. If there are more than two candidates for a single office and no one of them receives a majority of the votes cast then there shall be a second ballot between the two candidates having the greatest number of votes on the first ballot. In the case of nominees of the Nominating Committee who are unopposed, election to fill such positions may be by voice vote.

#### **Section 2. Petition.**

One or more additional nominations may be made for any designated seat on the Council, including officers of the Council (except Chairperson, Immediate Past Chairperson, and representative of the Young Lawyers Division), by petition signed by not less than 50 members of the Section in good standing, not more than 10 of whom are residents of any one state. A person so nominated shall be called the "petitioner". The petition shall specify which nominee the petitioner is challenging and shall state that the petitioner has agreed to the nomination and meets the criteria for the position being sought. The petition shall be delivered in person or by mail to the Section Office at the Association headquarters and must be received no later than June 1. The Secretary shall thereupon confirm that such individual is eligible to serve if elected.

#### **Section 3. Notice.**

The Chairperson shall announce the nominees for the offices of Chairperson-Elect, Vice-Chairperson, Secretary, Section Delegate, Law Student Division representative, and members-at-large of the Council. If additional nominations are made pursuant to Article IX, Section 2, the Chairperson shall distribute to the membership a final notice of nominations as soon as practical but no later than July 15.

## **ARTICLE X COMMITTEES**

### **Section 1. Standing Committees.**

The Section shall have the following standing committees:

**(a) Governance Committee.**

The Governance Committee shall be responsible for interpretation of and compliance with these Bylaws and shall serve as the Section's grievance committee. The Council shall prescribe the duties of the Governance Committee.

The Chairperson of the Section shall appoint the members of the Governance Committee, who shall serve two-year staggered terms. The chairperson of the Governance Committee shall serve a one-year term, renewable for a second year. Members shall not serve more than three terms except that a person serving as chairperson of the Committee may serve up to eight years on the Committee.

**(b) Finance Committee.**

The Finance Committee shall have responsibility for overseeing the financial affairs of the Section, including the preparation of budgets and reporting to the Council on budget and Section financial matters. The Chairperson of the Section shall appoint its members, who shall serve two-year staggered terms. The chairperson of the Committee shall serve a one-year term, renewable for a second year. Members of the Finance Committee shall not serve more than three terms except that a person serving as chairperson of the Committee may serve up to eight years on the Committee. The development of the Section's accreditation budget is an "accreditation-related" activity.

### **Section 2. Regular Committees.**

In addition to Standing Committees, the Section may have such regular committees as created from time to time by the Council. The Chairperson of the Section shall appoint the members of the regular committees for two-year terms. Members may serve up to three terms on any regular committee. The Chairperson of the Section shall appoint the chairpersons of regular committees for one-year terms. The chairperson may serve a second term as chair of any regular committee.

### **Section 3. Special Committees.**

The Chairperson of the Section may create such special committees and task forces to serve the purposes of the Section. The term of members of a Special Committee shall be one year unless reappointed.

## **ARTICLE XI**

### **REPRESENTATION OF ASSOCIATION POSITION**

To be deemed an action by the American Bar Association, action by the Section must be approved by the House of Delegates or by the Board of Governors before the action can be effective. On request of the Council or the Section, the Chairperson or Section Delegate shall report any resolution or recommendation adopted or action taken by the Council or the members of the Section to the House of Delegates or to the Board of Governors for action by the Association. This Article shall not apply to the adoption and revision of Standards, Interpretations of the Standards and the Rules of Procedure for Approval of Law Schools or to any actions or decisions related to the Accreditation Project.

## **ARTICLE XII**

### **AMENDMENTS**

#### **Section 1. Method of Proposing an Amendment.**

The Council may propose amendments to these Bylaws. Any member of the Section may propose an amendment to these Bylaws by submitting the proposed amendment and a statement of its purposes to the Secretary, who shall transmit the proposed amendment and the statement of purposes to the Governance Committee. The Governance Committee shall report its recommendation on the proposed amendment to the Council which shall consider the recommendation at the next Council meeting held 30 or more days thereafter. By majority vote the Council shall submit to the Section at the annual meeting such proposed amendments of the Bylaws, as it deems appropriate. Notice of proposed amendments shall be given to Section members by written notice, by e-mail or other means of electronic communication and/or publication on the Section website, as the Council may direct. If any amendment proposed by a member as described above is not reported favorably by the Council of the Section, the amendment shall be submitted to the Section membership at the following annual meeting if a petition signed by 100 or more Section members requesting its submission is filed with the Secretary no later than June 1 following the unfavorable report by the Council.

#### **Section 2. Adoption of an Amendment.**

The Section may consider only those amendments to the Bylaws that are submitted to it by the procedures described in Article XII, Section 1. Such proposed amendments shall be submitted to a vote of the members of the Section present at the annual meeting of the Section and may be adopted by majority affirmative vote of the members of the Section present and voting. Amendments so adopted shall become effective upon approval of the Board of Governors.





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## Article 1

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, in each State shall have Representatives in proportion to the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and when elected be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to the Number of free Persons in each State, including those bound to Service for a Term of Years, and excluding all other Persons.

The actual Enumeration shall be made within three Years after the first Meeting of the Congress, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in regular Session, the Names of the Senators and Representatives shall be published to the People of the United States.

Section 4. The Congress shall assemble at least once in every Year, and such Day as they shall by Law direct.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and make Rules for its own Order.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may be in the Nature of Secrets.

Section 6. The Senators and Representatives shall receive Compensation for their Services, as well as Expenses actually incurred by them in the Discharge of their Duties, which shall be ascertained by Law.

# Internal Operating Practices

## **Accreditation Project: Internal Operating Practices**

The Council of the Section of Legal Education and Admissions to the Bar is the governing body of a section of the American Bar Association, the recognized national agency for the accreditation of legal education programs that lead to the first professional degree in law at United States law schools, and the generally accepted approver of law schools by bar admitting jurisdictions in the United States. The work of the Council and the staff of the Managing Director's Office related to the accreditation and approval of law schools is sometimes referred to as the "Accreditation Project." These Internal Operating Practices apply to that Accreditation Project.

### **1. Separate and Independent**

As required by the United States Department of Education criteria for the approval of accrediting agencies, the Council and the Managing Director's Office act separately and independently of the larger American Bar Association with respect to the work of the Accreditation Project. The American Bar Association understands and accepts this requirement.

### **2. Accreditation Entities; Confidentiality of Materials and Proceedings**

The following entities are part of the Accreditation Project: the Council, the Appeals Panel, and the staff of the Managing Director's Office. The Council, from time to time, may appoint ad hoc committees, task forces, or working groups on accreditation-related matters. These groups, which work under the umbrella of the Council, are also part of the Accreditation Project.

As stated in Rule 47 of the Rules of Procedure, all matters and materials relating to the accreditation of a law school are confidential. All proceedings of the Council when considering matters relating to the accreditation of a law school are confidential. All work, materials, and proceedings of the Appeals Panel are confidential.

Meetings of the Council when not considering matters relating to the accreditation of a law school are generally open and shall be open whenever any final action is taken on the Standards or Rules of Procedure. Absent the approval of the Managing Director after consultation with the Chair of the Council that the business of an ad hoc committee, task force, or working group requires the group to meet in closed session,

the meetings of such groups shall be open and the date, location, and agenda for the meeting shall be published in advance of the meeting.

### **3. Site Team Evaluators**

- (a) **Qualifications** – The Council seeks to appoint site evaluators who are competent and knowledgeable concerning legal education and the legal system. Site evaluation teams shall include, as appropriate, educators, practitioners, administrative personnel, and judges. Site evaluation teams must be of sufficient size to accomplish the purposes of the site evaluation and should not be larger than needed to accomplish the purposes of the visit. The determination of the size and composition of site visit teams shall be made by the Managing Director’s Office.
- (b) **Evaluation** – The Managing Director’s Office should seek to evaluate the quality of work done by individual site evaluators. This may be accomplished by corresponding with the chair of the team and the dean of the school visited. The objective of this process should be the development of a pool of competent and experienced site evaluators.
- (c) **Training** – The Managing Director’s Office shall conduct, each year, workshops to train evaluators (particularly new or relatively new ones), and chairpersons of site evaluation teams. These workshops should cover the Standards, Interpretations, and Rules of Procedure; current matters of accreditation policy; process considerations for the conduct of an on-site inspection; and the drafting of the site team report. Current instructions concerning the conduct of a site evaluation visit and the content of a site evaluation report should be supplied to each site evaluator.

### **4. Notice of Schools and Programs to be Accredited, and Preparation of Schools for Site Evaluation Visits**

The Managing Director’s Office shall:

- (a) Publish on the Section website a list of law schools that are scheduled to be visited during the upcoming academic year for sabbatical, provisional, or full approval site evaluation visits or a visit in connection with an application for acquiescence in a substantive change of organizational structure. The notice should also state that interested persons may submit written comments regarding the school by a date certain determined by the Managing Director’s Office.
- (b) Conduct, each year, one or more workshops, webinars, or similar programs to prepare schools for undergoing site evaluation visits. Such workshops may be, but need not be, held in conjunction with the workshops for training new site evaluators. These workshops should cover the Standards, Interpretations, and Rules of Procedure; current matters of accreditation policy; preparation for a site evaluation visit; the conduct of a site evaluation visit; and the expected content of a site evaluation report. Current instructions concerning the conduct of a site evaluation visit and the expected content of a site evaluation report should be provided to each school well in advance of the scheduled site evaluation visit.

### **5. Notification of Council Decisions**

The Managing Director’s Office shall:



- (a) Provide written notification to the Secretary of the Department of Education, the appropriate state licensing agency, and other appropriate accrediting agencies, at the same time the Managing Director's Office notifies the Law school in writing of any decision to deny, withdraw, suspend, or remove the approval or provisional approval of the law school or to place a law school on probation, to direct specific remedial action, or to find significant non-compliance with one or more Standards under Rule 11(a)(4).
- (b) Provide written notification to the Secretary of the Department of Education, the appropriate state licensing agency, other appropriate accrediting agencies, and the public within thirty (30) days of a decision to grant provisional approval or full approval to a law school.
- (c) Provide written notification to the Secretary of the Department of Education, the appropriate state licensing agency, other appropriate accrediting agencies, and the public within ten (10) business days of:
  - (1) receiving notification from an approved or provisionally approved law school of its decision to withdraw from approved or provisionally approved status; or
  - (2) receiving notification from an approved or provisionally approved law school of its decision to allow its approval or provisional approval to lapse.
- (d) Provide written notification to the public within one business day of the time the Managing Director's Office notifies the law school in writing of any decision to deny, withdraw, suspend, or remove the approval or provisional approval of the law school or to place a law school on probation, to direct specific remedial action, or to find significant non-compliance with one or more Standards under Rule 11(a)(4).
- (e) Make available to the Secretary of the Department of Education, the appropriate state licensing agency, the appropriate accrediting agency, and the public within 60 days after final decision, a brief statement summarizing the reasons for the decision to deny, withdraw, suspend, or remove the approval or provisional approval of a law school, and the comments, if any, which the affected law school may wish to make with regard to that decision or evidence that the law school was offered but declined to provide any comments.
- (f) Require a law school to provide written notification to current and prospective students of any decision to deny, withdraw, suspend, or remove the approval or provisional approval of the law school within seven business days of receipt of the decision.

## **6. Submission of Information to Secretary of Education**

- (a) The Council shall submit to the Department of Education:
  - (1) annually, a list of approved law schools;
  - (2) the name of any school for which the Council serves as an institutional accreditor that the Council has reason to believe is failing to meet its Title IV program responsibilities or is engaged in fraud or abuse, and the reason(s) for the Council's concern;
  - (3) upon request by the Department of Education, or an office within the Department of Education under the Secretary's control, information regarding an approved law school's compliance with the Standards or its Title IV or HEA responsibilities, including requests for decision letters, site reports, transcripts, or related correspondence; and

- (4) upon request by the Secretary of Education, a summary of the Council's major accrediting activities during the previous year.
- (b) The Council shall provide written notification to the Department of Education of identified instances or potential instances of non-compliance with the following requirements under Title IV of the Higher Education Act of 1965, as amended:
  - (1) Program participation agreements;
  - (2) Standards of financial responsibility;
  - (3) Standards of administrative capability;
  - (4) Disclosure of information to students;
  - (5) Annual security reporting; or
  - (6) Crime statistics reporting.
- (c) The Council shall provide written notification to the Department of Education that a law school for which the Council serves as an institutional accreditor, and that offers a distance education program, has an increase in headcount of 50% or more within one fiscal year.

## **7. Maintenance of Records**

The Managing Director's Office shall maintain a complete set of records for a sufficient period to cover at least the last two reviews of a law school or a law school's programs. The records shall include site evaluation and inspection reports, law school responses to site evaluation and inspection reports, the law school's most recent self study, and any other reports and responses related to the review of a law school. Periodic review reports, including the law school's completed annual questionnaire, shall be retained for a period of one accreditation review.

The Managing Director's Office shall maintain the following records indefinitely: Council decision letters, Appeals Panel decision letters, the former Accreditation Committee decision letters, and the law school's responses to such decision letters.

## **8. Response to Department of Education Information Regarding Law School Compliance with Standards**

In the event that the Managing Director should receive information from the Department of Education that raises issues about a law school's ability to comply with the Standards for the Approval of Law Schools and Interpretations, the Managing Director will submit such information to the Council for consideration under the Rules of Procedure, and for any subsequent action by the Council as it may deem appropriate.

## **9. Review of Standards, Interpretations, and Rules**

The Council shall engage in an ongoing review of the Standards, Interpretations, and Rules. Prior to the commencement of each academic year, the Managing Director's Office shall give public notice of specific Standards, Interpretations, or Rules of Procedure that will be considered for revision during the coming academic year and shall invite suggestions for other changes that should be considered.

In addition to the regular and ongoing review of the Standards and Rules of Procedure, the Council may engage in a comprehensive review of the Standards and Rules of Procedure or specific segments of them whenever the Council determines that a more comprehensive review would serve the interests of legal education. Generally, the Council would create an ad hoc committee to assist the Council in this work.

If, during the review process the Council determines that it needs to make changes to the Standards, Interpretations, or Rules, action to make those changes must be initiated within 12 months of the determination and shall be completed within a reasonable period of time.

During the review of any Standard or Rule, the Council shall seek public comment, as appropriate. Before final adoption of any changes or amendments to the Standards or Rules, the Council shall post proposed provisions and seek public comment from interested parties.

The Council shall consider written comments received, and, if necessary, make changes to the proposed revisions. The Council may also receive comments for its consideration through a public hearing; in that event, a copy of the transcript of the hearing will be posted on the Section website. The Council shall act on the final revisions and shall make available to the public a written report discussing the results of the review. A Council decision to adopt, revise, amend, or repeal the Standards, Interpretations, or Rules shall be reviewed by the House in accordance with Part X of the Rules of Procedure and House Rule 45.9.

## **10. Approval of Questionnaires**

The Managing Director's Office shall recommend, annually, the set of questionnaires that law schools must complete and forms and questionnaires that law schools may use in the process of requesting substantive changes and variances. The Council shall review those questionnaires and approve them. While not requiring a formal notice and comment process, the Managing Director's Office shall seek input from law schools that may be helpful in developing the questionnaires.

## **11. Publication of Site Team Members**

At the end of each year, the Managing Director's Office shall publish the date and place of each site evaluation (including limited site evaluations and visits to foreign programs) that occurred during the past Association year, together with the names and institutional affiliations of each site evaluator or fact finder.

## **12. Training and Orientation for Council Members**

At the beginning of each year, the Managing Director's Office shall provide training for members of the Council concerning the Standards for Approval of Law Schools and the policies and procedures that govern the accreditation process. Additional training in the Standards, policies, and procedures will be provided at the beginning of each academic year to any new members of the Council.

## **13. Conflicts of Interest**

- (a) It is the Council's policy to avoid any conflict of interest or perceived conflict of interest arising because a person involved in the accreditation process has an interest in the law school or law school program under review by the Council or the Appeals Panel.
- (b) Council members, Managing Director's Office staff, members of the Appeals Panel, site team members, and fact finders (in each case when used in this IOP, a "Member") should avoid the

appearance of a conflict of interest by recusing himself or herself from participating in any matter in the accreditation process related to a law school under review without the necessity of stating a reason for recusal.

- (c) If any of the following conditions are met, a Member is required to recuse himself or herself from participating in such a matter:
  - (1) The Member:
    - (i) is currently the dean, a faculty member, other employee, or a student of a law school under review (or its parent institution); a former dean of a law school under review; a former full-time faculty member of the law school under review, for a period of ten years following the termination of faculty status with that law school; a former employee of the law school under review other than as a full-time faculty member, for a period of two years following termination of such employment; or a graduate of the law school under review;
    - (ii) is currently a member of any board of the law school or its parent institution or has been within the last two years; or
    - (iii) has a current business or professional relationship (including consulting with or without compensation) with the law school (or its parent institution) or has had such a relationship within the last two years.
  - (2) The Member's spouse, child, parent, domestic partner, or sibling:
    - (i) is an employee or student of the law school under review (or its parent institution) or has been within the last two years;
    - (ii) is currently a member of any board of the law school or its parent institution or has been within the last two years; or
    - (iii) has a current material business or professional relationship with the law school (or its parent institution) or has had such a relationship within the last two years.
- (d) A Member of the Appeals Panel shall recuse himself or herself from participating in the review of a matter before the Appeals Panel in any case where the Member of the Appeals Panel participated in making the decision on such matter as a member of the Council or served on the site team which visited the law school.
- (e) In addition to the conditions set forth in subparts (b), (c), and (d) above, if, in a matter before the Council or the Appeals Panel related to a law school under review, a meaningful conflict exists or could be reasonably perceived to exist in view of the Member's office or other position, previous or current relationship with the law school, or other circumstances (including geographic distance between the Member's residence or place of employment and the law school under review or circumstances involving the Member's spouse, child, parent, domestic partner, or sibling), then the Member shall disclose the relationship to the Chair of the Council or the Chair of the Appeals Panel, as applicable, and the relevant Chair shall determine whether the Member shall be recused from participating in the matter under consideration. For purposes of this subpart, a relationship with a law school includes, but is not limited to, a relationship with the members of the law school's faculty, staff, students, graduates, or its parent institution.



- (f) A Member who is recused with regard to a matter related to a law school under review:
  - (1) may not be present in the room (nor participate in the meeting by means of telecommunications) when the law school appears before the Council or the Appeals Panel or when the Council or the Appeals Panel is discussing the matter related to the law school;
  - (2) shall refrain from participating in any discussions, formal or informal, with other Members regarding the matter related to the law school; and
  - (3) shall not read but instead shall destroy or delete any materials received from the Managing Director or Managing Director's staff concerning the law school.
- (g) A current dean, faculty member, other employee, or student of the law school under review (or its parent institution); a former dean of the law school under review; a former full-time faculty member of the law school under review, for a period of ten years following the termination of faculty status with the law school; a former employee of the law school under review other than as a full-time faculty member, for a period of two years following termination of such employment; or a graduate of the law school under review may not serve on a site evaluation team or as a fact finder visiting that law school or law school program.
- (h) For good cause stated, the dean of a law school (or law school program) under review may request that a member of a site evaluation team, or a Member of the Council, or the Appeals Panel, recuse himself or herself from acting in such capacity with respect to the dean's law school. With regard to a member of a site evaluation team, the Managing Director shall grant or deny such request based on the merits of the claim. With regard to a Member of the Council or the Appeals Panel, the Chair of the Council, or the Appeals Panel, as the case may be, shall grant or deny such request based on the merits of such claim.
- (i) Annually, Council members, Managing Director's Office staff, and Appeals Panel members certify in writing that they agree to abide by this IOP. When a site team member agrees to serve on a site evaluation team, the site team member certifies in writing that he or she has no conflict of interest and agrees to abide by this IOP.

#### **14. Grievance Committee**

The Grievance Committee shall consist of the Chair-Elect and Vice Chair who shall serve one-year terms. The Chair-Elect will serve as the Chairperson of the Grievance Committee. Members will be subject to the same conflict of interest rules that apply to members of the Council.

Complaints received pursuant to IOP 15 Grievance Procedure shall be heard by the Grievance Committee.

#### **15. Procedures for Processing Grievances Filed Against Council Members, Appeals Panel Members, Managing Director's Office Staff, Site Team Evaluators, or Entities of the Section**

- (a) Any person may file with the Managing Director a written and signed grievance against a member of the Council, a staff member of the Managing Director's Office, or a site team evaluator for failure to comply with rules, procedures, or policies of the accreditation process or for other misconduct in that process. Any such grievance against the Managing Director may be filed with the Chair of the Grievance Committee, and the Chair of the Grievance Committee shall act in the place of the Managing Director for all procedures that would otherwise involve the Managing Director. The

grievance must contain a statement of facts and circumstances showing with reasonable particularity the basis for the allegation of non-compliance or misconduct. The grievance must be filed within 6 months of the occurrence that is the basis for the allegation of non-compliance or misconduct. Pursuit of other remedies does not toll the 6-month limit. Under no circumstance shall this grievance procedure be a substitute for, or alternative to, the appeal procedures with respect to decisions affecting accreditation, in which instances the appeal procedures shall be exclusive.

- (b) The Managing Director shall dismiss the grievance if the Managing Director determines that it does not allege facts sufficient to establish a violation of the rules, procedures, or policies of the accreditation process. If the Managing Director does not dismiss the grievance, the Managing Director shall forward it to the Chair of the Grievance Committee within 30 days after it was received. If the grievance is against a member of the Grievance Committee, the Chair of the Council shall appoint another person from the Council to review it. The Managing Director shall simultaneously forward a copy of the grievance to the person or persons against whom the grievance was asserted. Such persons or entities shall hereinafter be referred to as “respondents.”
- (c) Respondents shall respond to the grievance by sending a written response to the Chair of the Grievance Committee. Said response shall be delivered to the Chair of the Grievance Committee within 30 days after the date on which the Managing Director sent the grievance to the respondents.
- (d) Upon review of the grievance and the response required by (c), the Grievance Committee may request that the complainant or respondents provide additional information. Complainant and/or respondents shall submit the additional information requested within 30 days after receipt of the Committee’s request.
- (e) The Complainant bears the burden by a preponderance of the evidence of establishing that there has been a violation of the rules, procedures, or policies of the Section, or other misconduct related to the accreditation process.
- (f) Within 45 days, after receipt of the information required in (c) and (d), the Grievance Committee shall render its decision. If the Grievance Committee determines that there has been such a violation or misconduct, the Grievance Committee shall refer the matter to the Council for further action.
- (g) The Managing Director shall, in writing, inform the complainants and any respondents of the Grievance Committee’s decision.
- (h) All matters under this section shall be confidential.

## **16. Impartiality and Propriety**

- (a) Those who have significant responsibility in the process leading to accreditation of law schools serve a vital function in the legal system of the United States. It is important to the fair and effective functioning of the system of law school accreditation and to the maintenance of public and professional respect for that system that those who act in it act impartially and avoid even the appearance of impropriety.
- (b) One who has significant responsibility in this system or who has had significant responsibility in this system within a period of two years past, as enumerated in paragraph (d) below, should not serve as a consultant to a law school in any matter relating to initial accreditation by the Council or the re-evaluation and continuation of accreditation by the Council.

- (c) This statement applies to service as a consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor renders without fee, informally, and which is disclosed to the Council and to the Managing Director's Office. It does not apply to the routine or official advice and assistance which is rendered by members of a site evaluation team, by the Managing Director, or by members of the staff of the Managing Director's Office, or by a person acting in the normal course of his or her employment.
- (d) This IOP applies to:
  - (1) members of the Council;
  - (2) members of the Appeals Panel;
  - (3) former members of the Accreditation Committee;
  - (4) Managing Director's Office staff, except as provided in subsection (c) above; and
  - (5) a member of a site evaluation team accepting appointment as a consultant to a law school that he or she has evaluated, within two years after the site evaluation or while the Council still has under consideration matters developed by the site evaluation, whichever is longer.
- (e) Service as a consultant for a law school does not disqualify a person from any of the offices or committees in paragraph (d). However, the officer or committee member should excuse himself or herself from participation in discussion, formal or informal, of the affairs of a school which he or she has served as consultant or employee and from taking part in any vote with respect to its status.
- (f) A person who has served as a consultant or employee of a law school within two years prior to assuming a significant responsibility in the accreditation process should decline to participate in the determination of the accreditation status of the school with which he or she previously served.
- (g) The Managing Director shall bring this provision to the attention of persons who are nominated for or appointed to any of the positions enumerated in paragraph (d) above.

## **17. Guidelines for Reimbursement of Site Evaluators and Fact Finders**

- (a) All reasonable and necessary expenses of members of site evaluation teams and fact finders shall be reimbursed by the visited institution.
- (b) Reasonable transportation expenses shall be coach-class airfare, reasonable ground transportation expenses to and from the site evaluation, and meals/lodging/gratuities at a reasonable cost.
- (c) Law schools are expected to promptly process and remit reimbursable expenses to site evaluation team members.

## **18. Good Cause Extension of Time for a Law School to come into Compliance with the Standards; Submission of Monitoring Reports during the Good Cause Extension of Time**

- (a) For good cause and under exceptional circumstances, the Council may grant an extension of time for a law school to come into compliance with the Standard(s) cited by the Council when the law school:
  - (1) Demonstrates significant progress towards compliance with the Standard(s) cited,

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- (2) Submits a detailed and reliable plan showing how it will come into compliance with the Standards(s) cited within the extension of time granted by the Council, and
    - (3) Remains in compliance with all other Standards.
  - (b) The Council will also consider whether there are compelling reasons or circumstances why the extension of time should not be granted.
  - (c) The Council may extend the time to come into compliance with the cited Standard(s) for good cause for a maximum of three years depending on the seriousness of the issues involved and on its judgment of how much additional time is appropriate.
  - (d) During the extension of time granted by the Council, a law school must submit periodic monitoring reports to the Council for approval that provide the following information:
    - (1) An overview of the law school's progress in coming into compliance with the cited Standard(s),
    - (2) Concrete steps the law school has taken to come into compliance with the cited Standard(s) and the outcomes of those steps; and
    - (3) Any further steps the law school will take to come into compliance with the cited Standard(s), including when and how those will be implemented.
  - (e) By the conclusion of the extension of time granted by the Council, the law school must prepare a report that includes verifiable evidence demonstrating compliance with the cited Standard(s). Progress or promises of future action regarding compliance with the cited Standard(s) are not sufficient.



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