RESOLVED, That the American Bar Association House of Delegates concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2020 to Rule 2 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*:

Rule 2. Council Responsibility and Authority with Regard to Accreditation Status
RULE 2: COUNCIL RESPONSIBILITY AND AUTHORITY WITH REGARD TO ACCREDITATION STATUS

(a) The Council has authority to determine compliance with the Standards. The Council has authority to:

(1) (a) grant or deny an application of a law school for provisional approval or full approval;

(2) (b) withdraw provisional or full approval;

(3) (c) grant or deny applications for acquiescence in a substantive change, as provided in the Standards;

(4) (d) grant or deny applications for variances;

(5) (e) 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 Foreign Summer and Intersession Programs offered by ABA Approved Law Schools in a Location Outside the United States; the Criteria for Approval of Foreign Semester and Year-Long Programs; and the Criteria for Accepting Credit for Student Study at a Foreign Institution;

(6) (f) approve or deny approval of a teach-out plan;

(7) (g) impose sanctions and/or direct specific remedial action; and

(8) (h) 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 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.
The Council of the Section of Legal Education and Admissions to the Bar (Council) submits to the House of Delegates (HOD) for its concurrence the attached changes to the Rule 2 of the ABA Standards and Rules of Procedure for Approval of Law Schools\(^1\).

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the Council of the Section of Legal Education and Admissions to the Bar files a resolution to the HOD seeking concurrence of the HOD in any actions of the Council to adopt, revise, or repeal the ABA Standards and Rules of Procedures for Approval of Law Schools. The HOD may either concur with the Council’s decision or refer the decision back to the Council for further consideration. A decision by the Council is subject to a maximum of two referrals back to the Council by the HOD. The decision of the Council following the second referral shall be final.

The Council approve the amendments for Notice and Comment during its meetings on May 14-15, 2020. The Council is expected to approve the amendments at its meeting in July 2020.

**Rule 2: Council Responsibility and Authority with Regard to Accreditation Status.**

This proposed amendment will authorize the Council to act quickly to address an emergency impacting multiple law schools—either regionally or nationally. Examples of emergencies include, but are not limited to, weather disasters and pandemics. In such emergency situations, law schools may need to respond in ways that could violate a standard. An example was when many law schools needed to abruptly shift from routine in-class scheduling of courses to distance learning due to the COVID-19 pandemic of 2020. This proposed amendment would permit the Council to provide temporary relief from a rule or the requirements of a standard to allow law schools to respond to the emergency. Such relief would be effective only for the duration of the extraordinary circumstance and only to the extent specifically provided.

Respectfully submitted,

Diane F. Bosse  
Chair, Council of the Section of Legal Education and Admissions to the Bar  
August 2020

---

\(^1\) “2019-2020 ABA Standards and Rules of Procedure for Approval of Law Schools,”  
1. Summary of Resolution.

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2020 to Rule 2 of the ABA Standards and Rules of Procedure for Approval of Law Schools, authorizing the Council to act quickly to address an emergency impacting multiple law schools—either regionally or nationally, by providing temporary relief from a rule or the requirements of a standard to allow law schools to respond to the emergency. Such relief would be effective only for the duration of the extraordinary circumstance and only to the extent specifically provided.

2. Approval by Submitting Entity.

The Council approved the amendments for Notice and Comment during its meetings on May 14-15, 2020. The Council is expected to approve the amendments at its meeting in July 2020.

3. Has this or a similar resolution been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

The amendments modify the existing ABA Standards and Rules of Procedure for Approval of Law Schools.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?

Not applicable.


Not applicable.
7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.**

The Council will notify ABA-approved law schools and other interested entities of the approved changes to the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

8. **Cost to the Association. (Both indirect and direct costs)**

   Not applicable.

9. **Disclosure of Interest.**

   Not applicable.

10. **Referrals.**

    **ABA Entities**
    ABA Diversity and Inclusion Center (and related groups)
    ABA Law Student Division
    ABA Section Directors and Delegates
    ABA Standing and Special Committees, Task Forces, and Commission Chairs
    ABA Young Lawyers Division
    Conference of State Delegates
    Minority Caucus
    National Caucus of State Bar Associations

    **Non-ABA Entities**
    AccessLex Institute
    American Association of Law Libraries
    Association of American Law Schools
    Association of Legal Writing Directors
    Clinical Legal Education Association
    Conference of Chief Justices
    Deans and Associate Deans of Law Schools
    Law School Admission Council
    National Association for Law Placement
    National Association of Bar Executives
    National Conference of Bar Examiners
    National Conference of Bar Presidents
    SBA Presidents
    Society of American Law Teachers
    University Presidents
11. Name and Contact Information. (Prior to the meeting. Please include name, telephone number and e-mail address)

William Adams
American Bar Association
Section of Legal Education and Admissions to the Bar
Ph: (312) 988-5103 / Cell: (305) 753-3371
Email: william.adams@americanbar.org

Stephanie Giggetts
American Bar Association
Section of Legal Education and Admissions to the Bar
Ph: (312) 988-5210 / Cell: (312) 961-3542
Email: stephanie.giggetts@americanbar.org

12. Name and Contact Information. (Who will present the Resolution with Report to the House? Please include best contact information to use when on-site at the meeting)

Joan S. Howland
Associate Dean and Professor
University of Minnesota Law School
Ph: (612) 625-9036
Email: howla001@mnu.edu

The Honorable Solomon Oliver, Jr.
Judge
U.S. District Court for the Northern District of Ohio
Ph: (216) 357-7171 / Cell: (216) 973-6496
Email: solomon_oliver@ohnd.uscourts.gov
EXECUTIVE SUMMARY

1. **Summary of the Resolution**

   Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2020 to Rule 2 of the *ABA Standards and Rules of Procedure for Approval of Law Schools* authorizing the Council to act quickly to address an emergency impacting multiple law schools—either regionally or nationally, by providing temporary relief from a rule or the requirements of a standard to allow law schools to respond to the emergency.

2. **Summary of the Issue that the Resolution Addresses**

   The resolution addresses Rule 2 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*, authorizing the Council to act quickly to address an emergency impacting multiple law schools—either regionally or nationally. This proposed amendment would permit the Council to provide temporary relief from a rule or the requirements of a standard to allow law schools to respond to an emergency. Such relief would be effective only for the duration of the extraordinary circumstance and only to the extent specifically provided.

3. **Please Explain How the Proposed Policy Position will address the issue**

   The proposals amend the 2019-2020 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. **Summary of Minority Views**

   None.