Analysis of the Draft Law on Legal Education for the Republic of Georgia

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ANALYSIS OF THE DRAFT LAW ON LEGAL EDUCATION FOR THE REPUBLIC OF GEORGIA

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Analysis of the Draft Law on Legal Education for the Republic of Georgia
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Analysis of the Draft Law on Legal Education for the Republic of Georgia¹

I. Introduction

This report analyzes and comments on the draft Law on Legal Education for the Republic of Georgia. It aims to highlight and identify for lawmakers, legislative drafters, and others in the Republic of Georgia potential problems within the body of the text, as well as practical concerns of implementation. Where appropriate, this report offers general and specific recommendations for modification of the draft Law based on international, European, and American practices in the field of legal education.²

II. General Observations

The proposed Law of Georgia on Legal Education represents a thoughtful approach to improving legal training and licensing procedures in order to increase competence and professionalism among members of the bar. However, the intended statutory scheme is overly complex and therefore may not facilitate the orderly implementation of new standards and procedures of law faculty accreditation and education and licensure of legal professionals. A number of councils and commissions are given responsibility for different aspects of the process, but actually they have overlapping functions. Consequently, the draft Law creates an overly bureaucratic process, which raises concerns about the potential for corruption, one of the major problems in the existing system. Moreover, many provisions are so vague as to hinder the implementation and enforcement of the new regulatory scheme, while other provisions are so detailed as to unduly restrict the ability of responsible bodies to respond to future events. The draft Law’s treatment of legal education issues, particularly admission to law faculties and law faculty and attorney accreditation, can be improved by changes and additions, including some proposed by the Georgian Young Lawyers Association. At the very least, the inclusion of a general policy and regulatory principle of equal opportunity and access to legal education based only on merit seems appropriate.

III. Governance of Legal Education

Article 6 of the draft Law addresses the critical question of what agency is responsible for establishing the standards for legal education. However, Article 6 simply states that the Ministry of Justice “approves the standard of legal education with the agreement of the Ministry of Education.” This provision does not identify who has authority to draft and enforce standards and what methods and procedures must be followed. Moreover, the remainder of the draft Law is similarly ambiguous in identifying the parameters of the roles of the ministries. For example, Article 11 gives the Ministry of Education responsibility for issuing licenses to law faculties with the agreement of the Ministry of Justice. Article 13, however, delegates authority to the Ministry of Justice for coordinating initial licensing and terminating existing licenses. Because the draft Law does not identify what functions must be performed in issuing, coordinating, and agreeing, conflict may

¹ Compiled by Nicole Bruns, CEELI Legislative Analyst.
² The analysis and conclusions contained herein are based on a thorough review of an unofficial English language translation of the draft Law, the accuracy of which has not been verified. As a result, specific issues identified by this report may flow from the translation rather than the language of the original text.
develop between the ministries as they attempt to implement the new procedures.

In order to avoid interagency conflict, the drafters should more clearly delineate each ministry’s respective competencies and responsibilities, and identify some mechanism or procedures for dispute resolution in the event the Ministries of Justice and Education disagree. Moreover, while regulatory powers are granted to both the Ministry of Justice and the Ministry of Education, no broad statement of expectations for proceeding or public reporting are included in the draft Law. If the drafters want to better legitimate and build confidence in the legal education system of Georgia, the actions of the regulatory bodies must be more transparent and publicly accountable. The Ministries of Justice and Education should be required to disclose their activities in creating legal education standards, rules, and procedures to both the educational field and the general public.

IV. Licensing and Accreditation of Law Faculties

A. Licensing

The draft Law identifies both the purpose of and general standards for law faculty licensure. However, Article 11’s provisions dealing with physical facilities and curriculum make reference only to compliance with “legal education standards” without providing any additional information. Also, the draft Law does not explain how the Ministry of Education shall distinguish between an institution that does have the “literature necessary for the legal teaching” and one that does not. Therefore, in order to improve the clarity and transparency of the licensing process, the drafters should include more specific details on how legal education standards will be drafted, adopted, and enforced by the Ministries of Education and Justice.

The draft Law also specifies the exact percentage of professor-teachers holding particular degrees that a law faculty must employ to obtain a license. In addition, Article 12 states that only specialists, presumably individuals with a law degree, can be members of law faculties. These standards may prove to be unnecessarily rigid in the future and prevent law faculties from employing teachers whose primary expertise is not law but nonetheless are a valuable resource for law students. For example, a faculty may want to distinguish itself by employing psychology professors who specialize in teaching advocacy or persuasion. Consequently, the drafters should consider alternative, more flexible language, which would serve the goal of ensuring excellence among the professor-teachers without precluding a law faculty from hiring a talented individual who does not possess a law degree.

B. Accreditation

The draft Law establishes that law faculties are subject to mandatory accreditation. Mandatory accreditation will likely prove to be an important tool in reducing the number of institutions and universities that “cannot meet the minimum requirements necessary for legal education.” Concerns are raised, however, by the fact that the draft Law provides virtually no

3 Articles 9, 10, and 11.
4 Article 11.1.c.
5 Article 11.1.d.
6 Article 10.2.
7 Concept Paper on the Reform of the Legal Education System of Georgia, Ministry of Justice of Georgia.
legislative guidance on the accreditation process. In fact, the only provision made is to delegate total responsibility for accreditation to the Ministry of Justice without any detail of objectives or procedures, thereby leaving a number of key issues unresolved. At the very least, the draft Law should address: the composition of the body responsible for administering accreditation, the standards to be developed for accreditation, and the basic steps of the accreditation process.

The draft Law fails to identify what group within the Ministry of Justice will actually carry out accreditation and what qualifications members of this body must possess. In the absence of effective self-regulation by professional and educational groups, it may be appropriate for the Ministry of Justice to control and administer the accreditation process, but serious attention should be given to whom the Ministry enlists to perform the work; otherwise the current problems may be perpetuated. In order to improve the existing system, the Minister should consider delegating the specifics of law faculty accreditation to an apolitical, professional body familiar with legal education. One approach would be to establish a state accreditation committee comprised of distinguished judges, law deans, law professors, attorneys and other relevant specialists. This committee would be responsible for creating the standards of accreditation and applying those standards to law faculties seeking accreditation. The committee could then make recommendations to Ministry of Justice officials regarding accreditation of particular law faculties. In order to insure that the group was required and able to function objectively and independently, procedural safeguards and financial provisions would have to be enacted.

Just as the draft Law does not specifically identify who will be involved with accreditation, it fails to discuss what factors and standards will comprise the “rule of accreditation” and how the Ministry of Justice will determine those factors and standards. In contrast, The American Bar Association, which is responsible for accreditation of law schools in the United States, publishes a comprehensive set of standards and procedural rules for accreditation which allows law schools to measure their own degree of compliance and independently make changes necessary to conform to the rules. At the very least, the drafters could provide a general list of accreditation standards, even if the Ministry of Justice ultimately develops the substance of those standards.

In addition, the draft Law does not identify the general steps involved in the accreditation process. As a result, several fundamental questions about accreditation remain unanswered. For example, the relationship between licensing and accreditation is somewhat ambiguous because the draft Law does not specify if law faculties must obtain both a license and accreditation at the time of opening or if accreditation may be sought and obtained within a certain time period following licensure. Also, it is unclear whether the scheme provides for both full and provisional accreditation of Georgian law faculties. Provisional accreditation would give more leverage to the authorities over institutions that substantially, but not completely, comply with the rules of accreditation. In addition, no mention is made of whether the process will require an external

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8 Articles 11, 13.
9 Article 10.5.
10 See Appendix B, American Bar Association Standards for Approval of Law Schools and Appendix C, Rules of Procedure for Approval of Law Schools.
11 See Articles 9 and 10.
12 See Standard 102 of the American Bar Association Standards for Approval of Law Schools.
evaluation by a site inspection team and an internal self-evaluation and detailed application, as is the practice in the United States. A requirement which places significant responsibility for securing the mandatory accreditation on individual law faculties may prove useful in reducing the high number of low-quality institutions presently granting law degrees.

Although Article 12 discusses periodic training of professor-teachers, there is no mention of renewal or periodic reaccreditation requirements or procedures for approved law faculties. Periodic reaccreditation could play an important role in promoting and maintaining high standards of quality for legal education in the future, as faculties would be motivated to remain in compliance and thereby prevent the revocation of accreditation.

Finally, if the drafters seek to maximize the importance of accreditation and the value of institutions that meet accreditation standards, the draft Law should explicitly state that law students must graduate from an accredited law faculty in order to take the qualification examination. In its current form, the draft Law does not have such a provision.

V. Admission to Law Faculties

A. Examinations

The provisions dealing with admission to law faculties suffer from the same lack of clarity and specificity that hinder other portions of the draft Law. For example, it is unclear whether the admission examination will be a single national exam or individual examinations developed by each institution in accordance with national standards. If a major purpose of the draft Law is to upgrade and standardize the quality of legal education in the Republic of Georgia, then it is critical to develop and enforce a common national standard for identifying students who will be permitted to enter law faculties. A uniform, national examination, which is overseen by the Ministries of Justice and Education, is probably preferable because it decreases the potential for abuse of the admissions process by individual institutions.

In addition, the draft Law suggests that the examination will focus solely on mastery of concepts of Georgian law, assuming the “special program” would not expand the scope of the examination. If this is the case, the drafters should consider a more broadly based test because such an entrance exam would only reflect that the successful candidate was able to retain and communicate legal information, and it would not reliably predict whether the candidate possesses the capability to become a successful attorney. Rather, a general law faculty admission exam, which is designed to identify and evaluate the knowledge, skills, and abilities that one must possess to succeed as a lawyer, would be a more useful tool in selecting the best candidates for legal education. It should not, however, become the sole basis for selection to a law faculty because any standardized instrument used to predict success in an educational program will be far from perfect in identifying those students who will succeed and those who will fail. Thus, law faculties could consider additional criteria in making admissions decisions, an approach advocated by the Georgian Young Lawyers...
The draft Law does not directly address the acceptance of qualified students for admission to legal studies. Rather, Article 14 states that students are only permitted to take the “next examination” if they received a minimum score of seventy five on the “law examination,” presumably the “first admission examination.” However, not only is there no context provided to interpret a “minimum 75 score,” the drafters have not included any further information on the format, content, or scoring system for the “next” examination. Consequently, it is unclear what role the second examination actually plays in the admissions process, particularly in light of the quota system described in Article 15. Therefore, in order for students, parents, and educational authorities to understand the entire admission process, the drafters should provide more details about both stages of examinations, particularly on how each will be used to determine who is eligible for admission to legal studies.

Finally, the drafters are to be commended for explicitly requiring institutions of higher learning to “conduct a fair and objective examination.” However, the drafters have neglected to provide more specific provisions on how this will be achieved and monitored. In order for Article 14’s mandate to carry real authority, the drafters should include: an explanation of what constitutes a “fair and objective examination,” procedures for conducting fair examinations or a delegation of responsibility to create such procedures to a particular body, methods for monitoring institutions’ compliance with procedures, and meaningful sanctions for violations.

B. Admission Quotas

Given the drafters’ efforts to modernize and raise the overall quality of Georgian legal education through mandatory licensure and accreditation of law faculties and standardization of admission procedures, Article 15’s establishment of a quota system seems both outdated and potentially inhibitory to positive change. Although the drafters’ concerns about overproduction of lawyers are valid and understandable, the use of quotas would likely undermine attempts to create a merit-based system of legal education. First, if the draft Law’s educational and evaluative provisions for law faculties, students, and lawyers are enacted, then, over time, a dramatic increase in the quality and reduction in the quantity of legal institutions and professionals will presumably result, making artificial controls on the numbers of law students both redundant and irrelevant, particularly if annual quotas are a permanent feature of the system as the draft Law suggests. In addition, predicting the number of lawyers Georgia needs, and their prospects for employment four to six years in advance, appears difficult at best, particularly as the draft Law does not identify any concrete set of factors to be evaluated. Moreover, while the President may be able to predict the number of lawyers the state needs with a fair degree of accuracy, he may or should not be able to do the same for the private sector in a country with a free market economy.

Furthermore, the drafters apparently did not consider that, in the future, well-trained legal students could prove to be valuable employees in non-legal fields such as business or education. Artificial limits on the number of law students could prevent people with legal training from

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16 See Section 3.1., Concept Paper on Legal Education, Georgian Young Lawyers Association at Appendix H and Appendix D, Excerpts from Juris Doctor Admissions Information for Georgetown University Law Center.
17 Article 14.8.
entering professions that would otherwise benefit from their legal background and expertise. A possible alternative to annual state-imposed quotas would be for the drafters to make provisions for the establishment of guidelines that determine the maximum number of students an accredited law faculty can annually accept, based upon some combination of factors such as: finances, number of professor-teachers, classroom facilities, library capacity, etc. This method could allow the authorities to ensure quality legal education without artificially imposing limits based upon arguably arbitrary criteria.

In addition, Article 35’s ranking of law faculties based upon the results of the qualification examinations and Article 15’s assigning of admissions places among law faculties based on the rankings is problematic because the rating and ranking of law faculties is far more complex than the draft Law suggests. In fact, establishing a single-factor rating system may have an adverse effect on legal education because it overemphasizes the importance of that single factor, in this case the qualification exam passage rate, and suggests that the bar passage rate is the only relevant factor in evaluating the quality of a law faculty, particularly since the rating is determined and published by the state. The drafters should consider the unintended consequences that may result from basing the establishment of admission quotas on Article 35 rankings. For example, law faculties may quickly determine that if all they must do to improve their ranking is to improve the examination passage rate, and thus increase their share of students and funding, their most important function is training students to pass the examination. Therefore, no matter how important or effective the qualification examinations prove to be, there is a real danger that students will not receive adequate instruction in knowledge and skills that fall outside the examination, but nonetheless are necessary for effective lawyers. In addition, individual law faculties may be discouraged from developing superior programs in more specialized areas of the law.

Moreover, it is an oversimplification to suggest that any given student will have a greater chance of passing the qualification examination, or will receive a better legal education, simply because he or she studied at a more highly ranked law faculty. The school with the highest passage rate may not be the best school for all qualified students. Rather, any law faculty applicant needs to consider a number of factors in deciding which institution to attend, including but not limited to: academic background and admission examination scores of admitted students, size of the law faculty, the student:faculty ratio, teaching and research credentials of faculty, cost of legal education, percentage of graduates who find employment, and the nature of that employment.

However, that is not to say that the government should not publish the results of the qualification examinations, and details about the other factors mentioned above, by law faculty. Indeed, the availability of this information will allow the consumers of legal education and law faculty applicants to make more informed decisions about which institutions to apply to and attend. In addition, the drafters should consider the possibility that the examination results might be more appropriately used in determining whether law faculties are eligible to retain accreditation. For example, if the percentage of passing students from a particular law faculty falls below a certain level, and continues to fall below that level for a specified period of time, retention of that faculty’s accreditation could be called into question. In general, the draft Law’s proposed licensing and accreditation system for law faculties is probably a better and more effective mechanism for

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18 See Main Topic 8., Concept Paper on the Reform of Legal Education System of Georgia.
VI. Structure and Content of Legal Education

A. Curriculum

The draft Law establishes a two-stage system for higher legal education. However, little detail is given about the four-year course of study that comprises the first stage, including what group is ultimately responsible for creating program and curricular standards.\(^{19}\) Article 13 states that the Ministry of Justice “participates in the process of creation of the legal education curriculum,” but does not clarify what form this participation will take or identify who else participates in curriculum development. The drafters appear to have assumed that the state will have primary responsibility for establishing educational and curricular standards, a logical solution to address the current widespread existence of inconsistent, low-quality legal education programs. Curricular reform, however, depends on the opportunity to experiment and introduce innovations, and major changes in the way in which legal education is delivered cannot simply be implemented through governmental decrees specifying exactly what educators must do. Rather, state standards for curriculum should be flexible and encourage curricular development because ultimately legal education specialists will have to determine the best subject matter and methods to use to train students in legal theory and practical skills. Therefore, in order for the ambitious reform efforts proposed in the draft Law to succeed, highly qualified current law faculty members and professionals should play a role in planning curricular reform, including developing new teaching materials and creating training programs to instruct law faculty in more modern teaching methods.

The drafters have neglected to provide legislative guidance both on the content of the curriculum for the first stage of higher legal education and how the content will be created and implemented. It seems likely that provisions addressing uniform, national standards for curriculum would be included in the draft Law based on the drafters approach to licensing, accreditation, admissions, and examination. Therefore, the drafters could at least include a general outline of curricular standards even if the Ministry of Justice, or some other governmental body, ultimately develops the substance of those standards. For example, since the qualification examination will test law graduates’ knowledge of constitutional, criminal, civil, and administrative law, it seems reasonable that the law would require that courses in these subjects be part of the first stage of higher legal education at all law faculties.\(^{20}\) In addition, however, in order to insure that law students develop strong analytical and problem-solving skills, the drafters may wish to consider mandating the inclusion of instruction in “non-law” subjects such as economics, sociology, psychology, and finance. Finally, in light of the possibilities for the existence of widespread corruption in the current legal education system, it seems essential for meaningful reform that the draft Law require that fair and objective grading procedures be created and enforced at all law faculties, and that all law students receive formal training in professional responsibility and ethics.

B. Practical Training

The Ministry of Justice and the Georgian Young Lawyers Association agree that higher legal

\(^{19}\) See Article 16.

\(^{20}\) Article 28.
education should include both practical and theoretical components. The draft Law seems to anticipate that practical training will occur exclusively in the two-year second stage of the system, but that does not have to be the case, particularly since the Ministry of Justice feels that “special attention should be paid to practical training during the study courses.”

For example, during the first stage of higher legal education, professor-teachers could increase the use of classroom discussion, individual and group analysis of hypothetical legal situations, and role-playing exercises to develop students’ analytical and problem-solving skills. In addition, as suggested by the Georgian Young Lawyers Association, clinical courses, in which students have responsibility for handling real legal matters under the supervision of experienced professors and practitioners, could be created within the law faculties. These courses have proven to be very effective in providing valuable practical experience for law students in the United States and Europe.

Although Article 16 does establish the basic features of the two-year practical training process, some issues are unresolved due to the drafters’ lack of specificity. For example, it is unclear who will develop and grade the examinations that students will take at the conclusion of each internship experience. In addition, the draft Law does not specify if students will be expected to know and apply the substantive law of the agencies where they work, or the practical procedures of operation, or perhaps a combination of both theoretical knowledge of law and practical skill in applying procedure. Also, there is no mention of whether a more rigorous or thorough standard of evaluation will be employed for the longer internship. Therefore, in order to ensure that the practical training experience is valuable for students, either the drafters, or the body actually responsible for overseeing the practical training, should develop and implement strict standards for identifying, monitoring, and achieving educational goals for all internships.

Finally, it is unclear why students who complete the practical training and pass the second examination are awarded the master’s academic degree. Awarding an academic degree for a purely practical course of study appears to be inconsistent with general educational practice and might undermine newly developed academic standards. Rather, if, as the drafters suggest, the practical training is a vital component of basic legal education, it might be more appropriate for students to receive their bachelor’s degree only upon successful completion of both stages of higher legal education and the master’s degree only after completion of additional academic study.

VII. Examinations

According to the draft Law, any law faculty graduate who seeks to obtain the qualification of a lawyer, and presumably thereby be eligible for employment in the public and private sector, must have a master’s academic degree and pass a qualification examination. In order to receive the master’s academic degree, law students must also pass two prior examinations administered by the state: the first state examination at the completion of the four-year stage of higher legal education

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21 See Main Topic 3., Concept Paper on the Reform of Legal Education System of Georgia and Section 3.3., Concept Paper on Legal Education.
22 Main Topic 3., Concept Paper on the Reform of Legal Education System of Georgia.
23 See Section 3.3., Concept Paper on Legal Education.
24 Id.
25 Articles 18, 19 and 24.
and the second state examination at the completion of the two-year practical training stage. In addition, any law faculty graduate who intends to practice as an advocate is required to have a master’s academic degree, pass the Advocates’ Test, and likely take and pass the qualification examination, though that requirement is not definitively stated in either the current Law of Georgia on the Advocates or the draft Law. Consequently, the draft Law establishes a complex examination system that has an increase in highly qualified, ethical members of the legal profession as one of its primary goals. Therefore, it seems crucial that the drafters include explicit prohibitions and penalties for corrupt conduct in the examination system. If the integrity of the lawyer-licensing process is to be established, strict sanctions should be enacted for examination theft, premature release of questions and answers, offering or acceptance of bribes, and favoritism in evaluation. In the United States, the typical sanction is disbarment, which prohibits the individual from holding any position in the legal profession.

The creation of a standardized, highly transparent, and independent system of examination and certification for attorneys is a critical component of Georgian legal education reform, which seeks to dramatically reduce the number of poorly educated “lawyers.” Moreover, the placement of overall authority in a governmental department, the Ministry of Justice, rather than the organized bar or legal profession seems reasonable given the history of corruption in entrenched educational and bar institutions. Of course, this plan places great responsibility on the Ministry of Justice to guarantee the integrity and effectiveness of the process. The likelihood of the examination system’s succeeding will be greatly increased if the drafters address several unsettled issues.

A. First and Second State Examinations

Although the drafters apparently intend that the first and second state examinations will play an important role in excluding poorly qualified candidates from the legal profession, the draft Law contains little detail about the examination’s format, content, or procedures for its administration. For example, though Article 17 establishes that the first state examination “is conducted according to the rule established by chapter IV of this law,” this provision is too vague to be of practical guidance because Chapter IV of the draft Law makes reference only to the qualification examination. Consequently, it does not clearly establish general guidelines that determine the format, content, administration, and evaluation of the first state examination. The drafters should explicitly identify which provisions of Chapter IV are elements of the “rule.” Moreover, they should critically evaluate the effectiveness of the “rule” of Chapter IV in light of comments made below about that portion of the draft Law. Finally, in order to maintain consistency and promote support for the examination system, the drafters should include a purpose statement for the first state examination, as they have done for the second state and qualification examinations.

As mentioned above, the drafters do include a statement of purpose for the second state examination that provides some guidance for the Ministers of Justice and Education, the parties responsible for creating and implementing the exam. It remains unclear, however, how the state will administer a uniform, standardized examination when each student’s practical training will

26 Article 16.
27 See Article 10.1.b. of the Law of Georgia on the Advocates at Appendix I.
28 See Articles 16.4 and 20.
29 See Articles 16.4 and 17.2.
If the second state examination is to be a fair and objective tool for evaluating law students, the Ministers will have to collaborate with the bodies supervising the practical training internships in order to ensure that the examination measures students’ progress in mastering the educational goals established for internships.

In addition, the drafters and Ministers might consider devising a practical skills test for the second state examination. In the United States, the National Conference of Bar Examiners has introduced the Multistate Performance Test (MPT), a practical skills test that is designed to evaluate an examinee’s ability to complete a specific legal task, such as drafting a legal document. Thus, the MPT requires examinees to actively apply their problem solving, analytical, organizational, and written skills to a standard set of given facts and law. The drafters or Ministers may be able to adapt this model for use in the second state examination, particularly to measure the skills that all law students are expected to develop as part of the practical training program. Moreover, they appear to have already considered using performance examinations at the end of the High School of Justice students’ internships.

Finally, there is a serious omission in the draft Law in relation to the first and second state examinations, namely that the draft Law only identifies the result of a student’s passage of the examinations. Thus, the status of a student who does not pass either of the state examinations, which is presumably a possibility under the new system, remains in doubt. Articles 37 and 33 of the draft Law permit potential lawyers to both appeal the results of and retake the qualification examination if they do not pass, so it seems likely that students could do the same for the other state examinations. However, the drafters should conclusively resolve the issue. If retakes are permitted, then guidelines for the waiting period before a student may test again and the number of retake opportunities should be specified. In addition, the drafters may want to consider including standards requiring students who do not pass state examinations to complete remedial coursework or additional practical training before retaking the exams.

### B. Qualification Examination

In its concept paper, the Ministry of Justice states that: “the main purpose of the draft Law is to determine the general criteria for the qualification of a lawyer and the conduct of the general qualification examination.” The drafters have provided fairly clear and complete legislative guidance on the exam in Article IV. However, given its role as the centerpiece of this legislative initiative, Article IV is subject to intense scrutiny to identify potentially problematic issues that could develop if the proposed system is implemented. Several areas of concern arising from the qualification examination provisions are discussed below.

#### 1. Qualifying Council and Examination Commissions

In light of the current problems in the Georgian legal education system,

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30 See Article 16.3.
31 See Appendix E for a more complete description of the Multistate Performance Test.
32 Article 57.2.
33 See Article 16.3 and 16.5.
34 Main Topic 7., Concept Paper on The Reform of Legal Education System of Georgia.
and the importance of the results of the qualification examination in the new system, the presence of law professors on both the Qualifying Council and the Examination Commissions could lead to significant conflicts of interest unless additional procedural safeguards are included in the draft Law. At the very least, strict conduct guidelines should prohibit members of the Council and the Commissions from tutoring students in any subject material that appears on the examination since some students would be willing to pay a substantial price for such information. Also, professors who serve on Examination Commissions should not be permitted to participate in the oral examination of any of their former students. In reality, the situation in Georgia may necessitate the absence of law professors from the Council and commissions because of the high risk of disclosure of confidential information and favoritism.

In addition, to promote the development of the organized bar and increase support for the new system, the drafters should consider allowing the major bar organizations to participate in the nomination of the “practicing lawyers” to the Council. Since Article 21 of the draft Law gives the Ministers of Justice and Education ultimate authority to approve members of the Council, inappropriate recommendations could be rejected.

Also, the drafters’ decision to limit the Qualifying Council members’ terms of service to two years may not be prudent. The development of expertise in administering the qualification examination will take time, and individuals who serve for such a short period will often have completed their service before they have gained the knowledge, understanding, and experience to perform well as Council members. Moreover, if accumulated knowledge is to be passed on to new members in an orderly manner, then Council members should have staggered terms so that the entire membership is not replaced at one time.

Although it is not entirely clear from the draft Law, it appears that the Examination Commissions are responsible for administering and grading the oral portion of the qualification examination but do not play a role in the actual drafting of the examination. The fact that the commissions are created after the qualification examination “starts,” presumably referring to the administration of the written portion of the exam, supports this conclusion. However, due to the two-stage examination procedure, the Examination Commissions actually have the most power of any body in the evaluation system because they ultimately decide which examinees will pass. Consequently, the drafters should provide a clearer explanation of how the commissions will “administer” the oral exams. In addition, the qualifications for selection to the Examination Commissions need to be more clearly defined. For example, the draft Law should indicate whether commission members must be specialists in the field of law to which they will be assigned. Finally, the drafters should consider if commissions that exist for such short periods of time would be able to adequately complete such important tasks.

2. Format of the Qualification Examination

The drafters’ inclusion of an oral portion in the qualification examination, while consistent with past practice in Georgian higher education, could prove to undermine the transparency,
objectivity, and legitimacy of the new exam system because oral testing injects a high degree of subjectivity into the examination process. Moreover, the oral examination described by the draft Law seems particularly resistant to standardization, in regards to content and administrative procedure, for several reasons. First, each examinee apparently has the ability to select the particular field of law in which he or she will be orally examined. For consistency of measurement, it is generally preferable to have all examinees for a particular credential take a similar test. Second, no mention is made of the numbers or kinds of questions that examinees will be asked or if commissions will ask the same questions of all students who selected a particular area of the law. Also, there is no requirement that all examinees be asked the same “intellectual and analytical skills” questions. Finally, the drafters have not provided grading standards for the oral examination beyond stating that students who receive a “satisfactory” grade pass the exam. There is no discussion of what quantitative or qualitative level of performance would be considered “satisfactory” by graders, nor is there a provision requiring commissions to draft and utilize such standards in evaluating all examinees. Consequently, the oral examination appears to create opportunities for compromised standards, favoritism, and even bribery.

A possible solution to the problems in the oral examination component would be for the drafters to enact more substantial procedural safeguards than are described in Article 32. Additional safeguards could include: the creation of a single oral examination that would be administered to all examinees; the creation of a single oral exam for each field of law discussed in the draft Law, with all exams having identical “intellectual and analytical skills” questions; procedures that prevent graders from learning the identity or alma-maters of the test takers until the scores are published; and the formulation and implementation of standardized, objective grading procedures. In addition, the drafters could consider requiring the oral examination to be held publicly, as is the case for the High School of Justice.

Due to the risk of bias and discrimination in the oral examination portion of the qualification exam, however, the drafters should give serious consideration to eliminating the oral component, at least until the condition of Georgian legal education improves. While written examinations have their drawbacks and limitations, they can be evaluated more objectively than oral examinations can. The drafters could introduce a single stage, comprehensive written qualification examination that tests knowledge of the law as well as lawyering ability. If the draft Law’s proposed multiple-choice test is deemed insufficient to assess legal understanding and analytical skills, then the drafters could redesign the exam. For example, a group of essay questions, requiring applicants to identify legal issues, apply the law, and write an expository answer, could be added to the examination and evaluated by the Examination Commissions based on articulated standards, which should be developed and used by all graders. Also, a performance component could be included that would require examinees to utilize given materials to accomplish a practical lawyering task, similar to the written examination for candidates of justice. As with essay questions, the

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38 See Article 26.2.
39 Article 30.3.
40 Article 31.2.
41 Article 51.3.
42 Appendix F provides an example of essay grading standards.
43 See Article 57.2.
performance responses should be evaluated in relation to clearly articulated standards that each grader would be required to use.

3. Administrative Procedures

a) Character Issues

Article 24 of the draft Law clearly and concisely presents a list of requirements for law faculty graduates who intend to take the qualification examination. However, the draft Law does not mention if there is a “good character” requirement for taking the qualification exam or being admitted to the practice of law. In the United States, bar examination applicants are obligated to demonstrate that they have the requisite good character in order to become licensed attorneys. It seems prudent that candidates in Georgia with criminal records relating to serious or repeated dishonesty, embezzlement, or bribery would be barred from licensure, at least without a convincing demonstration of rehabilitation. Such a safeguard is included in the Law of Georgia on the Advocates and could easily be added to Article 24 of the draft Law.\(^\text{44}\)

The issue of character also warrants more attention in connection with denials of approval to take the qualification examination.\(^\text{45}\) The drafters should perhaps give some thought as to how the law should deal with applicants who submit falsified documents to the Qualifying Commission. In such a case, it would probably be appropriate to bar the applicant from taking the present examination or from some number of future qualification examination opportunities.

b) Grading and Evaluation

Article 31 of the draft Law states the passing scores for both portions of the qualification examination. However, as mentioned above, no context of scale or grading standards are given for the oral portion of the exam, and the same is true for the written, multiple-choice portion. If the drafters do preserve the multiple-choice test in its current format, then they should provide some explanation of what a score of “75” means, namely if this refers to 75 out of 100 questions answered correctly. Incidentally, the drafters may want to consider that specifying the number of questions on the qualification examination by law may prove to be unduly restrictive in implementation if experience shows that more or less questions provide a better gauge of examinees’ knowledge. A more practical approach might be to designate a minimum number of questions, “not less than 100,” and delegate determination of the final number to the Ministry of Justice or the Qualifying Council. Similarly, the drafters may want to set a particular percentage of questions correct as the passing score rather than a specific number. In addition, Article 34’s requirement that results of the examination be published within ten days of completion may place undue pressure on the graders. Since accuracy and thoughtfulness of evaluation may be compromised if the commissions must work so quickly, the drafters should consider extending the time period for grading examinations.

c) Appealing Results and Retaking the Examination

In a positive step, the drafters have provided for the appeal of a failing result on the

\(^{44}\) See Article 10.2. of the Law of Georgia on the Advocates.

\(^{45}\) See Article 25.
qualification examination in Article 37. Concern is raised, however, by the fact that the draft Law specifies only that the appeal be based on "the rules determined by current legislation." While this suggests a changing standard of appeal, it seems likely that appeals would generally arise in connection with the same basic factors. Therefore, in order to make the right of appeal more effective, the drafters could include a general list of these factors, such as grader bias and incorrect computation of scores, etc.

The draft Law is also strengthened by the inclusion of procedures for retaking the qualification examination. However, it is unclear why the determination of whether an examinee may take the exam a third time should be made by Tbilisi State University. The drafters provide no explanation for why the law should prefer one university to all others. Moreover, since the draft Law appears to give Tbilisi State University a preferred position, accusations may be raised that the university will give preferential treatment to its own students in issuing opinions. Indeed, due to the rating and quota systems established by Articles 35 and 15, it seems to be a clear conflict of interest to involve a university in examination qualification decisions. Therefore, the drafters must either provide a clear explanation of how Tbilisi State University will fulfill this role impartially or establish a universal, objective standard. For example, most states in the United States allow law school graduates to take the bar exam as many as times as they wish up to five years following their graduation. An objective standard may be the best alternative because it would be easier to administer, would not be subject to allegations of favoritism or bribery, and would involve no additional work for a particular law faculty.

d) Acknowledgement of Foreign Degrees

Article 38 provides for the acknowledgement of foreign legal degrees by the Ministry of Justice Qualifying Commission but does not establish any general guidelines for degree evaluation. Since the draft Law commits Georgia to very broad obligations in recognizing foreign degrees, it would seem advisable for the drafters to state some principle of equivalency as to duration, quality, and subject matter to guide development of the "rules and terms of acknowledgment." It would be unfortunate if Georgia, in strengthening its own system of legal education, bound itself to accept poorly trained applicants certified under the differing legal education standards of other nations. Also, the draft Law should clearly specify if individuals with foreign degrees are required to take the first state, second state, and/or the qualification examinations.

VIII. Post-graduate and Continuing Legal Education

A. Academy of Justice

Chapter V of the draft Law establishes and describes the Academy of Justice. However, the description is not sufficiently detailed to present a clear picture of the place of the Academy in the system of legal education described in other portions of the draft Law. First, the Academy of Justice is referred to as "an institution of higher legal education," suggesting it will offer the six year, two-

46 Article 37.
47 Article 33.2.
48 Article 38.5.
stage program leading to the bachelor’s and master’s degrees. However, additional language appears to suggest that the Academy will offer post-graduate education to government officials and law enforcement officers, though no mention is made of the kind of degree or certificate awarded. The Ministry of Justice’s concept paper suggests that the Academy will primarily offer practical training courses in management and administration. In addition, Article 39 appears to establish the Academy as an independent educational institution, but Articles 43, 44, and 45 also appear to give almost complete control of the Academy’s management and administration to the President and Ministry of Justice. Also, the drafters do not specify if the Academy of Justice will be subject to the licensing, accreditation, admissions and ranking procedures established by the draft Law. As a result, the overall status of the Academy of Justice is difficult to identify. Since among other functions, the Academy of Justice will participate in developing the general legal education standards, the drafters apparently intend for its status to be quite high in the legal education system. Therefore, the drafters should provide more information on the role and procedures of the Academy of Justice.

B. The High School of Justice

1. Admissions

The draft Law establishes a two-stage examination system, a written test followed by an oral component, for gaining admittance to the High School of Justice. Article 50 gives the competition commission authority to conduct the process, but neglects to specify the qualifications for appointment to the commission. Moreover, the draft Law does not specify the subject matter for either part of the examination, identify grading standards and procedures, or create extensive administrative safeguards. Consequently, the same concerns of subjectivity and possible favoritism that were raised by the qualification examination are also present here. In order to increase the objectivity and integrity of the admission competition, the drafters should consider some of the same solutions that were proposed above. In addition, although Article 52 permits experienced members of the legal profession to gain admittance to the High School of Justice without participating in the competition, it does not specify what alternative procedure they must follow to enroll. Therefore, the drafters should encourage their participation by including information of this type.

2. Administrative Structure

The High School of Justice is responsible for the training of those aspiring to be judges, prosecutors, and investigators, as well as providing continuing education for legal professionals. Although the draft Law establishes general guidelines for the operation of the High School of Justice, it lacks important details about the institution’s administrative structure. Article 46 states that the High School of Justice will be “created within the Council of Justice of Georgia,” which is also

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49 Articles 39.2.
50 See Articles 40, 42, and Main Concept 10., Concept Paper on The Reform of Legal Education System of Georgia.
51 See Main Concept 10., Concept Paper on The Reform of Legal Education System of Georgia.
52 Article 42.c.
53 Article 51.
54 Article 46.
one of the governing bodies of the School. A number of European countries assign responsibility for this type of legal education to the Ministry of Justice. Alternatively, responsibility for judicial education can be assigned to the judiciary, as is the case with the United States federal courts and the Russian Federation as well. Regardless of where the training center is institutionally situated, a coherent administrative structure is essential to ensure the effectiveness of the Council.

Given the broad mandate of the High School of Justice—the education of judges, prosecutors, and investigators—the Director's professional experience and ability will be critical in ensuring that the training program will address the needs and interest of all three groups. However, the draft Law does not specify what kind of “professional experience” or “moral and business character” will provide a potential Director with the knowledge and ability to help create and administer such a comprehensive program. In addition, it is unclear if the Director is limited to serving one, three-year term. The drafters should consider that three years might not be sufficient time for Directors to develop the ability to lead effectively.

Finally, the draft Law does not specify if current and potential judges will be trained together with current and potential prosecutors and investigators or whether the School acts as a single administrative body to oversee distinct educational programs. Traditionally, many civil law countries have placed the responsibility for judicial education within the Ministry of Justice and judges and prosecutors have been trained together. However, as judiciaries around the world have focused more attention on judicial education, there has been a growing trend to separate the training of judges and prosecutors. For example, the Russian Federation has adopted this approach in creating its Academy of Justice. While this separation of training functions need not be followed in Georgia, the mission statement in Article 47 will best be carried out if some attention is paid to the special role and needs of judicial officers. Moreover, the drafters should consider that the involvement of judges in the development and oversight of a judicial training center is often considered a necessary safeguard for preserving the quality and integrity of judicial education and promoting the independence of the judiciary.

3. Educational Programs and Examinations
   a) Curriculum for Candidates of Justice

The provisions describing the High School of Justice’s curriculum mirror the provisions on higher legal education in that a two-stage program of study is created, with little detail being provided about the first stage. There is no explanation of whether all candidates will follow a single course of study, or whether there are unique programs for judges, prosecutors, and investigators, or whether each candidate may select from a variety of courses. Moreover, there is no identification of general areas of law or professional skills in which candidates will be instructed and examined. In addition, once again there is no inclusion of educational objectives and standards for the internships. Consequently, significant concerns are raised about the quality and adequacy of candidates’ professional preparation, particularly in regards to training for judges.

55 See Article 48.1.
56 Article 48.5.
57 See Article 54.
58 See Article 56.
Judicial education should offer future and sitting judges information, skills, and familiarity with ethical guidelines and standards of professional responsibility, tools that enhance their individual effectiveness as well as the integrity of the judiciary as a whole. Candidates of justice who intend to become judges would greatly benefit from instruction in appropriate judicial behavior and demeanor, calendar and trial management, and effective decision and opinion writing. Group analysis and critiquing of published decisions and drafting opportunities using common problems and fact patterns could greatly contribute to the likelihood of future Georgian judges producing organized, clear, and succinct opinions.

b) Retraining

It is commendable, and indicative of the drafters’ focus on raising the professional skill level of the members of the legal profession in Georgia, that the draft Law provides for retraining of judges, prosecutors, and investigators.\textsuperscript{59} However, Article 60 fails to answer several significant questions. First, the draft Law does not provide any information on the subject matter of the “programs” in which legal professionals will receive instruction during their retraining. In addition, the language of the draft Law suggests that retraining is entirely voluntary. The drafters should consider the possibility that mandatory retraining in particular areas could be valuable for all judges, prosecutors, and investigators. Moreover, in order to increase the skill level of all legal professionals, the drafters may want to consider expanding the retraining program to all lawyers, including criminal defense attorneys.

c) Examinations

Articles 55 and 57 set forth the examination procedures for the High School of Justice. The format, content, and grading scale and procedures of the first stage examination are not specified in the draft Law. Article 55 does state that the examination will be used “to compose [the] qualification list.” However, there is no further explanation of what the “qualification list” is or how it will be used. Since the drafters may be indicating that students who do not pass the first examination may not participate in the second stage of the program, the qualification list and the examination should be fully described. In contrast, the drafters have provided a much clearer picture of the format and content of the second stage examination. In fact, it is encouraging to note the innovative adoption of a performance-based test.\textsuperscript{60} Again, however, the transparency and integrity of the legal education process would be enhanced if some guidelines for evaluation were described in the draft Law, particularly since a new method of examination is being introduced. Moreover, since Article 58 and 59 suggest that Candidates of Justice who pass the second stage examination are guaranteed employment as judges, prosecutors, or investigators, it seems essential to clearly establish and enforce uniform, objective, and accurate standards of evaluation.

\textsuperscript{59} Article 60.

\textsuperscript{60} See Article 57.2.
Appendix A

Biographical Statements of Experts Assessing the Draft Law
Biographical Statements of Experts Assessing the Draft Law

Jerome Braun

Jerome Braun is the Director of the Office of Admissions which provides staff, administrative and budget support to the Committee of Bar Examiners of The State Bar of California. He previously served as the Director of the Office of Admissions for the state of Georgia. Mr. Braun has also worked as the Executive Director of the Institute of Continuing Judicial Education at the University of Georgia and as a professor at the University of South Carolina School of Law.

Mr. Braun is a member and past chair of the Committee of Bar Admissions Administrators and a member of the Multistate Bar Examination Policy Committee at the National Conference of Bar Examiners. He is also a co-chair of the Bar Admissions Committee of the Section of Legal Education and Admission to the Bar for the American Bar Association.

Margaret Fuller Corneille

Margaret Fuller Corneille is Director of the Minnesota Board of Law Examiners, the Minnesota Board of Continuing Legal Education, and the Minnesota Board of Legal Certification.

She received a J.D. degree in 1978 from the University of Akron School of Law. She is a member of the Ohio and Minnesota bars. Prior to beginning work for the Minnesota Supreme Court in 1987, she practiced law and later served as the Director of Western Reserve Legal Services in Akron, Ohio.

She is a member of the Bar Admissions Committee, the Standard Review Committee and the Multijurisdictional Practice Committee of the American Bar Association’s Section on Legal Education and Admission to the Bar, former chair of the Conference of Bar Admission Administrators, and serves on the Education Committee of the National Conference of Bar Examiners.

George Dawson

George Dawson is a Professor of Law at the University of Florida College of Law where he was Associate Dean for Academic Affairs from 1996 – 2000. He has been the Director of the University of Florida College of Law Summer Program at the University of Montpellier, France, since 2001. Professor Dawson has also taught at the University of Oregon School of Law, Beida University, the University of Warsaw, and Stellenbosch University in South Africa.

Professor Dawson has served on numerous American Bar Association site inspection teams, and has been a member of the Association of American Law Schools committees on Curriculum and Research and on Libraries. In addition, he has been active in the Law School Admission Council, particularly on the Test Development and Research Committee, which oversees the development and use of the Law School Admission Test. From 1993 through 1995, Professor
Dawson served as the President of the Law School Admission Council.

**William V. Dunlap**

William V. Dunlap is a professor of law at the Quinnipiac University School of Law in Hamden, Connecticut, USA, and a former associate dean of the law school. He teaches American Constitutional Law and International Law and writes on maritime law and international humanitarian law. He is a former journalist.

**The Honorable Marjory D. Fields**

Marjory D. Fields was appointed to the Family Court of the State of New York in March 1986. She has presided in that court and the Supreme Court of the State of New York (the trial court of general jurisdiction in New York) for 16 years.

Judge Fields has written, developed, and presented educational programs for sitting judges over the past 20 years in New York, Kenya, Israel, Mauritius, Scotland, Tanzania, and Wales. She is a long-time member of the curriculum committee for the annual New York State Judicial Seminars. In addition, she is a member of the New York Courts Family Court Advisory and Rules Committee and the Family Violence Task Force, both of which present judicial education programs.

Judge Fields teaches trial management, complex procedure, and substantive legal topics for judges. She has written many articles for the bench and bar addressing difficult areas of law including: *Right to Counsel in Civil Litigation, Practical Suggestions For Trial Judges Presiding In Domestic Violence Cases*, and *Complex Laws And Procedures Govern Civil Contempt Penalties*.

**Jean C. Gaskill**

Jean Gaskill practiced labor and employment law for twenty-five years as a partner at the San Francisco firm of Brobeck, Phleger, and Harrison. Since retiring from the firm in 1992, he has served as an arbitrator and mediator in labor and employment disputes.

Mr. Gaskill has also served as both a member and Chairman of the Board of Reappraisers, a board appointed by the California Committee of Bar Examiners to draft essay questions for the California Bar Examination. In addition, he is a member of the National Conference of Bar Examiners and was a charter member of the Multistate Essay Examination (MEE) Drafting Committee and Multistate Performance Test (MPT) Drafting Committee.

In 1997-1998, Mr. Gaskill served at CEELI’s request as a consultant to the Republic of Georgia in drafting and administering the first Judicial Qualification Examinations.

**Mira Gur-Arie**

Mira Gur-Arie is the Senior Attorney for Interjudicial Affairs at the Federal Judicial Center, the education and research agency for the United States federal courts. The Office of Interjudicial Affairs provides information and develops educational programs for representatives of foreign
judiciaries on topics relating to judicial administration and education.

Before joining the Federal Judiciary Center, Ms. Gur-Arie worked with the Ford Foundation and CEELI in Moscow, Russia, in the fields of legal education and advocacy training. She was also an Assistant Professor of Law at the Cardozo School of Law and a staff attorney at the Legal Aid Society of New York. Upon graduating from New York University School of Law, Ms. Gur-Arie clerked for the Honorable Alfred J. Lechner, Jr., United States District Court for the District of New Jersey.

James M. Klein

James Klein is a professor of law at the University of Toledo College of Law where he served as Dean from 1993-1995. He has also taught at the University of San Diego School of Law, the University of Western Australia Law School, and the University of New Mexico Law School.

Mr. Klein is a member of the American Bar Association Accreditation Committee and has participated in ABA accreditation inspections at a number of law schools. In addition, he is currently a member of the Ohio State Bar Association/Ohio Supreme Court Special Commission on the Education of Lawyers.

John C. Knechtle

John Knechtle is a professor of comparative law and the Director of International Programs at Florida Coastal School of Law. Mr. Knechtle served as a member of an ABA-CEELI team of legal educators that prepared “Preliminary Recommendations for Reform of Legal Education in Georgia.” He also worked as a commentator and legal specialist on Georgia’s draft Law on the bar in 2000.

Karen A. Lash

Karen Lash is an associate dean and adjunct associate professor of law at the University of Southern California Law School where she is responsible for external relations including media activities. Dean Lash also created and ran the clinical internship program at the law school.

Ms. Lash is the author of Establishing Legal Clinics in Moldova: Lessons in Volunteerism and Legal Education and Stories of the ‘Old Country’: Exploring Ukrainian Roots. In addition, she assisted in creating legal clinics as a participant in CEELI legal reform projects in Slovakia, Moldova, and Ukraine.

Ellen Marshall

Ellen Marshall has served as the director of the Center for Education, Training and Development for the District of Columbia Courts since 1994. Prior to this position, she worked in judicial education at Administrative Office of the Courts in Annapolis, Maryland. While there, Ms. Marshall co-founded the Judicial Institute of Maryland.
From 1997-1998, Ms. Marshall served as the president of the National Association of State Judicial Educators. She was also a member of the Standards Committee from 1991-2001. Ms. Marshall received an M.B.A. with a concentration in Human Resource Management from Loyola College.

**Erica Moeser**

Erica Moeser holds a B.A., M.S. and J.D. She has worked in bar admissions for twenty-five years. For the past eight years, Ms. Moeser has served as president and CEO of the National Conference of Bar Examiners, the national organization for bar admission in the United States. She is also a former chair of the American Bar Association’s Section of Legal Education and Admissions to the Bar.

**Daniel L. Skoler**

Mr. Skoler was in charge of training and continuing education for the federal judiciary and its professional support personnel for a number of years at the Federal Judicial Center. Also, he organized, directed, and programmed national training for juvenile and family court judges as Executive Director of the National Council of Juvenile and Family Court Judges.

Daniel Skoler has taught at the law Schools of Georgetown University, George Washington University, American University, University of District of Columbia and Washington and Lee University. In addition, he taught in the Republic of Georgia for several years as a visiting professor in law and public administration.
Appendix B

ABA Standards for Approval of Law Schools
STANDARDS FOR APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS

FOREWORD

Concern for improving the competence of those entering the profession was a major reason for creating the American Bar Association in 1878. These Standards for the Approval of Law Schools by the American Bar Association are promulgated to serve this objective. The Association remains vitally and actively interested in improving the legal profession through legal education.

Accrediting Agency for Law. Since 1952 the Council of the Section of Legal Education and Admissions to the Bar has been approved by the U.S. Department of Education as the recognized national agency for the accreditation of professional schools of law. It is the Council and not the Association which is so recognized. As a non-governmental accrediting agency it has been a member since 1966 of the national organization of peer professional accrediting agencies -- initially the National Commission on Accrediting, then the Council on Postsecondary Accreditation and then the Council on Recognition of Postsecondary Accreditation. This body has now been succeeded by the Council for Higher Education Accreditation.

The vast majority of the highest courts of the states rely upon the Association approval of a law school to determine whether their legal education requirement for admission to the bar is satisfied. Obviously, whether a jurisdiction requires education at an ABA approved law school is a decision made by a jurisdiction’s bar admission authority and not by the Council nor the ABA.

The American Bar Association believes that every candidate for admission to the bar should have graduated from a law school approved by the ABA, that graduation from a law school alone should not confer the right of admission to the bar, and that every candidate for admission should be examined by public authority to determine fitness for admission.

History. The American Bar Association (ABA) in 1879 established as one of its first committees, the Standing Committee on Legal Education and Admissions to the Bar. In 1893, the Section of Legal Education and Admissions to the Bar was established as the Association’s first section. Recognizing the need to take further steps to improve legal education, the Section leadership played the major role in creating the Association of American Law Schools in 1900, giving it a modest regulatory role through requirements for membership. In 1921 the American Bar Association promulgated its first Standards for Legal Education.

To administer its program of approval of law schools meeting the Standards, the ABA in 1927 employed Professor H. Claude Horack of the University of Iowa College of Law as the first Advisor to the Section. When Professor Millard H. Ruud of the University of Texas was appointed in 1968 to replace Advisor to the Section Dean John G. Hervey of Oklahoma City University School of Law, the title was changed to Consultant on Legal Education to the American Bar Association to recognize the broader responsibilities of the position. Professor James P. White of Indiana University School of Law -- Indianapolis succeeded Professor Ruud in January 1974 and continues to serve in that position.

A major revision of the 1921 Standards and its Factors was promulgated in 1973. This process began
in the late 1960's. The first draft was distributed for comment in December 1971 to the chief appellate judge in each state, deans of all approved law schools, and members of the Section. About one hundred practitioners, judges, deans, and law teachers participated in discussions of the first and second drafts in April and May 1972. The Section at its annual meeting on August 15, 1972 approved the Standards. During its midyear meeting of February 12, 1973, the House of Delegates adopted the Standards and Rules of Procedure.

Standards and Rules Revision. In 1988 Judge Henry Ramsey, Jr., of the Alameda County, California, Superior Court and Chair-Elect of the Section, was asked to chair a study of the accreditation process. The purpose of the study was to determine what changes were needed to conform the Rules of Procedure to the Criteria of Nationally Recognized Accrediting Agencies and Associations promulgated by the United States Department of Education. A number of revisions to the Rules of Procedure, both conforming the Rules to the DOE Criteria and making other changes to improve the process, were adopted by the Council in 1989.

In 1992 the Council launched a formal revision of the Standards and their interpretations. Two decades of amending and adding particular Standards and Interpretations left the Standards and Interpretations with some apparent inconsistencies in substance and certainly in drafting style. A five-person subcommittee of the Standards Review Committee undertook a formal revision of the Standards and their Interpretations. The style rules of the National Conference of Commissioners on Uniform State Laws were used as its drafting guidelines. As the project proceeded the Standards Review Committee reviewed the drafts. In response to the drafting subcommittee’s request, the Committee resolved ambiguities and apparent inconsistencies.

The completion of the formal revision permitted the Standards Review Committee to turn its attention to substantive revision. The process was begun in 1994. The product of that process was circulated for comment and extensive hearing were held on the proposals. The revised Standards were approved by the Council and overwhelmingly adopted by the House of Delegates in August, 1996.

The Standards recognize and encourage diversity in curriculum, methods of instruction, and among students, faculty, and staff. The Association believes that this diversity advances the course of quality legal education.

Wahl Commission. In April 1994 the Council established the Commission to Study the Substance and Process of the American Bar Association’s Accreditation of American Law Schools. Justice Rosalie E. Wahl of the Supreme Court of Minnesota and a former chairperson of the Section accepted appointment as chairperson. Members of the Commission included two appellate court justices, six practitioners, a university president who is also a former president of the ABA, six Deans, and the general counsel of a state bar association.

The Wahl Commission’s mandate was to conduct a thorough, independent examination of all aspects of law school accreditation by the ABA. Upon the basis of hearings, solicited written comments, and surveys, the Commission prepared a report for submission at the 1995 annual meeting of the ABA.

Validity and Reliability. Dr. William J. McLeod, former vice president of the Council on Postsecondary Accreditation, served as consultant to the Council of the Section for its review of the validity and reliability of the Standards. In his 1989 report to the Council, Dr. McLeod concluded, upon the basis of his review of the Standards and their administration, and the deliberations at the Council meetings, that the Standards have a substantial and meaningful relationship to the quality of education provided to law students.
APPENDIX B—ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS

1989 Conference on Validity and Reliability of the Standards, that the overall objectives of the American Bar Association’s program of accreditation of law schools are: to insure that legal education programs are of acceptable quality; to improve the quality of legal education in the United States; to promote through legal education high standards of professional competence, responsibility, and conduct; to protect the integrity of legal education and preserve its independence from inappropriate interference in its educational activities; to encourage equal opportunities for legal education and for access to membership in the legal profession to qualified persons, including those from groups who are or have been subjected to any form of discrimination; and to assure bar admissions authorities that the quality of legal education provided by approved schools satisfies their legal education requirements for admission to the bar.

In response to the Department of Education, the Council again embarked on a validity and reliability study of the Standards, in addition to the Section continuing efforts to assure the validity and reliability of the Standards. Dr. William J. McLeod was again employed as consultant to the Council. On December 8, 1995 a special committee formulated with Dr. McLeod the plans for a six year study which was received by the Council at its February, 1996 meeting.

DOJ Consent Decree. In June 1995, the United States Department of Justice filed a civil antitrust suit against the ABA, alleging violations of antitrust laws in the accreditation program. The Proposed Final Judgment required that the ABA establish a special commission to determine whether the Standards, Interpretations, and Rules of Procedure should be revised with respect to six matters. It was agreed by the Department and the ABA that the Wahl Commission’s mandate be enlarged to include these matters and its tenure be continued. In response to this additional mandate, on November 27, 1995 the Wahl Commission submitted a supplement to its August 3, 1995 report.

The civil suit was concluded by a final consent decree that was approved in June 1996. It includes a number of requirements concerning the Standards, many of which reflect revisions that the ABA had previously adopted. Among them are that compensation paid to faculty, deans, or staff may not be considered or even collected by the ABA in the accreditation process. An exception is permitted where there is a complaint about discrimination. Also, the Standards may not specify that an approved law school may grant advanced standing for credit earned only at an ABA approved law school nor recognize a degree only from an approved law school as a condition of eligibility for a post-J.D. degree program. The requirements of the consent decree apply only to the ABA in its accreditation function, not to an approved law school.

Council Responsibility. The Council of the Section of Legal Education and Admissions to the Bar recommends approval of law schools located in the United States, its territories, and possessions. It also approves foreign summer programs, semester abroad programs, cooperative programs for foreign study, and individual student study abroad programs. It also acquiesces in the establishment of post-J.D. programs conducted by approved law schools.

Standards. The Standards describe the requirements a law school must meet to obtain and retain ABA approval. Consequently they are stated as "shall" or "must" rules, depending whether the verb is in the active or passive voice. There are, however, some "should" rules. Experience has demonstrated that following the "should" rule will enable a law school to provide a program of sound legal education. Accreditation historically has involved peer review and advice of peers. "Should" rules are consistent with this aspect of accreditation. If the Accreditation Committee notes that a law school is not complying with a "should" rule, it may note that as a matter of concern in its action letter.
Interpretations. The Interpretations developed by the Council and its Accreditation Committee in applying the Standards to matters before them just recently became part of institutional memory. In due course the process was formalized and the Interpretation were formally adopted by the Council and published. The Department of Justice antitrust action resulted in a consent decree that requires that both Standards and Interpretations be adopted by the ABA House of Delegates.

Rules of Procedure. The Rules of Procedure implement the Standards. The Rules were revised in 1989, and are amended from time to time. The consent decree requires that the rules also be approved by the House of Delegates.

Criteria for Approval of Foreign Programs. Under its authority "to adopt rules implementing the Standards" the Council has adopted criteria for the approval of certain programs. They include the Criteria for Approval of Foreign Summer Programs (June 1991, June 1994, June 1996, and August 1996); the Criteria for Approval of Semester Abroad Programs for Credit Granting Foreign Segment of Approved J.D. Programs (November 1992, June 1994, June 1996, and August 1996); the Criteria for Approval of Individual Student Study Abroad for Academic Credit (August 1993, and June 1994); and the Criteria for Approval of Cooperative Programs for Foreign Study (August 1993, June 1994, and June 1996).
PREAMBLE:

The Standards for Approval of Law Schools of the American Bar Association are founded primarily on the fact that law schools are the gateway to the legal profession. They are minimum requirements designed, developed, and implemented for the purpose of advancing the basic goal of providing a sound program of legal education. The graduates of approved law schools can become members of the bar in all United States jurisdictions, representing all members of the public in important interests. Therefore, an approved law school must provide an opportunity for its students to study in a diverse educational environment, and in order to protect the interests of the public, law students, and the profession, it must provide an educational program that ensures that its graduates:

(1) understand their ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;

(2) receive basic education through a curriculum that develops:

   (i) understanding of the theory, philosophy, role, and ramifications of the law and its institutions;

   (ii) skills of legal analysis, reasoning, and problem solving; oral and written communication; legal research; and other fundamental skills necessary to participate effectively in the legal profession;

   (iii) understanding of the basic principles of public and private law; and

(3) understand the law as a public profession calling for performance of pro bono legal services.
Chapter 1

GENERAL PURPOSES AND PRACTICES; DEFINITIONS

Standard 101. BASIC REQUIREMENTS FOR APPROVAL.

A law school approved by the Association or seeking approval by the Association shall demonstrate that its program is consistent with sound legal education principles. It does so by establishing that it is being operated in compliance with the Standards.

Interpretation 101-1:
To enable the Accreditation Committee and Council to determine whether a law school has demonstrated that its program of legal education is consistent with sound legal education principles and is being operated in compliance with the Standards, a law school shall furnish an annual questionnaire, self-study, site evaluation questionnaire, and such other information as the Accreditation Committee and Council may require. These documents must be complete and accurate and submitted timely in the form specified. The information provided by these means not only informs the Council about the status of each law school but also enables the Council, in meeting its obligations with respect to legal education as a whole, to ascertain national norms of legal education, areas in which improvements are being made, and those where further attention is needed. (August 1996)

Interpretation 101-2:
Accreditation or approval of a law school by the American Bar Association 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 accreditation status. (August 1997)

Standard 102. PROVISIONAL APPROVAL.

(a) A law school is granted provisional approval if it establishes that it is in substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval.

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that it is not in substantial compliance with the Standards or if more than five years have elapsed since the law school was provisionally approved and it has not qualified for full approval. In extraordinary cases and for good cause shown, the Council may extend the time within which the law school shall obtain full approval.

(C) A law school shall confer the J.D. degree contemporaneously with the time academic requirements for the degree are completed.

Interpretation 102-1:
Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval. Plans for construction, financing, library improvement, and recruitment of faculty which are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance. (June 1978; 1994; August 1996)

Interpretation 102-2:
A law school seeking provisional approval may not offer a post-J.D. degree program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the J.D. degree program. (June 1991; 1994; August 1996)

Interpretation 102-3:
A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are entitled to the same recognition given to students and graduates of fully approved law schools. (August 1996)
APPENDIX B—ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS

Interpretation 102-4:
An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution. (May 1980; 1994; August 1996)

Interpretation 102-5:
A provisionally approved law school shall state in its bulletin and catalog that it is a provisionally approved law school. Similarly, when it refers to its approval status in publicity releases and communications with all students, applicants or other interested parties, it shall state that it is a provisionally approved law school. (August 1997)

Interpretation 102-6:
An unapproved law school seeking provisional approval must include the following language in its bulletin: The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student. (August 1997)

Interpretation 102-7:
In most jurisdictions an individual cannot sit for the bar examination unless he or she has graduated from a law school fully or provisionally approved by the American Bar Association. However, the determination of qualifications and fitness to sit for the bar examination is made by the jurisdiction’s bar admission authorities. (August 1998)

Interpretation 102-8:
A law school seeking provisional approval shall not delay conferring a J.D. degree upon a student in anticipation of obtaining American Bar Association approval. (July 2000)

Standard 103. FULL APPROVAL.

(a) A law school is granted full approval if it establishes that it is in full compliance with the Standards and it has been provisionally approved for not fewer than two years.

(b) If a determination is made that an approved law school is no longer in compliance with the Standards, and if it fails to take remedial action, the law school may be subjected to an appropriate sanction.

Interpretation 103-1:
An individual who matriculates at a law school that is then approved and who completes the course of study and graduates in the normal period of time required therefor is deemed a graduate of an approved school, even though the school’s approval was withdrawn while the individual was enrolled therein. (August 1996)

Interpretation 103-2:
"Sanctions" include, but are not limited to, censure, probation or removal of the school from the list of law schools approved by the Association. (August 1998)

Interpretation 103-3:
In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 19 of the Rules of Procedure for Approval of Law Schools. (August 1998)

Standard 104. SEEK TO EXCEED REQUIREMENTS.
An approved law school should seek to exceed the minimum requirements of the Standards.

**Interpretation 104-1:**
As stated in the Preamble, the Standards "are minimum requirements designed, developed, and implemented for the purpose of advancing the basic goal of providing a sound program of legal education." Consistent with the aspirations, mission and resources of a law school, it should continuously seek to exceed these minimum requirements in order to improve the quality of legal education and to promote high standards of professional competence, responsibility and conduct.

**Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE.**

Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change.

**Interpretation 105-1:**
Chapter 2
ORGANIZATION AND ADMINISTRATION

Standard 201. RESOURCES FOR PROGRAM.

(a) The present and anticipated financial resources of a law school shall be adequate to sustain a sound program of legal education and accomplish its mission.

(b) A law school shall be so organized and administered that its resources are used to provide a sound program of legal education and to accomplish its mission.

Interpretation 201-1:
A law school does not comply with the Standards if its financial resources are so inadequate as to have a negative and material effect on the education students receive. (August 1996)

Interpretation 201-2:
A law school may not base the compensation paid any person for service to the law school (other than compensation paid a student or associate for reading and correcting papers or similar activity) on the number of persons enrolled in the law school or in any class or on the number of persons applying for admission to or registering in the law school. (August 1996)

Standard 202. SELF STUDY.

(a) The dean and faculty of a law school shall develop and periodically revise a written self study, which shall include a mission statement. The self study shall describe the program of legal education, evaluate the strengths and weaknesses of the program in light of the school's mission, set goals to improve the program, and identify the means to accomplish the law school's unrealized goals.

(b) The self study shall address and describe how the law school's program of legal education conforms to the requirements of Standards 301(a) and (b).

Interpretation 202-1:
A current self study shall be submitted by a law school seeking provisional approval, a provisionally approved law school before its annual site evaluation, and a fully approved law school before any regular or special site evaluation. (June 1978; 1994; August 1996)

Standard 203. GOVERNING BOARD OF AN INDEPENDENT LAW SCHOOL.

A law school that is not part of a university shall be governed by a governing board composed of individuals dedicated to the maintenance of a sound program of legal education.

Interpretation 203-1:
The governing board of a law school that is not part of a university should authorize the dean to serve as chief executive, or chief academic officer of the law school, or both and shall define the scope of the dean's authority in compliance with the Standards. The dean shall be responsible to the governing board. The dean may be a member of the board but should not serve as chairperson of the board. (August 1996)

Standard 204. GOVERNING BOARD AND LAW SCHOOL AUTHORITY.
(a) A governing board may establish general policies that are applicable to a law school if they are consistent with the Standards.

(b) The dean and faculty shall formulate and administer the educational program of the law school, including curriculum; methods of instruction; admissions; and academic standards for retention, advancement, and graduation of students; and shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of the faculty.

Interpretation 204-1:
An action of a university committee may violate the standards if it deprives the dean and faculty of a law school of their appropriate roles for recommending faculty promotion and tenure or security of position. (July, August 1980; 1994; August 1996; July 2000)

Interpretation 204-2:
Admission of a student to a law school without the approval of the dean and faculty of the law school violates the Standards. (December 1975; 1994; August 1996)

Standard 205. DEAN.

(a) A law school shall have a full-time dean, selected by the governing board or its designee, to whom the dean shall be responsible.

(b) A law school shall provide the dean with the authority and support needed to discharge the responsibilities of the position and those contemplated by the Standards.

(c) Except in extraordinary circumstances, a dean shall also hold appointment as a member of the faculty with tenure.

(d) The faculty or a representative body of it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean.

Interpretation 205-1:
The faculty or a representative body of it should have substantial involvement in the selection of a dean. Except in circumstances demonstrating 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. (August 1996)

Standard 206. ALLOCATION OF AUTHORITY BETWEEN DEAN AND FACULTY.

The allocation of authority between the dean and the law faculty is a matter for determination by each institution as long as both the dean and the faculty have a significant role in determining educational policy.

Standard 207. INVOLVEMENT OF ALUMNI, STUDENTS AND OTHERS.

A law school may involve alumni, students, and others in a participatory or advisory capacity; but the dean and faculty shall retain control over matters affecting the educational program of the law school.

Standard 208. NON-UNIVERSITY AFFILIATED LAW SCHOOLS.
If a law school is not part of a university or, although a part, is physically remote from the rest of the university, the law school should seek to provide its students and faculty with the benefits that usually result from a university connection, such as by enlarging its library collection to include materials generally found only in a university library and by developing working relationships with other educational institutions in the community.

Standard 209. LAW SCHOOL-UNIVERSITY RELATIONSHIP.

(a) If a law school is part of a university, that relationship shall serve to enhance the law school’s program.

(b) If a university’s general policies do not adequately facilitate the recruitment and retention of competent law faculty, appropriate separate policies should be established for the law school.

(c) The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education.

(d) 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 209-1:
A law school does not comply with the Standards if the charges and costs assessed against the law school’s revenue by the university leave the law school with financial resources so inadequate as to have a negative and material effect on the education students receive. (August 1996)

Interpretation 209-2:
The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education. "Resources generated" includes law school tuition and fees, endowment restricted to the law school, gifts to the law school, and income from grants, contracts, and property of the law school. The university should provide the law school with a satisfactory explanation for any use of resources generated by the law school to support non-law school activities and central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. (December 1978; August 1996)

Standard 210. EQUALITY OF OPPORTUNITY.

(a) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground of race, color, religion, national origin, sex, or sexual orientation.

(b) A law school may not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex, or sexual orientation.

(c) The denial by a law school of admission to a qualified applicant is treated as made upon the ground of race, color, religion, national origin, sex, or sexual orientation if the ground of denial relied upon is

(1) a state constitutional provision or statute that purports to forbid the admission of applicants to a school on the ground of race, color, religion, national origin, sex, or sexual orientation; or

(2) an admissions qualification of the school which is intended to prevent the admission of applicants on the ground of race, color, religion, national origin, sex, or sexual orientation though not purporting to do so.
(d) The denial by a law school of employment to a qualified individual is treated as made upon the ground of race, color, religion, national origin, sex, or sexual orientation if the ground of denial relied upon is an employment policy of the school which is intended to prevent the employment of individuals on the ground of race, color, religion, national origin, sex, or sexual orientation though not purporting to do so.

(e) 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 which directly relate to this affiliation or purpose so long as (i) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (ii) 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 shall 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, religion, national origin, sex, or sexual orientation. This Standard permits religious policies as to admission, retention, and employment only to the extent that they are protected by the United States Constitution. It is administered as if the First Amendment of the United States Constitution governs its application.

(f) Equality of opportunity in legal education includes equal opportunity to obtain employment. A law school should communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principle of equal opportunity and will avoid objectionable practices such as

1. refusing to hire or promote members of groups protected by this policy because of the prejudices of clients or of professional or official associates;
2. applying standards in the hiring and promoting of these individuals that are higher than those applied otherwise;
3. maintaining a starting or promotional salary scale as to these individuals that is lower than is applied otherwise; and
4. disregarding personal capabilities by assigning, in a predetermined or mechanical manner, these individuals to certain kinds of work or departments.

Interpretation 210-1:
Schools may not require applicants, students, or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily. (August 1994; August 1996)

Interpretation 210-2:
This Standard does not require a law school to adopt policies or take actions that would violate federal law applicable to that school. (August 1994; August 1996)

Interpretation 210-3:
As long as a school complies with the requirements of Standard 210(e), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, it does not require a school to recognize or fund organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school. (August 1994; August 1996)

Interpretation 210-4:
Standard 210(f) applies to all employers, including government agencies, to whom 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. (August 1994; August 1996)

Standard 211. EQUAL OPPORTUNITY EFFORT.
Consistent with sound legal education policy and the Standards, a law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups, notably racial and ethnic minorities, which have been victims of discrimination in various forms. This commitment typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and a program that assists in meeting the unusual financial needs of many of these students, but a law school
is not obligated to apply standards for the award of financial assistance different from those applied to other students.

Interpretation 211-1:
This standard does not specify the forms of concrete actions a school must take in order to satisfy its equal employment obligation. The satisfaction of such obligation is based on the totality of its actions. Among the kinds of actions that can demonstrate a school’s commitment to providing equal opportunities for the study of law and entry into the profession by qualified members of groups that have been the victims of discrimination are the following:

a. Participating in job fairs and other programs designed to bring minority students to the attention of employers.

b. Establishing procedures to review the experiences of minority graduates to determine whether their employers are affording equal opportunities to members of minority groups for advancement and promotion.

c. Intensifying law school recruitment of minority applicants, particularly at colleges with substantial numbers of minority students.

d. Promoting programs to identify outstanding minority high school students and college undergraduates, and encouraging them to study law.

e. Supporting the activities of the Council on Legal Education Opportunity (CLEO) and other programs that enable more disadvantaged students to attend law school.

f. Creating a more favorable law school environment for minority students by providing academic support services, supporting minority student organizations, promoting contacts with minority lawyers, and hiring minority administrators.

g. Encouraging and participating in the development and expansion of programs to assist minority law graduates to pass the bar.

h. Developing and implementing specific plans designed to increase the number of minority faculty in tenure and tenure-track positions by applying a broader range of criteria than may customarily be applied in the employment and tenure of law teachers, consistent with maintaining standards of quality.

i. Developing programs that assist in meeting the unusual financial needs of many minority students, as provided in Standard 211. (August 1997)

Interpretation 211-2:
Each ABA approved law school (1) shall prepare a written plan describing its current program and the efforts it intends to undertake relating to compliance with Standard 211, and (2) maintain a current file which will include the specific actions which have been taken by the school to comply with its stated plan. (August 1997)

Standard 212. INDIVIDUALS WITH DISABILITIES.
A law school may not discriminate against individuals with disabilities in its program of legal education. A law school shall provide full opportunities for the study of law and entry into the profession by qualified disabled individuals. A law school may not discriminate on the basis of disability in the hiring, promotion, and retention of otherwise qualified faculty and staff.

Interpretation 212-1:
Individual with disability, for the purpose of this Standard, is defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 706, as further defined by the regulations on post secondary education, 45 C.F.R. Section 84.3(k)(3) and by the Americans with Disabilities Act, 42 U.S.C. Sections 12101 et seq. (February 1993; August 1996)

Interpretation 212-2:
As to those matters covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, this Standard is not designed to impose obligations upon law schools beyond those provided by those statutes. (February 1993; August 1996)

Interpretation 212-3:
The essence of proper service to individuals with disabilities is individualization and reasonable accommodation. Each individual shall be
individually evaluated to determine if he or she meets 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 do not fundamentally alter the nature of the program, that can be provided without undue financial or administrative burden, and that can be provided without lowering academic and other essential performance standards. (February 1993; August 1996)
Chapter 3

PROGRAM OF LEGAL EDUCATION

Standard 301. OBJECTIVES.

(a) A law school shall maintain an educational program that prepares its graduates for admission to the bar and to participate effectively and responsibly in the legal profession.

(b) A law school shall maintain an educational program that prepares its graduates to deal with current and anticipated legal problems.

(c) A law school may offer an educational program designed to emphasize certain aspects of the law or the legal profession.

Interpretation 301-1:
Among the factors to be considered in assessing the extent to which a law school complies with this Standard are the attrition rate of the school’s students, and the bar passage and career placement rates of its graduates. (August 1997)

Standard 302. CURRICULUM.

(a) All students in a J.D. program shall receive:

(1) instruction in the substantive law, values and skills (including legal analysis and reasoning, legal research, problem solving and oral and written communication) generally regarded as necessary to effective and responsible participation in the legal profession; and

(2) substantial legal writing instruction, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year.

(b) A law school shall require all students in the J.D. degree program to receive instruction in the history, goals, structure, duties, values, and responsibilities of the legal profession and its members, including instruction in the Model Rules of Professional Conduct of the American Bar Association. A law school should involve members of the bench and bar in this instruction.

(c) A law school shall offer in its J.D. program:

(1) adequate opportunities to all students for instruction in professional skills; and

(2) live-client or other real-life practice experiences. This might be accomplished through clinics or externships. A law school need not offer this experience to all students.

(d) The educational program of a law school shall provide students with adequate opportunities for small group work through seminars, directed research, small classes, or collaborative work.

(e) A law school should encourage and provide opportunities for student participation in pro bono activities.

(f) A law school may offer a bar examination preparation course, but may not grant credit for the course or require it as a condition for graduation.

Interpretation 302-1:
Instruction in professional skills need not be limited to any specific skill or list of skills. Each law school is encouraged to be creative in developing programs of instruction in professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are among the areas of instruction in professional skills that fulfill Standard 302 (c)(1). (August 1996; August 1999; August 2001)

Interpretation 302-2:
A law school need not accommodate every student requesting enrollment in a particular professional skills course. (August 1996)
Interpretation 302-3:
Each law school shall engage in periodic review of the curriculum to ensure that it prepares the school's graduates to participate effectively and responsibly in the legal profession. (August 1999)

Standard 303. SCHOLASTIC ACHIEVEMENT; EVALUATION.
(a) A law school shall have and adhere to sound standards of scholastic achievement, including clearly defined standards for good standing, advancement, and graduation.
(b) The scholastic achievements of students shall be evaluated from the beginning of the students' studies.
(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.
Interpretation 303-1:
Scholastic achievement of students shall be evaluated by written examinations of suitable length and complexity, papers or other documents, except that evaluation also may include assessment of performances of students in the role of lawyers. (August 1996; August 1999)

Standard 304. COURSE AND RESIDENCE CREDIT.
(a) An academic year shall consist of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. Time for reading periods, examinations, or other activities may not be counted for this purpose.
(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000 minutes of instruction time, including external study meeting the requirements of Standard 305, extending over not fewer than six academic semesters.
(c) To receive residence credit for an academic semester, a student shall be enrolled for not fewer than eight credit hours. In order to graduate in six semesters a student shall be enrolled in each semester for not fewer than ten credit hours and must receive credit for nine credit hours. If a student fails to receive credit for the specified number of hours, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified.
(d) Pro rata residence credit may be awarded for study during a summer session on a basis that fairly apportions a student's effort to the usual residence period.
(e) Regular and punctual class attendance is necessary to satisfy residence credit and credit hour requirements.
(f) A student may not engage in employment for more than 20 hours per week in any semester in which the student is enrolled in more than 12 class hours.
(g) A law school shall not grant credit for study by correspondence. A law school may grant credit for distance learning study in accordance with such temporary or permanent guidelines as are authorized by the Council.
Interpretation 304-1:
This Standard establishes minimum periods of academic instruction as a condition for graduation. The Standard accommodates deviations from the conventional semester and quarter modes by permitting such arrangements as mini or interim terms. (August 1996; August 1997; August 1999)

Interpretation 304-2:
In a joint degree program between a law school and another school or college:

(1) Not fewer than 45,000 minutes of the 56,000 minutes of study required for a J.D. degree shall be in courses in residence at the law school;

(2) The remaining 11,000 minutes of study may be in courses outside the law school if all of the hours applied in satisfaction of the requirements for the J.D. degree are in studies or courses that satisfy the requirements of Standards 305 and 306 and have been expressly approved by the law school as appropriate for its educational program. (August 1996)

Interpretation 304-3:
Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school. A law school may not grant credit for work taken in special pre-admission programs. Students enrolled in a special pre-admission program may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion of the pre-admission program. (August 1996)
Interpretation 304-4:
A law school may permit students to graduate in fewer than six academic semesters by earning not more than one semester, or one quarter of residence credit for taking summer courses, if (i) the student meets the class hour requirements of this Standard; (ii) the student meets the employment limitations of this Standard; and (iii) the summer instructional programs in which the student enrolls total no fewer than 65 semester days, or 44 quarter days, over two or more summers during which classes are regularly scheduled in the law school. (August 1996; July 2000)

Interpretation 304-5:
A semester hour of credit requires not fewer than 700 minutes of instruction time, exclusive of time for an examination. A quarter hour of credit requires not fewer than 450 minutes of instruction time, exclusive of time for an examination. To achieve the required total of 56,000 minutes of instruction time, a law school must require at least 80 semester hours of credit, or 124 quarter hours of credit. Law schools that use semester hours of credit may find the following examples useful. If such a law school offers classes in units of 50 minutes per credit, it can provide 700 minutes of instruction in 14 classes. If such a law school offers classes in units of 55 minutes per class, it can provide 700 minutes of instruction in 13 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 700 minutes of instruction in 10 classes.

Law schools that use quarter hours of credit may find the following examples useful. If such a law school offers classes in units of 50 minutes per class, it can provide 450 minutes of instruction in 9 classes. If such a law school offers classes in units of 65 minutes per class, it can provide 450 minutes of instruction in 8 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 450 minutes of instruction in 6 classes.

In all events, the 130-day requirement of Standard 304(a) and the 56,000-minute requirement of Standard 304(b) should be understood as separate and independent requirements. (August 1999)

Interpretation 304-6:
The number of class days in an academic year is the number of days on which classes are regularly scheduled throughout the day. Days on which classes are not scheduled throughout the day are not a "class day" for full-time students. (August 1996)

Interpretation 304-7:
A law school shall demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling, attendance, limitation on employment, and time devoted to job interviewing. The law school also shall take steps to control absenteeism by students involved in placement interviewing. (August 1996)

Standard 305. STUDY OUTSIDE THE CLASSROOM.
(a) A law school may offer a program that permits or requires student participation in studies or activities away from the law school or in a format that does not involve attendance at regularly scheduled class sessions.
(b) Not fewer than 45,000 minutes of total time credited toward satisfying the "in residence" and "class hours" requirements of the Standards shall be in attendance in regularly scheduled class sessions at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which the credit was earned.
(c) Residence and class hour credit granted shall be commensurate with the time and effort expended by and the quality of the educational experience of the student.
(d) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time, part-time or adjunct faculty. 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.
(e) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.
(f) A field placement program shall be approved and periodically reviewed utilizing the following factors:
   (1) the stated goals and methods of the program;
   (2) the quality of the student's educational experience in light of the academic credit awarded;
   (3) the adequacy of instructional resources, including whether the faculty members teaching in and supervising the program devote the requisite time and attention to satisfy program goals and are sufficiently available to students;
   (4) any classroom or tutorial component;
(5) any prerequisites for student participation;
(6) the number of students participating;
(7) the evaluation of student academic achievement;
(8) the qualifications and training of field instructors;
(9) the evaluation of field instructors;
(10) the visits to field placements or other comparable communication among faculty,
students and field instructors.

(g) Additional requirements shall apply to field placement programs:

(1) A student may not participate before successful completion of at least one academic year
of study.

(2) Established and regularized communication shall occur among the faculty member, the
student, and the field placement supervisor. The field placement supervisor should
participate with the faculty member in the evaluation of a student's scholastic achievement.

(3) Periodic on-site visits by a faculty member are preferred. If the field placement program
awards academic credit of more than six credits per academic term, an on-site visit by a
faculty member is required each academic term the program is offered.

(4) A contemporaneous classroom or tutorial component taught by a faculty member is
preferred. If the field placement program awards academic credit of more than six credits per
semester, the classroom or tutorial component taught by a faculty member is required; if the
classroom or tutorial component is not contemporaneous, the law school shall demonstrate
the educational adequacy of its alternative (which could be a pre- or post-field placement
classroom component or tutorial).

Interpretation 305-1:
The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field
placement programs accordingly require particular attention from the law school and the Accreditation Committee. (August 1999)

Interpretation 305-2:
A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This
interpretation does not preclude reimbursement of incidental out-of-pocket expenses related to the field placement. (August 1996; August
1999)

Interpretation 305-3:
(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that
describes the educational objectives of the program.
(b) In a field placement program, as the number of students involved or the number of credits awarded increase, the level of instructional
resources devoted to the program should also increase. (August 1999)

Standard 306. PARTICIPATION IN STUDIES OR ACTIVITIES IN A FOREIGN COUNTRY.
A law school may grant credit for student participation in studies or activities in a foreign country only if the
studies or activities are approved in accordance with the Rules of Procedure and Criteria as adopted by the
Council.

Standard 307. DEGREE PROGRAMS IN ADDITION TO J.D.
(a) A law school may not establish a degree in addition to its J.D. degree program without obtaining the
Council’s acquiescence. A law school may not establish a degree program in addition to its J.D. degree
program unless the school is fully approved. The additional degree program may not detract from a law
school's ability to maintain a J.D. degree program that meets the requirements of the Standards.
(b) Without diverting teaching resources from the J.D. degree program, a program leading to an advanced law degree shall have sufficient resources to meet the objectives set by the law school offering the advanced degree program, including not fewer than one full-time faculty member or administrator who has primary responsibility for the advanced degree program. If an advanced degree program relates to a designated field of legal study or research, not fewer than one full-time faculty member or administrator who is identified with the field should be among the program's instructors.

Interpretation 307-1:
Reasons for withholding acquiescence in the establishment of an advanced degree program include:

1. Lack of sufficient full-time faculty to conduct the J.D. degree program;
2. Lack of adequate physical facilities which has a negative and material effect on the education students receive;
3. Lack of an adequate law library to support both a J.D. and an advanced degree program; and

Interpretation 307-2:
The acquiescence of the Council in a degree beyond the first degree in law is not an approval of the program itself, and, therefore, a school may not announce that the program is approved by the American Bar Association. (August 1996)
Chapter 4
THE FACULTY

Standard 401. QUALIFICATIONS.
(a) A law school shall have a faculty that possesses a high degree of competence, as demonstrated by its education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing.

(b) A law school shall take reasonable steps to ensure the teaching effectiveness of its faculty.

Interpretation 401-1:
A faculty committee on effective teaching, class visitations, critiques of videotaped teaching, institutional review of student evaluation of teaching, and colloquia are among the means to accomplish this objective. (August 1996)

Standard 402. SIZE OF FULL-TIME FACULTY.
(a) A law school shall have a sufficient number of full-time faculty to fulfill the requirements of the Standards and meet the needs of its educational program. The number of full-time faculty necessary depends on:

1. the size of the student body and the opportunity for students to meet individually with and consult faculty members;

2. the nature and scope of the educational program; and

3. the opportunities for the faculty adequately to fulfill teaching obligations, conduct scholarly research, and participate effectively in the governance of the law school and in service to the legal profession and the public.

(b) A single division law school in its first year of operation shall have no fewer than six full-time faculty members in addition to a full-time dean and a full-time director of the law library. A dual division law school, or a law school after its first year of operation, shall have additional faculty members.

c) A full-time faculty member is one who during the academic year devotes substantially all working time to teaching and legal scholarship, participates in law school governance and service, has no outside office or business activities, and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member’s capacity as scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one's responsibility as a faculty member.

Interpretation 402-1:
In determining whether a law school complies with the Standards, the ratio of the number of full-time equivalent students to the number of full-time equivalent faculty members is considered.

1. In computing the student/faculty ratio, full-time equivalent teachers are those who are employed as full-time teachers on tenure track or its equivalent who shall be counted as one each plus those who constitute "additional teaching resources" as defined below. No limit is imposed on the total number of teachers that a school may employ as additional teaching resources, but these additional teaching resources shall be counted at a fraction of less than 1 and may constitute in the aggregate up to 20 percent of the full-time faculty for purposes of calculating the student/faculty ratio.

(A) Additional teaching resources and the proportional weight assigned to each category include:

(i) teachers on tenure track or its equivalent who have administrative duties beyond those normally performed by full-time faculty members: 0.5; and

(ii) clinicians and legal writing instructors not on tenure track or its equivalent who teach a full load: 0.7; and
(iii) adjuncts, emeriti faculty who teach, non-tenure track administrators who teach, librarians who teach, and teachers from other units of the university: 0.2.

(B) These norms have been selected to provide a workable framework to recognize the effective contributions of additional teaching resources. To the extent a law school has types or categories of teachers not specifically described above, they shall be counted as appropriate in accordance with the weights specified above. It is recognized that the designated proportional weights may not in all cases reflect the contributions to the law school of particular teachers. In exceptional cases, a school may seek to demonstrate to site evaluation teams and the Accreditation Committee that these proportional weights should be changed to weigh contributions of individual teachers.

(2) For the purpose of computing the student/faculty ratio, a student is considered full-time or part-time as determined by the school for residence purposes, provided that in the school’s determination the student meets the minimum defined in Standard 304. In no event shall a student taking more than thirteen credit hours be considered to be part-time for the calculation of the ratio. A part-time student is counted as a two-thirds equivalent student.

(3) If there are graduate or non-degree students whose presence might result in a dilution of J.D. program resources, the circumstances of the individual school are considered to determine the adequacy of the teaching resources available for the J.D. program. (August 1999; July 2000)

Interpretation 402-2:
Student/faculty ratios are considered in determining a law school’s compliance with the Standards.

(1) A ratio of 20:1 or less presumptively indicates that a law school complies with the Standards. However, the educational effects shall be examined to determine whether the size and duties of the full-time faculty meet the Standards.

(2) A ratio of 30:1 or more presumptively indicates that a law school does not comply with the Standards.

(3) At a ratio of between 20:1 and 30:1 and to rebut the presumption created by a ratio of 30:1 or greater, the examination will take into account the effects of all teaching resources on the school’s educational program, including such matters as quality of teaching, class size, availability of small group classes and seminars, student/faculty contact, examinations and grading, scholarly contributions, public service, discharge of governance responsibilities, and the ability of the law school to carry out its announced mission. (August 1996)

Interpretation 402-3:
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. (February 1977; 1994; August 1996)

Interpretation 402-4:
Regularly engaging in law practice, having an ongoing relationship with a law firm or a business, being named on a law firm letterhead, or having a professional telephone listing is prima facie evidence that an individual has “outside office or business activities” and is not a full-time faculty member under this Standard. If there is prima facie evidence that an individual is not a full-time faculty member, a law school shall 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 institution to the same extent expected of full-time faculty. (June 1992; 1994; August 1996)

Standard 403. INSTRUCTIONAL ROLE OF FULL AND PART-TIME FACULTY.
(a) The major burden of a law school’s educational program rests upon the full-time faculty.
(b) The full-time faculty shall provide students with substantially all of their instruction in the first year of the full-time curriculum or the first two years of the part-time curriculum and a major portion of their total instruction.
(c) A law school should include experienced practicing lawyers and judges as teaching resources to enrich the educational program. Appropriate use of practicing lawyers and judges as faculty requires that a law school shall provide them with orientation, guidance, monitoring, and evaluation.

Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY.
(a) A law school shall establish policies with respect to a full-time faculty member’s responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The policies need not seek uniformity among faculty members, but should address:
(1) Faculty teaching responsibilities, including carrying a fair share of the law school's course offerings, preparing for classes, being available for student consultation, and creating an atmosphere in which students and faculty may voice opinions and exchange ideas;

(2) Research and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;

(3) Obligations to the law school and university community, including participation in the governance of the law school;

(4) Obligations to the profession, including working with the practicing bar and judiciary to improve the profession; and

(5) Obligations to the public, including participation in pro bono activities.

(b) A law school shall evaluate periodically the extent to which all faculty members discharge their responsibilities under policies adopted pursuant to Standard 404(a).

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 I 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 302(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. (February 1973; August 1996)

Interpretation 405-2:
A law faculty as professionals should not be required to be a part of the general university bargaining unit. (July 1975; May 1980; 1995; August 1996)

Interpretation 405-3:
A law school shall have a comprehensive system for evaluating candidates for promotion and tenure, including written criteria and procedures that are made available to the faculty. (August 1978; 1995; August 1996)

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. (May 1980; 1995; August 1996)

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. (August 1979; August 1996)

Interpretation 405-6:
A form of security of position reasonably similar to tenure includes a separate tenure track or a renewable long-term contract. 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 should provide that, after a probationary period reasonably similar to that for other full-time faculty, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term contract that shall thereafter be renewable. 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. (August 1984; August 1996; August 2001)

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. (August 1984; August 1996)

Interpretation 405-8:
A law school shall afford to full-time clinical faculty members an opportunity to participate in 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). (December 1988; August 1996)

Interpretation 405-9:
Subsection (d) of this Standard does not preclude the use of short-term or non-renewable contracts for legal writing teachers. (August 2001)
Chapter 5
ADMISSIONS

Standard 501. ADMISSIONS.

(a) A law school's admission policies shall be consistent with the objectives of its educational program and the resources available for implementing those objectives.

(b) A law school shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.

Interpretation 501-1:
A law school may not permit financial considerations detrimentally to affect its admission and retention policies and their administration. A law school may face a conflict of interest whenever the exercise of sound judgment in the application of admission policies or academic standards and retention policies might reduce enrollment below the level necessary to support the program. (August 1996)

Interpretation 501-2:
A law school’s admission policies shall be consistent with Standards 201, 211 and 301. (August 1996; July 2000)

Standard 502. EDUCATIONAL REQUIREMENTS.

(a) A law school shall require for admission to its J.D. degree program a bachelor's degree, or successful completion of three-fourths of the work acceptable for a bachelor's degree, from an institution that is accredited by an accrediting agency recognized by the Department of Education.

(b) In an extraordinary case, a law school may admit to its J.D. degree program an applicant who does not possess the educational requirements of subsection (a) if the applicant's experience, ability, and other characteristics clearly show an aptitude for the study of law. The admitting officer shall sign and place in the admittee's file a statement of the considerations that led to the decision to admit the applicant.

Interpretation 502-1:
Before an admitted student registers, or within a reasonable time thereafter, a law school shall have on file the student’s official transcript showing receipt of a bachelor’s degree, if any, and all academic work undertaken. "Official transcript" means a transcript certified by the issuing school to the admitting school or delivered to the admitting school in a sealed envelope with seal intact. A copy supplied by the Law School Data Assembly Service is not an official transcript, even though it is adequate for preliminary determination of admission. (August 1996; July 2000)

Standard 503. ADMISSION TEST.

A law school shall require all applicants to take an acceptable test for the purpose of assessing the applicants’ capability of satisfactorily completing its education program. A law school that is not using the Law School Admission Test sponsored by the Law School Admission Council shall establish that it is using an acceptable test.

Standard 504. CHARACTER AND FITNESS.

(a) A law school shall advise each applicant that there are character, fitness and other qualifications for admission to the bar and encourage the applicant, prior to matriculation, to determine what those requirements are in the state(s) in which the applicant intends to practice. The law school should, 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 qualifications.

(b) The law school may, to the extent it deems appropriate, adopt such tests, questionnaires, or required
references as the proper admission authorities may find useful and relevant, in determining the character,
fitness or other qualifications of the applicants to the law school.

(c) If a law school considers an applicant’s character, fitness or other qualifications, it shall exercise care that
the consideration is not used as a reason to deny admission to a qualified applicant because of political, social,
or economic views that might be considered unorthodox.

Standard 505. PREVIOUSLY DISQUALIFIED APPLICANT.

A law school may admit or readmit a student who has been disqualified previously for academic reasons upon
an affirmative showing that the student possesses the requisite ability and that the prior disqualification does
not indicate a lack of capacity to complete the course of study at the admitting school. In the case of
admission to a law school other than the disqualifying school, this showing shall be made either by a letter
from the disqualifying school or, if two or more years have elapsed since that disqualification, by the nature of
interim work, activity, or studies indicating a stronger potential for law study. 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 505-1:
The two year period begins on the date of the original determination to disqualify the student for academic reasons. (August 1996; July 2000)

Interpretation 505-2:
A student who enrolled in a pre-admission program but was not granted admission is not a student who was disqualified for academic reasons
under this Standard. (February 1978; June 1979; August 1996)

Standard 506. APPLICANTS FROM STATE-ACCREDITED LAW SCHOOLS.

(a) A law school may admit a student with advanced standing and allow credit for studies at a state-accredited
law school if:

(1) the studies were "in residence" as provided in Standard 304, or qualify for credit under
Standard 305; and

(2) the content of the studies was such that credit therefor would have been granted towards
satisfaction of degree requirements at the admitting school.

(b) Advanced standing and credit hours granted for study at a state-accredited law school may not exceed one-
third of the total required by an admitting school for its J.D. degree.

Standard 507. APPLICANTS FROM FOREIGN LAW SCHOOLS.

(a) A law school may admit a student with advanced standing and allow credit for studies at a law school
outside the United States if:

(1) the studies were "in residence" as provided in Standard 304, or qualify for credit under
Standard 305;

(2) the content of the studies was such that credit therefor would have been granted towards
satisfaction of degree requirements at the admitting school; and

(3) the admitting school is satisfied that the quality of the educational program at the foreign
law school was at least equal to that required by an approved school.

(b) Advanced standing and credit hours granted for foreign study may not exceed one-third of the total
required by an admitting school for its J.D. degree.

Interpretation 507-1:
This Standard applies only to graduates of foreign law schools or students enrolled in a first degree granting law program in a foreign
educational institution. (August 1989; February 1995; August 1996)
Standard 508. ENROLLMENT OF NON-DEGREE CANDIDATES.
Without requiring compliance with its admission standards and procedures, a law school may enroll individuals in a particular course or limited number of courses, as auditors, non-degree candidates, or candidates for a degree other than a law degree, provided that such enrollment does not adversely affect the quality of the course or the law school program.

Standard 509. BASIC CONSUMER INFORMATION.
A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

Interpretation 509-1:
The following categories of consumer information are considered basic:

1. admission data;
2. tuition, fees, living costs, financial aid, and refunds;
3. enrollment data and graduation rates;
4. composition and number of faculty and administrators;
5. curricular offerings;
6. library resources;
7. physical facilities; and
8. placement rates and bar passage data. (August 1996)

Interpretation 509-2:
To comply with its obligation to publish basic consumer information under the first sentence of this Standard, a law school may either provide the information to a publication designated by the Council or publish the information in its own publication. If the school chooses to meet this obligation through its own publication, the basic consumer information shall be published in a manner comparable to that used in the Council-designated publication, and the school shall provide the publication to all of its applicants. (August 1996)

Interpretation 509-3:
All law schools shall have and make publicly available a student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the refund of student tuition and fees. (August 1997)

Interpretation 509-4:
If a law school elects to make a public disclosure of its status as a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, it shall so accurately and shall include the name, address and telephone number of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association. (February 1998; August 1998)

Standard 510. STUDENT LOAN PROGRAMS.
A law school shall take reasonable steps to minimize student loan defaults, including provision of debt counseling at the inception of a student's loan obligations and prior to graduation.

Interpretation 510-1:
The student loan default rates of a law school's graduates, including any results of financial or compliance audits and reviews, shall be considered in assessing the extent to which a law school complies with this Standard. (August 1997)

Interpretation 510-2:
The law school's obligation shall be satisfied if the university, of which the law school is a part, provides to law students the reasonable steps described in this Standard. (August 1997)

Standard 511. STUDENT SUPPORT SERVICES.
Consistent with sound legal education principles, a law school shall provide its students with basic student services, including maintenance of accurate student records, academic advising and counseling, and financial
aid counseling. If a law school does not provide these types of student services directly, it must demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources.

Standard 512. CAREER SERVICES.
A law school should provide adequate staff, space, and resources, in view of the size and program of the school, to maintain an active career counseling service to assist its students and graduates to make sound career choices and obtain employment.
Chapter 6
LIBRARY

Standard 601. GENERAL PROVISIONS.
(a) A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library's effective support of the school's teaching, research and service programs requires a direct, continuing, and informed relationship with the faculty, students, and administration of the law school.

(b) A law library shall have sufficient financial resources to support the law school's teaching, research, and service programs. These resources shall be supplied on a consistent basis.

(c) A law school shall keep abreast of contemporary technology and adopt it when appropriate.

Interpretation 601-I:
Standard 601 is not satisfied by arranging for the students and faculty to have access to other law libraries within the region. (August 1995; August 1996)

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 dean and director of the law library, in consultation with the faculty of the law school, 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 should be determined as part of, and administered in the same manner as, the law school budget.

Interpretation 602-I:
This Standard recognizes that substantial operating autonomy rests with the dean and faculty of a law school with regard to the operation of the law school library. The Standards require that decisions that materially affect the law library be enlightened by the needs of the law school educational program. This envisions law library participation in university library decisions that may affect the law library. While the preferred structure for administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, director of the law library, and faculty are responsible for the determination of basic law library policies. (August 1995; August 1996)

Standard 603. DIRECTOR OF THE LAW LIBRARY.
(a) A law library shall be administered by a full-time director whose principal responsibility is the management of the law library.

(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 should have a law degree and a degree in library or information science and shall have a sound knowledge of and experience in library administration.

(d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.

*Interpretation 603-1:*
The director of the law library is responsible for the management of the law library staff. (August 1995; August 1996)

*Interpretation 603-2:*
The dean and faculty of the law school shall select the director of the law library. (August 1995; August 1996)

*Interpretation 603-3:*
The granting of faculty appointment to the director of the law library under this Standard normally is a tenure or tenure-track appointment. If a director is granted tenure, this tenure is not in the administrative position of director. (August 1995; August 1996)

**Standard 604. PERSONNEL.**

A law school and its library shall have a competent staff, sufficient in number to provide appropriate library and informational resource services.

*Interpretation 604-1:*
Factors relevant to the number of librarians and informational resource staff needed to meet this Standard include the following: the number of faculty and students, research programs of faculty and students, a dual division program in the school, 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 informational resource services. (August 1995; August 1996; July 2000)

**Standard 605. SERVICES.**

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

*Interpretation 605-1:*
Appropriate services include having adequate reference services, providing intellectual access (such as indexing, cataloging, and development of search terms and methodologies) to the library’s collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school’s mission. (August 1995; August 1996)

**Standard 606. COLLECTION.**

(a) A law library collection, including printed sources, microforms, audio-visual works, and access to electronic informational resources, shall:

1. meet the research needs of the law school’s students, satisfy the demands of the law school curriculum, and facilitate the education of its students;

2. support the teaching, research, and service interests of faculty; and

3. serve the school’s special teaching, research, and service objectives.

(b) A law library shall provide within the law school’s facilities, through ownership or reliable access, a core collection of essential materials.
(c) A law library shall also provide additional collections, equipment, and services which are reasonably up to date and sufficient in quality, level, scope, and quantity to support fully the law school's programs.

(d) A law library shall maintain a written plan for development of the collection.

(e) A 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:
All materials necessary to the programs of the law school shall be complete and current. The library shall ensure continuing access to all information necessary to the law school's programs. (August 1995; August 1996)

Interpretation 606-2:
A library shall acquire additional copies or provide sufficient access to materials that are heavily used. (August 1995; August 1996)

Interpretation 606-3:
At present, no single publishing medium (electronic, print, microform, or audio-visual) provides sufficient access to the breadth and depth of recorded knowledge and information needed to bring a law school into compliance with Standard 606. Consequently, a collection that consists of a single format may violate Standard 606. (August 1995; August 1996)

Interpretation 606-4:
Agreements for the sharing of information resources, except for the core collection, satisfy Standard 606 if:

1. The agreements are in writing; and
2. The agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school. However, these cooperative relationships cannot be a substitute for a school's responsibility to provide its own adequate and accessible core collection and services. (August 1995; August 1996)

Interpretation 606-5:
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. (August 1995; August 1996)

Interpretation 606-6:
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;
2. all federal codes and session laws, and at least one current annotated code for each state;
3. all published treaties and international agreements of the United States;
4. all published regulations (codified and uncodified) of the federal government and the codified regulations of the state 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, such as citators and periodical indexes, necessary to identify primary and secondary legal information and update primary legal information. (August 1995; August 1996)

Interpretation 606-7:
The format of the core materials depends on the needs of the library and its clientele. (August 1995; August 1996)

Interpretation 606-8:
The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan. (August 1995; August 1996)

Interpretation 606-9:
This Standard requires the law library to furnish the equipment to print microform and electronic
documents and to view and listen to audio-visual materials in the collection. (August 1995; August 1996)
Chapter 7

FACILITIES

Standard 701. GENERAL REQUIREMENTS.
A law school shall have physical facilities and technological capacities that are adequate both for its current program of legal education and for growth anticipated in the immediate future.

Interpretation 701-1:
Inadequate physical facilities are those which have a negative and material effect on the education students receive. (August 1996)

Interpretation 701-2:
Adequate physical facilities shall include:

(1) suitable class and seminar rooms in sufficient number and size to permit reasonable scheduling of all classes and seminars;

(2) suitable space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs;

(3) an office for each full-time faculty member adequate for faculty study and for faculty-student conferences, and sufficient office space for part-time faculty members adequate for faculty-student conferences;

(4) space for co-curricular, as opposed to extra-curricular, activities as defined by the law school;

(5) suitable space for all staff; and

(6) suitable space for equipment and records in proximity to the individuals and offices served. (August 1996; July 2000)

Interpretation 701-3:
To obtain full approval, a law school’s facilities shall be completed and occupied by the law school; plans or construction in progress are insufficient. (May 1977; July 1977; August 1977; August 1996; August 2001)

Interpretation 701-4:
A law school must demonstrate that it is and will be housed in facilities that are adequate to carry out its program of legal education. If facilities are leased or financed, factors relevant to whether the law school is or will be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms, termination or foreclosure provisions, and the security of the school’s interest. (August 2001)

Interpretation 701-5:
A law school’s physical 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 shall permit proper scheduling of all law classes and other law school activities. (August 1996; August 2001)

Standard 702. LAW LIBRARY.
The physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school’s programs and enrollment to accommodate the law school’s students and faculty and the law library’s services, collections, staff, operations, and equipment.

Interpretation 702-1:
A law library shall have sufficient seating to meet the needs of the law school’s students and faculty. (August 1996)

Standard 703. RESEARCH AND STUDY SPACE.
APPENDIX B—ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS

A law school shall provide, on site, sufficient quiet study and research seating for its students and faculty. A law school should provide space that is suitable for group study and other forms of collaborative work.
Chapter 8

COUNCIL AUTHORITY, VARIANCES, AND AMENDMENTS

Standard 801. COUNCIL AUTHORITY.

(a) The Council shall have the authority to grant or deny a law school's application for provisional or full approval or to withdraw provisional or full approval from a law school. A decision of the Council to grant or withdraw provisional or full approval shall not become effective until it has been reviewed by the House. Review of such a decision by the House shall be conducted pursuant to the procedures set forth in the Rules of Procedure of the House and the Rules of Procedure for Approval of Law Schools.

(b) The Council shall have the authority to adopt, revise, amend or repeal the Standards, Interpretations and Rules. A decision of the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules shall not become effective until it has been reviewed by the House. Review of such decisions by the House shall be conducted pursuant to the procedures set forth in Standard 803 and the Rules of Procedure of the House.

Standard 802. VARIANCE.

A law school proposing to offer a program of legal education a portion of which is inconsistent with a Standard may apply for a variance. If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance and shall impose the conditions and time limits it considers appropriate.

Standard 803. AMENDMENT OF STANDARDS, INTERPRETATIONS, RULES AND POLICIES.

(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 reviewed by the House. After the meeting of the Council at which it decides to adopt, revise, amend or repeal the Standards, Interpretations or Rules, the Chairperson 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 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.
(d) Any member of the Association may propose an amendment, whether by revision, addition, or repeal, of the Standards, Interpretations, or Rules by submitting it and a statement of its purposes to the Council. The Council shall consider the proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. In its consideration, the Council may refer the proposal to the Standards Review Committee and other committees for recommendation. If the proposed amendment is not adopted by the Council, the Council shall inform the proposer of its action and the reasons therefor.
Appendix 2

A. Background and Discussion of Educational Effect

(1) Background. A series of actions by the Accreditation Committee, over the period 1975-78, together with the Committee’s analysis of statistics from the last decade of law school growth in the United States, indicate a deterioration in legal education of the values and academic opportunities which Standards 201 and 401-405 are designed to insure. It has become clear that ratios of students to full-time faculty have increased remarkably. Attention to this fact and to the educational effects of the size of the full-time law faculty has increased its determination to become more rigorous.

(2) Every approved school is required by Standard 104 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

B. Educational Effect. Inquiry into the effect of the size of a full-time faculty takes into account every aspect of Standards 201 and 401-405 and should consider, among other effects, the following:

(1) A school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

(2) Effect on Small-Group Classes. Legal educators have traditionally found special value in classes of fewer than 30 students each. The Committee has recently, and in several cases, required extensive documentation on size of classes in schools which are before it, in an effort to find out whether the average student spends a significant amount of class time in groups where collaborative teaching techniques (simulation, clinical work, close discussion) are possible, and there can be hope for personal relationships with teachers. In most cases, these small classes are in either specially-sectioned required or core courses or in elective courses, and, typically, they are taught by full-time faculty. The intellectual difference is that required or core courses are in basic subjects (contracts, torts, corporations) and electives are in the more specialized areas to which a maturing teacher tends to devote special interest (legal history, estate planning, business planning, juvenile law, mass communications law, products liability). There are two disadvantages in a program which does not seek this small-class effect:

(a) Faculty are denied the experience of teaching small groups of students, with the attendant rapport and personal growth which the small group provides for a teacher.

(b) Faculty are denied the intellectual experience of ordering and teaching a subject which is more complex and specialized than elementary law school instruction.

Both disadvantages have student-centered implications. Legal educators assume that a full-time, experienced teacher knows how to use the advantages of small groups and specialized subject matter. The result of the teacher’s opportunity in these
courses will be better and more innovative teaching methods, methods which benefit students in ways students do not benefit from larger classes.

The typical law student should spend a substantial part of his or her education in small classes taught by full-time teachers. Students who are denied this experience are denied one of the principal benefits which Standards 401-405 are meant to give them.

(3) Effect of Pervasive Large Classes. A normal effect of a favorable student/faculty ratio is that some elementary law courses are taught in small groups. The advantages to student and teacher are similar to those of small classes in elective courses, but the advantages are more pervasive since the basic-course small class reaches all students. It is therefore peculiarly important to give some play to small-group teaching methods in basic courses. Some law schools provide these advantages in elementary courses (first-year courses in contracts and torts, for example) by employing enough faculty to provide every student with one or more small-group classes. The learning effect beyond communication of information is almost certainly different in a class of 30 than in a class of 150. The psychological effect of learning in a group which is small enough to invite collaboration is one of the principal reasons law schools try to provide small classes. Classes of more than 50 students tend to be taught with impersonal methods (lecture, largely) and relatively structured syllabi.

(4) Effect on Student/Faculty Contact. The dominant model in law teaching is an academic model. The model of the academy assures personal contact between teachers and students. Standards 401-405 contemplate that a full-time teacher on a law faculty be able to spend time with each of his students in each of his courses. Heavy student-hour loads, and assignments which make significant student-teacher consultation difficult, tend to a law school climate in which only the occasional student, or the exceptional student, seeks the benefit of personal conference with his teachers.

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers’ course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 208).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teaches. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing—because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.
(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standards 206, 402 & 404). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning.

(8) Effect on Examinations. Most law school programs tend to depend on stiff, end-of-course examinations. An inquiry into the adequacy of the size of a full-time faculty should consider that it probably requires half an hour to grade a student in a three-hour course. This burden may become so great that a teacher is not likely to have time to reorganize, redraft, and, most importantly, re-think what is done in the preparation of an examination. An unreasonable grading burden on teachers is certain to accelerate entropy in the examination process. Teachers who are required to spend an unreasonable amount of time in grading cannot fail to reduce the attention they pay to teaching and scholarship.

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 101) and therefore upon compliance with Standards 201 and 401-405.

*** Appendix 2 follows the discussion of educational effects of the size of the full-time law faculty that had been contained in the former Interpretation of Standards 201 and 401-405, which addressed student/faculty ratios.
Rules of Procedure

Preamble

Provisional and full approval of a law school is granted, approval withdrawn or other sanctions imposed as provided in the Standards for Approval of Law Schools by the American Bar Association and the Rules of Procedure.

Chapter A: Introduction

RULE 1. Definitions As Used in These Rules.

(a) "Action letter" means a letter transmitted by the Consultant to the president and the dean of a law school reporting Committee or Council action.

(b) "Association" means the American Bar Association.

(c) "Committee" means the Accreditation Committee of the Section which acts on all matters relating to the accreditation of law schools.

(d) "Consultant" means the Consultant on Legal Education to the American Bar Association.

(e) "Council" means Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

(f) "House" means the House of Delegates of the American Bar Association.

(g) "J.D. degree" means the first professional degree in law granted by a law school.

(h) "President" means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.

(i) "Rules" means the Rules of Procedure for Approval of Law Schools by the American Bar Association.

(j) "Section" means the Section of Legal Education and Admissions to the Bar of the American Bar Association.

(k) "Sanctions" include, but are not limited to, censure, probation or removal of the school from the list of law schools approved by the Association.

(l) "Standards" means the Standards for Approval of Law Schools by the American Bar Association, as interpreted by the Council.

(m) "University" means a post secondary educational institution that confers a baccalaureate degree and may grant other degrees, whether it is called university, college, or other name.
Chapter B: Uniform Provisions

**RULE 2. Site Evaluation - Uniform Provisions.**

(a) Where a site evaluation is required under these Rules, the Consultant shall arrange for a visit by a team of qualified and objective persons. If there is a state agency or other entity which authorizes degree granting authority or performs accreditation or certification functions, the school may inform the Consultant who shall invite the agency or official to observe the site evaluation.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed application (if the school is applying for provisional or full approval), the completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty. Complaints received under Rule 24 and not dismissed by the Consultant or the Accreditation Committee shall be supplied by the Consultant to the site evaluation team.

(c) The Consultant shall schedule the site evaluation of the law school to take place during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president and other officers of the institution, the dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community. In the case of a law school seeking provisional or full approval, such visit shall be scheduled within three months after receipt, by the Consultant, of the application for approval.

(d) Following a site evaluation, the team shall promptly prepare a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.

(e) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming it to the requirements of Rule 2(d), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter transmitting the report, the Consultant shall include the date on which the Accreditation Committee will consider the report and shall advise that any response to the report must be received by the Consultant at least fifteen (15) days prior to the date of the meeting at which the Accreditation Committee will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant mailed the report to the school.

(f) Following receipt of the school's response to the site evaluation report, the Consultant shall forward a copy of the report with the school's response to members of the Accreditation Committee and the site evaluation team.

(g) The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant, unless (1) the information is received in writing by the Consultant at least fifteen (15) days before the Committee meeting at which the report is scheduled to be considered, or (2) for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not received in a timely manner.

(h) This Rule shall not apply to site evaluations required by Rules 18 and 19.

**RULE 3. Accreditation Committee Consideration - Uniform Provisions.**

(a) Upon completion of the procedures provided in Rule 2, the Accreditation Committee shall meet to assess approval based upon a record consisting of the law school's application (in the case of a school seeking provisional or full
approval), the site evaluation report, any written material submitted in a timely manner by the school, and other relevant
information.

(b) The chairperson or a member of the site evaluation team may be present at the Committee meeting at which the law
school is considered if requested by the chairperson of the Committee. The reasonable and necessary expenses of such
attendance shall be the responsibility of the law school.

c) In the case of a school seeking provisional or full approval, representatives of the law school may appear and make a
presentation at the meeting of the Committee at which the school’s application is considered.

d) After the Committee makes its decision, the Consultant shall inform the president and the dean of the law school of
the decision by an action letter. If the decision is adverse to the law school, the action letter shall contain the
Committee’s specific reasons.

Chapter C: Applying for Provisional or Full Approval

RULE 4. Application for Provisional or Full Approval.

(a) An applicant law school shall submit its application for provisional or full approval to the Consultant after the
beginning of Fall term classes but no later than October 15 in the academic year in which the law school is seeking
approval. If the school is seeking a site evaluation visit in the Fall academic term it shall also file, during the month of
March of the preceding academic year, a written notice of its intent to do so. A provisionally approved law school may
apply for full approval no earlier than two years after the date that provisional approval was granted.

(b) The application must contain:

1. A letter from the president and the dean of the law school stating that they have read and carefully
   considered the Standards, have answered in detail the questions asked in the accompanying site
evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions,
the law school complies with each of the requirements of the Standards for provisional or full
approval. If a law school seeking approval is not part of a university, the letter required from that
institution by this subsection must be from the chairperson of the governing board and from the
dean;

2. A completed site evaluation questionnaire;

3. A completed annual questionnaire;

4. In the case of a law school seeking provisional approval, a copy of a feasibility study which
   evaluates the nature of the educational program and goals of the school, the characteristics and
   interests of the students who are likely to apply, and the resources necessary to create and sustain the
   school, including relation to the resources of a parent institution, if any;

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 Consultant schedule a site evaluation at the school’s expense; and,

(9) Payment to the Association of the application fee.

c) A law school may not apply for provisional approval until it has completed the first academic year of its program, except as provided in subsection (d).

d) A law school, however, may apply for provisional approval before it has completed the first academic year of its program if the Council has acquiesced in a major structural change by the law school pursuant to Rule 19 and:

(1) the law school was created, or is to be created, by the transfer of all, or substantially all, of the academic programs or assets of a fully approved or provisionally approved law school to a new institution and all of the details of the transfer have been settled; or,

(2) the law school was created by the opening of a branch by a fully approved law school.

e) 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.

f) A law school shall disclose whether an accrediting agency recognized by the U.S. 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 U.S. 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 school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

g) When a law school submits a completed application for provisional or full approval, the Consultant shall arrange for a site evaluation as provided under Rule 2.

(h) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the application in accordance with Rule 3.

RULE 5. Accreditation Committee Reconsideration of Previous Action Taken.

(a) A law school may request Accreditation Committee reconsideration of a Committee Action Letter by filing a request for reconsideration with the Chair of the Committee. The request must be filed within 30 days after the date of the Accreditation Committee Action Letter.

(b) The Chair of the Accreditation Committee shall grant the request for reconsideration upon good cause shown. If the request is granted, reconsideration shall take place at the next regularly scheduled meeting of the Accreditation Committee, if feasible.

c) The record upon which the law school seeking reconsideration may proceed shall consist of the following:

(1) The record before the Committee at the time of its initial decision of the matter.

(2) The Committee Action Letter.

(3) The law school's request for reconsideration.

(4) Any new evidence upon which the request for reconsideration is based. Such new evidence must be submitted with the request for reconsideration and must be verified at the time of submission. Unverified new evidence will not be considered by the Committee.

(5) Examples of appropriate verification include (this is not an exclusive list):

(a) For a publicly supported law school, a copy of legislation verifying that the state legislature has included funding for a law school building project in a recently passed appropriations bill.

(b) A letter from a foundation officer verifying that funds have been deposited to the law school's account.
APPENDIX C—ABA RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS

(c) A certificate of completion or occupancy issued by the appropriate governmental body, or other evidence of readiness for occupancy provided by the contractor or architect of a law school building project.

(d) A letter from the University president authorizing the hiring of a new faculty member.

(e) A letter from the dean verifying that offers have been made and accepted, accompanied by the copies of the faculty resumes.

(f) A copy of a written collection development plan for the Law Library accompanied by the minutes of the faculty meeting where the plan was adopted or accepted.

(g) Recent bar admissions data published or certified by the appropriate bar admissions authority.

(d) There shall be no right of appearance before the Committee in connection with reconsideration.


(a) In those circumstances in which the Council takes final action on an Accreditation Committee recommendation (e.g., recommendations under Standards 102, 103, 105, 307, and 802, and Rule 14), the law school has a right of appearance before the Council.

(b) In considering the recommendation of the Committee, the Council shall adopt the Accreditation Committee's findings of fact unless the Council determines the findings of fact to be unsupported by substantial evidence on the record.

(c) The Council may adopt or modify the Accreditation Committee's recommendation, or it may refer the matter back to the Committee for further consideration.

(d) Council consideration of the Committee's recommendation shall, subject to sections (c), (e) and (f), be based on the following record:

1. The record before the Committee at the time of the Committee's decision.

2. The Committee Action Letter.

3. The school's appearance before the Council, if any.

(e) The Council will not accept new evidence submitted by the school except upon a two-thirds vote of the Council based on findings that:

1. The new evidence was not presented to the Accreditation Committee, and

2. The new evidence could not reasonably have been presented, and

3. A reference back to the Accreditation Committee to consider the new evidence would, under the circumstances, present a serious hardship to the school.

(f) In addition to the requirement of (e) above, the evidence may be received by the Council only if the evidence is:

1. Submitted at least 14 days in advance of the Council meeting, and

2. Appropriately verified at the time of submission.

(g) Examples of appropriate verification include (this is not an exclusive list):

1. For a publicly supported law school, a copy of legislation verifying that the state legislature has included funding for a law school building project in a recently passed appropriations bill.
(2) A letter from a foundation officer verifying that funds have been deposited to the law school's account.

(3) A certificate of completion or occupancy issued by the appropriate governmental body, or other evidence of readiness for occupancy provided by the contractor or architect of a law school building project.

(4) A letter from the University president authorizing the hiring of a new faculty member.

(5) A letter from the dean verifying that offers have been made and accepted, accompanied by the copies of the faculty resumes.

(6) A copy of a written collection development plan for the Law Library accompanied by the minutes of the faculty meeting where the plan was adopted or accepted.

(7) Recent bar admissions data published or certified by the appropriate bar admissions authority.

RULE 7. Council Consideration of Appeal from Accreditation Committee Action Letter.
(a) A school may take an appeal from the Accreditation Committee Action Letter by filing a written appeal with 30 days after the date of the Accreditation Committee Letter. If the school has requested Accreditation Committee reconsideration, then the 30-day time period begins to run from the date of the Action Letter containing the Committee's decision on reconsideration. If the Accreditation Committee Chair denies the request for reconsideration, the 30-day time period begins to run from the date of the letter of denial.
(b) The Council shall consider the appeal at its next regularly scheduled meeting, if feasible.
(c) The Council may affirm or modify the Accreditation Committee decision, or it may refer the matter back to the Committee for further consideration.
(d) In considering the Appeal from the Accreditation Committee action, the Council shall adopt the Accreditation Committee's findings of fact, unless the Council determines that the findings of fact are unsupported by substantial evidence on the record.
(e) The record upon which the law school may base its appeal shall consist of the following:
   (1) The record before the Committee at the time of the Committee's decision.
   (2) The Committee Action Letter.
   (3) The Committee response to the appeal, if any.
   (4) The law school's written appeal. The written appeal may not contain, nor may it refer to, any evidence that was not in the record before the Committee at the time of its action.
(f) There shall be no right of appearance before the Council in connection with the appeal.

RULE 8. Withdrawal of Application and Reapplication for Provisional or Full Approval.
(a) If an application for provisional or full approval is withdrawn by a law school, the school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the chairperson of the Committee may authorize an earlier application.
(b) Whenever a law school withdraws its application for provisional approval after a site evaluation takes place, the site team shall prepare and file a site evaluation report with the Consultant.
(c) If the Committee recommends that provisional or full approval not be granted, the law school may not reapply for approval until at least ten months after the Committee recommendation is made. If the school petitions for Committee reconsideration or appeals the Committee's recommendation, the ten month period runs from the date of the final action on the school's petition or appeal. For good cause shown, the chairperson of the Committee may authorize an earlier application.
Chapter D: Evaluation of Provisionally or Fully Approved Schools

RULE 9. Site Evaluation of Provisionally or Fully Approved Law Schools.

(a) A site evaluation of a provisionally approved law school shall be conducted each year. A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and every seventh year thereafter. The Council or Committee may order additional site evaluations of a school when special circumstances warrant.

(b) In years two, four and five of a school's provisional approval status, the school shall normally be required to prepare a complete self-study, and the site evaluation shall normally be undertaken by a full site evaluation team. In years one and three of a school's provisional status, a full self-study normally will not be required and a limited site evaluation, conducted by one or two site evaluators, normally will be undertaken. The purpose of the limited site evaluation will primarily be to determine the extent to which the school is making satisfactory progress toward achieving full compliance with the Standards, and to identify any significant changes in the school's situation since the last full site evaluation. The Accreditation Committee shall have the discretion to order a full site evaluation in any particular year, and to order a limited site evaluation if it determines that a full site evaluation is not necessary in any particular year.

(c) The Consultant shall arrange for the site evaluation in accordance with Rule 2.

(d) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the law school's evaluation in accordance with Rule 3.

(e) A request for postponement of a site evaluation will be granted only if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year. The pending resignation of a dean, the appointment of an acting dean or the appointment of a permanent dean are not grounds for the postponement of a scheduled site evaluation.

RULE 10. Review by the House of a Council Decision to Grant or Deny an Application for Provisional or Full Approval

(a) Council Approval.

(1) A decision by the Council to grant a law school's application for provisional or full approval does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to grant an application for provisional or full approval, the Chairperson of the Council shall furnish a written statement of the Council action to the House. The review by the House of the Council's decision shall be conducted in accordance with the provisions of this Rule and the Rules of Procedure of the House.

(2) Once the Council's action is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the decision or refer the decision back to the Council for 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.

(3) A decision by the Council to grant an application for provisional or full approval 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.

(b) Council Disapproval.

(1) A law school whose application for provisional or full approval is denied by the Council may appeal that decision to the House. The appeal shall be conducted in accordance with the provisions of this Rule and theRules of Procedure of the House. The representative of the school who is permitted to appear under the Rules of Procedure of the House may be the legal counsel of the school.

(2) The Chairperson of the Council shall furnish to the Secretary of the Association a report including a copy of the site evaluation report and the Accreditation Committee's and the Council's action letters to the law school written subsequent to the most recent site evaluation report. The law school's appeal to the House constitutes a waiver of any confidentiality of the information contained in the site evaluation report and the letters reporting the action of the Accreditation Committee and the Council.

(3) Once a law school's appeal 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 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.

(4) A decision by the Council to deny an application for provisional or full approval, if appealed by the law school, 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.

(c) The Council's consideration of a decision referred back to it by the House shall be conducted pursuant to the procedures set forth in Rule 5. The record in such a proceeding shall include the statement of the House accompanying the referral back to the Council.

RULE 11. Action Concerning Apparent Non-Compliance with Standards.

(a) If the Committee has reason to believe that a law school does not comply with the Standards, the Committee shall inform the school of its apparent non-compliance and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the Standards. The school shall furnish the requested information to the Committee.

(b) If, upon a review of the information furnished by the law school in response to the Committee’s request and other relevant information, the Committee determines that the school has not demonstrated compliance with the Standards, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, or removed from the list of law schools approved by the Association.

(c) If the Committee finds that a law school has failed to comply with the Standards by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, or removed from the list of law schools approved by the Association.

(d) The Consultant shall give the law school at least thirty (30) days notice of the Committee hearing. The notice shall specify the apparent non-compliance with the Standards and state the time and place of the hearing. For good cause shown, the chairperson of the Committee may grant the school additional time, not to exceed thirty (30) days. Both the notice and the request for extension of time must be in writing. The Consultant shall send the notice of hearing to the president and the dean of the school by certified or registered United States mail.

RULE 12. Fact Finder.
APPENDIX C—ABA RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS

(a) The chairperson of the Committee or the chairperson of the Council may appoint a fact finder to elicit facts relevant to any matter before the Committee or Council.
(b) The Consultant shall furnish the fact finder with a copy of the most recent site evaluation questionnaire, site evaluation report, annual questionnaire, Consultant's action letters written subsequent to the most recent site evaluation report, notice of Committee hearing or Council meeting and other relevant information.
(c) Following the fact finding visit, the fact finder shall promptly prepare a written report. The fact finder shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the fact finder should give as much pertinent information as feasible.
(d) The fact finder shall promptly submit the report to the Consultant. After reviewing the report and conforming it to Rule 12(c), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee or Council will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least fifteen (15) days prior to the date of the meeting at which the Accreditation Committee or Council will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant mailed the report to the school.

RULE 13. Hearing on Show Cause Order.

(a) The Consultant shall furnish to the Committee:
   (1) The fact finder's report, if any;
   (2) The most recent site evaluation report;
   (3) Site evaluation questionnaire;
   (4) Annual questionnaire;
   (5) The Consultant's action letters written subsequent to the most recent site evaluation report;
   (6) Notice of Committee hearing; and
   (7) Other relevant information.

(b) Representatives of the law school, including legal counsel, may appear at the hearing and submit information to demonstrate that the school is currently in compliance with all of the Standards or to present a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time.
(c) The Committee may invite the fact finder, if any, and the chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for reasonable and necessary expenses incurred in attending the hearing.
(d) After the hearing, the Committee shall determine whether the law school is in compliance with the Standards and, if not, it shall direct the law school to take remedial action or shall impose sanctions, as appropriate.

   (1) Remedial action may be ordered pursuant to a reliable plan for bringing the school into compliance with all of the Standards.

   (2) If matters of noncompliance are substantial or have been persistent, then the Committee may recommend to the Council that the school be subjected to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance.
If matters of noncompliance are substantial or have been persistent, and the school fails to present a reliable plan for bringing the school into compliance with all of the Standards, the Committee may recommend to the Council that the school be removed from the list of approved schools.

(c) If the Committee determines that the law school is in compliance, it shall conclude the matter by adopting an appropriate resolution, a copy of which shall be transmitted to the president and the dean of the school by the Consultant.

**RULE 14. Council Consideration of Committee Recommendation for Imposition of Sanctions.**

(a) The Council may direct the law school to take remedial action or subject it to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance with all of the Standards.

(b) The Consultant shall inform the president and the dean of the law school of the decision by an action letter. If the decision is adverse to the law school, the action letter shall contain the Council's specific reasons.

(c) If the Council imposes sanctions in the absence of a reliable plan for bringing the school into compliance with all of the Standards, the Accreditation Committee shall monitor the steps taken by the school to come into compliance. If the Council imposes sanctions pursuant to a reliable plan for bringing the school into compliance with the Standards, the Accreditation Committee shall monitor the steps taken by the school for meeting its plan. At any time that the school is not making progress toward compliance with all of the Standards, or at any time that the school is not meeting the obligations of its plan, or if at the end of a period of time set by the Council for coming into compliance the school has not achieved compliance with all of the Standards, the Committee shall forward a recommendation that the school be removed from the list of approved schools. This recommendation shall be heard by the Council under the procedures of this Rule, but the only issue for Council consideration will be whether the school has met the terms of its plan or is in compliance with all of the Standards.

(d) At any time that the school presents information on which the Committee concludes that the school is in full compliance with the Standards, the Committee shall recommend to the Council that the school be taken off probation. This recommendation will be heard by the Council under the procedures of this Rule.

**RULE 15. Maximum Period for Compliance with Remedial or Probationary Requirements.**

Upon communication to a law school of a final decision that it is not in compliance with the Standards and informing it that it has been ordered to take remedial action or placed on probation pursuant to Rules 13 or 14, the school shall have a period as set by the Committee or the Council to come into compliance. The period may not exceed two years unless such time is extended by the Committee or the Council, as the case may be, for good cause shown.

**RULE 16. Review by the House of a Council Decision to Withdraw Approval.**

(a) A decision by the Council to withdraw provisional or full approval from a law school does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to withdraw provisional or full approval, the Chairperson of the Council shall furnish a written statement of the Council action to the House.

(b) Review by the House of a Council decision to withdraw provisional or full approval from a law school shall be conducted in accordance with the provisions of this Rule and the Rules of Procedure of the House. The representative of the school who is permitted to appear under the Rules of Procedure of the House may be the legal counsel of the school.

(c) The Chairperson of the Council shall furnish to the Secretary of the Association a report including the record on which the Council based its decision. Review by the House constitutes a waiver of any confidentiality of the record.

(d) Once the Council's decision 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 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.
(e) A decision by the Council to withdraw provisional or full approval from a law school is subject to a maximum of one
referral back to the Council by the House. If the House refers a Council decision back to the Council, then the decision
of the Council following that referral will be final and will not be subject to further review by the House.

(f) The Council's consideration of a decision referred back to it by the House shall be conducted pursuant to the
procedures set forth in Rule 14. The record in such a proceeding shall include the statement of the House
accompanying the referral back to the Council.

While an appeal from, or review of, an action of the Committee or Council is pending, the approval status of a law
school is not affected. The Consultant shall inform the president and the dean of the law school of this Rule in
communicating the action of the Committee or Council.

Chapter E: Major Program Changes

RULE 18. Major Change in the Program of Legal Education of a Provisionally or Fully
Approved Law School.

(a) A major change in the program of legal education of a law school raises concern about the school's continued
compliance with the Standards. Before making a major change in its program of legal education, a provisionally or fully
approved school shall apply for and obtain Council acquiescence in the proposed change.

(b) Major changes in the program of legal education of a law school which require Council acquiescence include:

(1) Instituting a new full-time or part-time division;

(2) Changing from a full-time to a part-time program or from a part-time to a full-time program;

(3) Establishing a two-year undergraduate/four-year law school or similar program;

(4) Establishing a new or different program leading to a degree in addition to the J.D. degree;

(5) A change in program length measurement from clock hours to credit hours; and

(6) A substantial increase in the number of clock or credit hours that are required for graduation.

(c) A law school’s application for acquiescence must be submitted to the Consultant’s office at least 120 days prior to a
scheduled meeting of the Accreditation Committee in order for the proposal to be considered by the Committee at that
meeting.

(d) The application must contain:

(1) A letter from the president and the dean of the law school stating that they have read and carefully
considered the Standards, have answered in detail the questions asked in the accompanying site
evaluation questionnaire, and do certify that, in their respective opinions, the school fully complies
with each of the Standards. If a law school seeking acquiescence is not part of a university, the letter
may be from only the dean;

(2) A completed site evaluation questionnaire;

(3) A copy of the law school’s most recent self-study;

(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) A request that the Consultant schedule a site evaluation at the school’s expense; and,

(6) Payment to the Association of the application fee.

e) When a law school submits a completed application, the Consultant shall timely arrange for a site evaluation visit by a team of qualified and objective persons unless no site visit is required because the application seeks approval of a major change described in Rule 18(b)(5) and Rule 18(b)(6). If there is a state agency or official that grants degree-conferring authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation. The Consultant shall schedule the site evaluation of the law school at a time during the academic year when regular classes are being conducted.

f) A site evaluation of the school must be conducted before the Accreditation Committee or the Council considers the application, unless the application seeks approval of a major change described in Rule 18(b)(5) or Rule 18(b)(6).

g) The site evaluators shall inquire into the effect the proposed change may have on the school’s continuing compliance with the Standards.

h) The site evaluators shall prepare a written report based on the site evaluation. The site evaluators shall report facts and observations that will enable the Accreditation Committee and the Council to determine the effect of the proposed change on the law school’s continuing compliance. The site evaluators shall not make any determination as to the school’s compliance with the Standards.

i) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming it to the requirements of Rule 18(b), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee is scheduled to consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date must be at least fifteen (15) days prior to the date of the meeting at which the Accreditation Committee is scheduled to consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant mailed the report to the school.

j) Following the receipt of the school’s response to its site evaluation report, the Consultant shall forward a copy of the report along with the school’s response to members of the Accreditation Committee and the site evaluation team.

k) The Accreditation Committee may not consider any additional information submitted by the school after the school’s response to the report has been received by the Consultant unless (1) the information is received in writing by the Consultant at least fifteen (15) days before the Committee meeting at which the report is scheduled to be considered or, (2) for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not received in a timely manner.

l) The Consultant shall furnish to the Accreditation Committee the law school’s application, the site evaluation report, any written material submitted in a timely manner by the school, and other relevant information. These materials shall constitute the record.

m) The chairperson or a member of the site evaluation team may be present at the Accreditation Committee meeting at which the law school is considered if requested by the chairperson of the Committee. The law school shall reimburse the site evaluation team member(s) for reasonable and necessary expenses incurred in attending the Committee meeting.

n) Representatives of the law school, including legal counsel, may appear and make a presentation at the Accreditation Committee meeting at which the school’s application is considered.

o) After the Accreditation Committee meeting at which the school’s application is considered, the Consultant shall inform the president and the dean of the law school in writing of the Committee’s action. If the action is adverse to the law school, the action letter must state the reasons for the Committee’s action.

p) The Council shall acquiesce in the proposed major change if the law school demonstrates (1) that the change will not detract from the law school’s ability to maintain a sound educational program leading to the J.D. degree and (2) that the law school will be operated in compliance with the Standards, or, in the case of a degree beyond the J.D. degree, that the existing J.D. program exceeds the Standards and the requirements of Standard 307 will be satisfied.

q) If the Accreditation Committee recommends that the Council not acquiesce in a proposed major change, whether or not the school has applied for reconsideration, the applicant law school may not submit a new application for acquiescence until ten months after the date of the Committee’s most recent recommendation.
APPENDIX C—ABA RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS

(r) The Consultant shall timely place the Committee recommendation on the agenda of a Council meeting. The Consultant shall furnish to the Council all documents that were before the Committee and the action letter reporting the Committee’s recommendation.
(s) After the Council meeting at which the application is considered, the Consultant shall inform the president and the dean of the law school in writing of the Council’s action. There is no appeal from the Council’s action.
(t) Following Council acquiescence in a major change, the Consultant shall arrange for a limited site evaluation of the school no later than two years after the date of the acquiescence to determine whether the law school has realized the anticipated benefits and remains in compliance with the Standards. No site visit shall be required following Council acquiescence in a major change described in Rule 18(b)(5) or Rule 18(b)(6).

RULE 19. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School.

(a) A major change in the organizational structure of an approved law school raises concern about the school’s continued compliance with the Standards. Before making a major change in its organizational structure, a provisionally or fully approved law school shall apply for and obtain acquiescence in the proposed change.
(b) A major change in the organizational structure of an approved law school which requires Council acquiescence means:

1. Materially modifying the law school’s legal status or institutional relationship with a parent institution;
2. Merging or affiliating with one or more approved or unapproved law schools;
3. Acquiring another law school or educational institution;
4. 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;
5. Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;
6. Opening of a branch or an additional location at which the law school offers at least 20 percent of its educational program;
7. Merging or affiliating with one or more universities; or
8. A change in the control of the school resulting from a change in the ownership of the school or a contractual arrangement.

(c) For purposes of this Rule:

1. The transfer of all or substantially all of the academic program or assets of an approved law school to a new institution, whether a university or freestanding institution, constitutes a decision to close the approved law school and open a different law school.
2. Opening of a branch by an approved law school is treated as the creation of a different law school. A law school seeking to establish a branch shall submit to the Consultant, as part of its application, a business plan that contains the following information concerning the proposed branch: a description of the educational program to be offered; projected revenues, expenditures and cash flow; and the operational, management and physical resources of the proposed branch.
3. After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether any other proposed structural change constitutes the creation of a different law school.
(d) An approved law school must inform the Consultant prior to implementing any proposed major structural change(s) so that a site evaluation visit may be promptly scheduled. In the event that the major change in organizational structure is the opening of a branch or an additional location, the site evaluation visit shall take place within six months of the start of classes at the branch or additional location.

(c) If a different school will be created as a result of the major structural change, the different school may apply for approval pursuant to provisions of Rule 4. If the different school demonstrates that it is in full compliance with the Standards as provided in Standard 103, the Committee shall recommend that it be fully approved. Such recommendation may be conditioned upon further site evaluation visits or other requirements. If the different school is not in full compliance with the Standards, but it substantially complies with each of the Standards as provided in Standard 102, the Committee shall recommend that it be provisionally approved. The Committee may also recommend that the school will be allowed to seek full approval in a period of time shorter than that provided in Standard 103.

(f) If the Accreditation Committee determines that the proposed change will not create a different law school, the law school shall request acquiescence by the Council in compliance with Rule 18.

Chapter F: Closure and Reinstatement


(a) An approved law school and its parent institution, if any, agree to provide, in the event of closure or cessation of operation, an opportunity for currently enrolled students to complete their degrees under the terms of a closure plan which meets at least the conditions set out below and is found acceptable by the Accreditation Committee.

(b) A transfer of substantially all the assets of a law school to another institution shall be deemed a decision to cease operation of an approved law school unless the Council acquiesces in the major change pursuant to Rule 18.

(c) The conditions to be met by a closure plan shall include the following:

1. As soon as the decision to close is made, the institution shall make a public announcement and notify the Consultant of that fact. The Consultant shall notify the Council so that the Council may withdraw approval of the school pursuant to the procedures set forth in Rule 16. Once the withdrawal of approval has become final, the Consultant shall make a public announcement that the school has been removed from the list of ABA approved law schools.

2. The law school shall not thereafter admit or enroll any student (including a transfer or non-degree candidate) who was not a student at the time when the decision to close is announced.

3. The governing body of the institution shall take all necessary steps to retain degree-granting authority for sufficient time to allow completion of degrees by those students who are degree candidates at the time the decision to close is announced and who complete degree requirements either at the law school or at another ABA approved law school in the normal period of time required for that student’s course of study.

4. Law school officials shall use their best efforts to assist students in transferring to, or acquiring visiting status at, another ABA approved law school for completion of their degree requirements. It is the policy of the American Bar Association to encourage all ABA approved schools to accept transfer or visiting students from a closing law school.

5. Until the date of closing the law school shall maintain:
(i) an educational program that is designed to qualify its graduates for admission to
the bar;

(ii) library collection and services adequate to support the curriculum, either on-site
or through arrangements with other law libraries in the immediate vicinity;

(iii) a student faculty ratio adequate to maintain a sound educational program;

(iv) an adequate administrative staff to handle student problems and record-
keeping along with support of the academic program;

(v) the law school shall maintain its existing physical facilities unless prior approval
of the Accreditation Committee is obtained.

(6) Tuition shall not be increased beyond the normal rate of inflation after the date that a decision to
close is made. Students transferring credit back to the law school shall not be charged fees beyond a
reasonable administrative fee for the process of transfer.

(7) In the event that the school enters into a teach-out agreement with another law school, the school
shall submit the teach-out agreement to the Accreditation Committee for its approval. As a condition
for approval of the closure plan, the teach-out agreement must comply with the requirements set
forth in 34 CFR § 602.27(b)(6).

(d) If the school discontinues instruction or makes a decision to do so prior to the end of the normal period for
completion of degrees by current students, then the following condition shall apply:

(1) The school shall take all reasonable steps to avoid closing during an academic year. If the closing
occurs during an academic year, then the school shall make adequate arrangements for students to
enroll in other law schools for that current year at no additional cost to the student.

(2) The school shall permit currently enrolled students to complete their degree requirements at other
ABA approved law schools; credit earned at other law schools shall be received as transfer credit
toward the degree of the closing school.

(3) Students transferring credit back to the law school shall not be charged fees beyond a reasonable
administrative fee for processing of records.

(4) The Consultant shall notify the Council of the school’s decision and the date at which the school
intends to cease operations.

(e) Commitments for legal representation made during operation of a law school skills training program are not
monitored by the accreditation process of the American Bar Association. The governing body, however, is reminded
that those commitments constitute obligations both of the attorney who has taken the case and the institution
employing that attorney. Satisfactory arrangements will need to be made for closing those cases either by concluding the
matter or by retention of alternate counsel.

(f) The governing body of the institution shall make arrangements for permanent retention and availability of student
records.

**RULE 21. Reinstatement as an Approved School.**

A law school that has been removed from the list of law schools approved by the Association may be reinstated by
complying with the procedures for obtaining approval, as though it had never been approved.

Chapter G: Foreign Programs

**RULE 22. Credit-Granting Foreign Programs.**
(a) A law school may not undertake a credit-granting foreign program without first notifying the Consultant and obtaining Committee acquiescence in accordance with published Criteria for Approval of Foreign Summer Programs, Criteria for Approval of Semester Abroad Programs, Criteria for Cooperative Programs for Foreign Study, or, Criteria for Individual Student Study Abroad for Academic Credit, or other criteria applicable to the awarding of credit for foreign study.

(b) The review process of a law school includes review of any credit-granting foreign program.

**RULE 23. Appeals Concerning Credit-Granting Foreign Programs.**

(a) If the Accreditation Committee determines not to acquiesce in, or to withdraw acquiescence from, a credit-granting foreign program, the law school may appeal the Committee action to the Council. The school must file with the Consultant its written notice of appeal within 30 days after the Consultant mailed to the school notice of the Committee action. In the written notice of appeal, the school shall specify the nature of and grounds for the appeal, and attach any documents that support the appeal.

(b) The Committee shall have the opportunity to submit to the Council a written statement in response to the notice of appeal. Any such statement shall be filed with the Consultant within 15 days following the first meeting of the Committee held after the filing of the notice of appeal.

(c) After the Consultant has received a timely notice of appeal, the Consultant shall place the law school’s appeal on the agenda of a Council meeting.

(d) The Consultant shall furnish to the Council all documents that were before the Committee when it determined not to acquiesce in, or to withdraw acquiescence from, the credit-granting foreign program; the action letter reporting those conclusions to the law school; the notice of appeal and supporting documents submitted by the school; and any statement of the Committee submitted in response to the notice of appeal. These materials shall constitute the record. The Council shall consider and decide the appeal on the basis of the documentary record.

(e) The Council may not consider any evidence that has not first been presented to the Committee, unless the Council, by a two-thirds vote of the members present, decides that the best interests of the accreditation process would be served by consideration of the evidence.

(f) On appeal, the law school shall have the burden of establishing that the action of the Committee is clearly erroneous. The Council shall not engage in a de novo review of the factual findings made by the Committee.

(g) After the meeting of the Council at which an appeal is considered, the Consultant shall inform the president and the dean of the law school in writing of the Council action. The Consultant shall also provide to the Committee the letter reporting the decision of the Council.

**Chapter H: Complaints**

**RULE 24. Complaints Concerning Law Schools.**

(a) Any person may file with the Consultant a written complaint alleging non-compliance with the Standards by a law school. A complaint must be filed within one calendar year of the complainant’s learning of the facts comprising the allegation of non-compliance. Pursuit of other remedies does not toll the one calendar year limit.
(b) When the complaint is filed, the Consultant shall, within forty-five (45) days, acknowledge its receipt and inform the complainant of the Association complaint procedures, directing the complainant to notify the Consultant in writing if, upon review of Rule 24, the complainant wishes to proceed with the complaint. If the complainant fails to affirm in a writing which is received by the Consultant within 45 days after the notification request is mailed to the complainant, the Consultant shall promptly dismiss the complaint and so inform the complainant.

(c) In the event that the Consultant determines that the complaint does not allege facts constituting non-compliance with the Standards, the Consultant shall, within forty-five (45) days, dismiss the complaint and simultaneously inform the complainant. Neither the American Bar Association nor any of its components determines the rights or remedies of individual complainants. The complainant shall not be afforded individual relief.

(d) If the Consultant determines that the complaint alleges facts that may indicate that a law school is in non-compliance with the Standards, the Consultant, within forty-five (45) days after receipt of the complaint, shall inquire whether the complainant consents to the disclosure of the complaint and the identity of the complainant to the school. If the complainant fails to consent in writing which is received by the Consultant within forty-five (45) days after the consent for disclosure document is mailed to the complainant, the Consultant, within ten (10) days thereafter, shall dismiss the complaint and so inform the complainant. If the complainant agrees to the disclosure, the Consultant, within ten (10) days thereafter, shall send a copy of the complaint to the dean of the law school and request the dean to respond to the allegations in the complaint and to provide any additional information requested by the Consultant. If the dean fails to submit a response in writing which is received by the Consultant within forty-five (45) days after the request for a response is mailed to the dean, the matter shall be placed on the agenda of the following Accreditation Committee meeting.

(e) Upon receipt of the response of the dean of the law school, the Consultant, within forty-five (45) days, shall:

1. Dismiss the complaint if the Consultant determines that the complaint and the dean’s response considered together do not support a claim that the school is in non-compliance with the Standards. The Consultant shall notify the complainant and the dean of the school within ten (10) days of this determination; or
2. Place the complaint on the agenda of a Committee meeting or refer the matter to the next site evaluation team visiting the law school if the Consultant determines that the complaint and the dean’s response considered together indicate conditions or practices that raise a question concerning the school’s compliance with the Standards or indicate a need for more complete investigation. Upon placing the complaint on the agenda, the Consultant shall notify the complainant and the dean of the school of the action taken.

(f) If the Committee determines that the complaint and the dean’s response referred to it by the Consultant considered together indicate a need for further investigation, the Committee shall, at that meeting, order a special site evaluation under Rule 9(a) or the appointment of a fact finder under Rule 12. If the Committee determines that the complaint, the dean’s response, and any special report considered together do not support a claim that the school is in non-compliance with the Standards, the Committee shall dismiss the complaint. If the Committee has reason to believe that the law school is in non-compliance with the Standards, the Committee shall proceed under Rule 11, et. seq. The Consultant shall inform the complainant and dean of the Committee action.

(g) The decision of the Consultant is final and is not subject to appeal within the Association.

(h) To ensure proper administration of the complaint process, a subcommittee of the Accreditation Committee shall periodically review all written complaints and the Consultant’s disposition of them and report periodically to the Committee and to the Council. The Consultant’s Office shall keep a record of these complaints for a period of at least eight years.
Chapter I: Information Disclosure and Confidentiality

**RULE 25. Confidentiality of Accreditation Information and Documents.**

(a) Except as provided in this Rule and in Rules 6 and 26, all matters relating to the accreditation of a law school shall be confidential. This shall include proceedings and deliberations of the Accreditation Committee and Council, and all non-public documents and information received or generated by the American Bar Association.

(b) Neither the site evaluation report nor any portion thereof may be disclosed by the Association, including the Council, the Committee, the Consultant’s office, or any site evaluator, unless first disclosed by the law school or the University. The law school or the University may release the whole report or portions of it as it sees fit. If the law school makes public the site evaluation report or any portion thereof, notification must be given to the Consultant at the time of the disclosure, and disclosure of the report may be made by the Consultant, upon approval of the chairperson of the Section. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.

(c) 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 a free standing law school) does not constitute release of the report to the public within the meaning of this Rule.

(d) The school is free to make use of the recommendations and decisions as contained in the Consultant’s action letter addressed to the president and the dean. However, any release must be a full release and not selected excerpts. The Consultant and the Association reserve the right to correct any incorrect or misleading information released or published by the institution through all appropriate means (including release of portions of the site evaluation report or the entire site evaluation report).

(e) The dean of the evaluated school shall review the site report to determine whether it contains criticism of the professional performance or competence of the behavior of a member of the school’s full-time faculty or professional staff. If the report contains this criticism, the dean shall make available to the person concerned the germane extract of the report and shall send the Consultant a copy of the transmitting letter and of the extract. The Consultant shall review each site evaluation report of an approved school or applicant school to determine whether it contains the above described criticism. If the Consultant finds this criticism and has not received a copy of a letter from the dean to the person concerned transmitting the extract of the report, the Consultant shall inform the dean of the criticism and ask her or him to make available to the person concerned the germane extract of the report. The dean shall send the Consultant a copy of her or his written communication with the affected person, who is entitled to submit in writing her or his comments on the statement in the report to the persons who have received the report.

**RULE 26. Release of Information Concerning Applications for Provisional or Full Approval of Law Schools.**

In the case of schools seeking provisional or full approval, the staff persons of the American Bar Association may state:

(a) Whether or not a specific school has submitted an application to the American Bar Association for provisional approval.

(b) The procedural steps for consideration of an application, including:

(i) consideration of an application by the Accreditation Committee;
APPENDIX C—ABA RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS

(ii) action by the Council upon the Accreditation Committee’s recommendation and an explanation that action of the Council may not follow that of the recommendation made by the Accreditation Committee; and

(iii) the role of the House in such decisions.

(c) After notification of the Accreditation Committee’s action or the Council action, as the case may be, to the school, the staff may release the status of the school to the public, with the explanation of the procedural steps for consideration of an application as outlined in subparagraph (b) of this Rule.

RULE 27. Information to be Furnished by Schools.
(a) A law school shall provide in a timely manner all information requested by the Consultant, a site evaluation team, the Accreditation Committee and the Council.
(b) Annual and site evaluation questionnaires are received in confidence by the Consultant, the site evaluation team, the Accreditation Committee and the Council.
(c) Statistical reports ("take-offs") prepared from data contained in the annual questionnaires are for the use of the Council, the Consultant, and deans of ABA approved law schools and not for public release. Information provided in statistical reports is intended for exclusive and official use by those persons authorized by the Council to receive it.
(d) An approved law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education denies an application for accreditation filed by the law school, revokes the accreditation of the law school, or places the law school on probation. If the law school is part of a university, then the law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education takes any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

RULE 28. Publication of List of Approved and Unapproved Schools.
The Council shall annually publish a complete list of all approved law schools and as many unapproved law schools as are known to the Consultant. The list shall be published annually in a publication designated by the Council pursuant to Standard 509.

Chapter J: Fees

RULE 29. Fees.
The Council shall fix fees for:

(1) Filing an application for site evaluation for provisional approval. If a law school withdraws its application for provisional approval before a site evaluation takes place, the school will be refunded 50% of the application fee;

(2) Annual site evaluation of a provisionally approved law school;

(3) Regular or special site evaluation of a fully approved law school;

(4) Application for acquiescence in a major change in program or structure of an approved school as provided in Rules 18 or 19; and

(5) Other services and activities of the Section.
Chapter K: Reimbursement

**RULE 30. Guidelines for Reimbursement of Site Evaluators and Fact Finders.**

All reasonable and necessary expenses of members of site evaluation teams and fact finders shall be reimbursed by the visited institution as follows:

(a) Transportation - All necessary transportation on the basis of coach class air fares and ground transportation expenses. Site evaluators and fact finders are urged to secure the most reasonably priced air ticket. If the visited institution wishes to avail site evaluators of special air fares, it is suggested that the visited law school secure and supply the air ticket in advance of the visit.

(b) Lodging and Meals - Hotel or motel sleeping rooms at a reasonable cost, including a parlor when necessary for the work of the site evaluation team or fact finders. Meals shall be reimbursed on a reasonable basis. It is recommended that the visited law school make reservations for suitable accommodations for members of the site evaluation team or fact finders at a hotel/motel of the school’s choice.

(c) Incidentals - Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.
Appendix D

Excerpt from Juris Doctor Admissions Information
For Georgetown University Law Center
Only applicants who possess a baccalaureate degree from an accredited college or university are eligible for admission to the Law Center as candidates for the degree of Juris Doctor (JD), Juris Doctor/Master of Business Administration (JD/MBA), Juris Doctor/Master of Science in Foreign Service (JD/MSFS), Juris Doctor/Master of Public Health (JD/MPH), Juris Doctor/Master of Public Policy (JD/MPP), Juris Doctor/Master or Doctorate in Philosophy, or Juris Doctor/Doctorate in Government. Juris Doctor candidates may apply for admission to both the Full-time and Evening Division. Candidates for the JD/MSFS, JD/MBA, or JD/MPH programs may only apply to the full-time Division.

Evaluation Process

The Admissions Committee takes into consideration a number of factors in evaluating whether a candidate would be suitable for admission. These factors include whether the person is likely to succeed at Georgetown, would benefit from a legal education here, and could contribute to the Georgetown legal community. In making such determinations, the Committee focuses on a number of criteria and does not use numerical cut-offs. In addition to examining the applicant's LSAT score(s) and academic record, the Committee also considers the personal statement, letters of recommendations, choice of major, nature and difficulty of course selection, extracurricular activities, graduate work, contributions to the community and professional experience. The Law Center welcomes applications from students with disabilities and endeavors to meet their special needs.
Appendix E

Information on Multistate Performance Test
The Multistate Performance Test

Description of the Examination

The Multistate Performance Test is designed to test an applicant’s ability to use fundamental lawyering skills in a realistic situation. Each test evaluates an applicant’s ability to complete a task which a beginning lawyer should be able to accomplish.

The materials for each MPT include a File and a Library. The File consists of source documents containing all the facts of the case. The specific assignment the applicant is to complete is described in a memorandum from a supervising attorney. The File might also include, for example, transcripts of interviews, depositions, hearings or trials, pleadings, correspondence, client documents, contracts, news-paper articles, medical records, police reports, and lawyer's notes. Relevant as well as irrelevant facts are included. Facts are sometimes ambiguous, incomplete, or even conflicting. As in practice, a client’s or supervising attorney’s version of events may be incomplete or unreliable. Applicants are expected to recognize when facts are inconsistent or missing and are expected to identify sources of additional facts.

The Library consists of cases, statutes, regulations and rules, some of which may not be relevant to the assigned lawyering task. The applicant is expected to extract from the Library the legal principles necessary to analyze the problem and perform the task. The MPT is not a test of substantive law, and problems may arise in a variety of fields. Library materials provide sufficient substantive information to complete the task.

The MPT requires applicants to (1) sort detailed factual materials and separate relevant from irrelevant facts; (2) analyze statutory, case, and administrative materials for relevant principles of law; (3) apply the relevant law to the relevant facts in a manner likely to resolve a client’s problem; (4) identify and resolve ethical dilemmas, when present; (5) communicate effectively in writing; (6) complete a lawyering task within time constraints.

These skills will be tested by requiring applicants to perform one of a variety of lawyering tasks. Although it is not feasible to list all possibilities, examples of tasks applicants might be instructed to complete include writing the following: a memorandum to a supervising attorney; a letter to a client; a persuasive memorandum or brief; a statement of facts; a contract provision; a will; a counseling plan; a proposal for settlement or agreement; a discovery plan; a witness examination plan; a closing argument.

Skills Tested by the MPT

The Multistate Performance Test examines six fundamental lawyering skills that are required for the performance of many lawyering tasks. The following description of these skills is based in part on the "Statement of Fundamental Lawyering Skills" from the Report of The Task Force on Law Schools and the Profession ABA, July 1992 (the MacCrate Report).
1. **Problem solving:** the applicant should demonstrate the ability to develop and evaluate strategies for solving a problem or accomplishing an objective. Problem solving includes the ability to:
   A. Identify and diagnose the problem
   B. Generate alternative solutions and strategies
   C. Develop a plan of action
   D. Implement a plan of action
   E. Keep the planning process open to new information and new ideas

2. **Legal analysis and reasoning:** the applicant should demonstrate the ability to analyze and apply legal rules and principles. Legal analysis and reasoning includes the ability to:
   A. Identify and formulate legal issues
   B. Identify relevant legal rules within a given set of legal materials
   C. Formulate relevant legal theories
   D. Elaborate legal theories
   E. Evaluate legal theories
   F. Criticize and synthesize legal argumentation

3. **Factual analysis:** the applicant should demonstrate the ability to analyze and use facts and to plan and direct factual investigation. Factual analysis includes the ability to:
   A. Identify relevant facts within a given set of factual materials
   B. Determine the need for factual investigation
   C. Plan a factual investigation
   D. Memorialize and organize information in an accessible form
   E. Decide whether to conclude the process of fact-gathering
   F. Evaluate the information that has been gathered

4. **Communication:** the applicant should demonstrate the ability to communicate effectively in writing. Communication includes the ability to:
   A. Assess the perspective of the recipient of the communication
   B. Organize and express ideas with precision, clarity, logic, and economy

5. **Organization and management of a legal task:** the applicant should demonstrate the ability to organize and manage a legal task. Organization and management includes the ability to:
   A. Allocate time, effort, and resources efficiently
   B. Perform and complete tasks within time constraints
6. **Recognizing and resolving ethical dilemmas:** the applicant should demonstrate the ability to represent a client consistently with applicable ethical standards. Ethical representation includes:

   A. Knowledge of the nature and sources of ethical standards
   
   B. Knowledge of the means by which ethical standards are enforced
   
   C. Ability to recognize and resolve ethical dilemmas

**Summaries of MPT Sample Tests**

*Consumer Protection Division v. Bernhard's Appliances, Inc. (February 2001, MPT-3).* Applicants work in the Consumer Protection Division of the Franklin Attorney General's office. Bernhard's Appliances, Inc., a chain of appliance stores with a history of questionable sales promotion tactics, has recently run an ad offering "free" airline tickets to customers who make significant purchases. An investigation has confirmed that the ad violates the Franklin Consumer Protection Act. Past conciliation efforts to curb Bernhard's practices have failed, and the Division has decided to seek an injunction.

Applicants are instructed to write a brief to persuade the court that Bernhard's promotion violates the Act and that an injunction should be granted. The File includes a memorandum regarding persuasive briefs, the Bernhard's advertisement, and the investigative report. The Library contains excerpts from the Consumer Protection Act and two cases.

*True Values Television Network, Inc. (July 2001, MPT-2).* Applicants work in a law firm representing True Values Television Network, Inc. (TVTV), which owns 80 television stations nationwide broadcasting only family-oriented programs. The chairman of TVTV's Board of Directors has asked the firm to advise the Board on its options in the face of a hostile takeover attempt by Metro, a large media company with a programming philosophy at odds with that of TVTV. In an effort to thwart Metro's takeover attempt, the chairman of the TVTV Board has stepped up merger negotiations with Friendly Publishing, a company that has no broadcasting experience but pledges to continue TVTV's family-oriented programming. Friendly has offered to buy TVTV's assets at a lower price per share than the price Metro has offered. A major institutional investor in TVTV is demanding that TVTV abandon its negotiations with Friendly and instead cooperate with Metro's acquisition efforts.

Applicants are asked to draft a memo to the supervising partner describing what are the conflicting interests of the corporation, each shareholder group, and the other groups identified in the Franklin Corporations Code. Applicants are also asked to analyze whether the Board can justify negotiating exclusively with Friendly in light of these competing interests and in the context of its fiduciary duty. The File contains letters from Metro and the institutional investor, the supervising attorney's notes from his interview with TVTV's chairman, a confidential financial report, and a news article. The Library consists of excerpts from the Franklin Corporations Code and one case.
Appendix F

Essay Grading Standards for the State of Minnesota Bar Exam
Essay Grading Standards for the State of Minnesota Bar Exam

How are the Minnesota Bar Essays Graded?

Each essay is assigned to a group of three graders. Each grader in the group receives a copy of the assigned question and is asked to draft a legal analysis of the question.

Graders bring their analyses to a grader conference session, which is held within one week of the administration of the examination. Each team member reads the analyses of the other team members as well as the analysis of the drafting professor.

The graders then read through 15 or 20 actual examinee answers. After considering all these sources of information and discussing it thoroughly, graders reach consensus on grading standards and a grading outline. They then take the balance of the essay answers and grade them according to the agreed upon outline.

Who are the graders for the Essay Examination?

Graders are Minnesota licensed attorneys with strong academic credentials and varied practical legal experience who have been recommended by bar associations, judges, or other graders. Minorities and women are well represented among the Minnesota Bar Exam graders.

Are Sample Questions and Answers Available?

Many examinees find that reviewing past essay exams is helpful in preparing for the bar exam. Past essay exam questions and representative good answers from past examinations are available on the Board of Law Examiner’s website, the Ramsey and Hennepin County Law Libraries, and the law libraries of the law schools located in Minnesota.
Appendix G

Concept Paper on The Reform of Legal Education System of Georgia
Ministry of Justice
Concept Paper on The Reform of Legal Education System of Georgia

Ministry of Justice

The creation of a modern system of higher education in Georgia is one of the most important tasks of our country. The existing system cannot satisfy modern requirements and major changes are necessary.

The most serious problems are in legal education. The profession of lawyer in most civilized countries and also in Georgia is considered one of the most prestigious professions. For that reason the interest in this profession has significantly increased. The number of institutions and universities with law faculties and legal programs has increased in Georgia during recent years.

Most of these institutions and universities cannot meet the minimum requirements necessary for legal education. This has resulted in an increase in the number of unqualified lawyers and the employment of these lawyers is practically impossible because of their large numbers and lack of professionalism. Legal regulations should be adopted that will bring our legal education system into compliance with modern standards and which will provide the system with highly qualified specialists. It is necessary to improve the difficult situation in this system.

The Ministry of Justice prepared a draft law on “Higher Legal Education”. The drafting process was preceded by the thorough study and analysis of the experience of developed countries, including the preliminary recommendations of experts from ABA/CEELI and the Chairman of Higher Court of Bremen Land DR. Iorg Beversdorf.

Here we present the main topics of our draft law.

1. The Principles of Legal Education

Legal education in Georgia is based on the following principles according to the draft law:

a) The independence of educational institutions and the continuation of the educational process;

b) The creation of modern standards and programs, and training of highly qualified specialists for legal education;

c) The conduct of the general entrance examinations for law faculties of state and private educational institutions;

d) Granting the status of lawyer according to a general centralized rule;

e) Support of scientific-research activities in institutions of higher education specializing in law and training of qualified scientific employees.
2. The Standards of Legal Education

Standards of legal education are established for the institutions of higher education specialized in law. These standards should be in compliance with the state standards of institutions of higher education and are approved by the Minister of Education based on the consent of the Minister of Justice. At the present time, there are no approved state standards for institutions of higher education and universities are governed by the standards established during the Soviet times.

3. The Forms and Stages of the Higher Legal Education, Curriculums

Legal curricula are implemented in Georgia according to the principles of continuance. The secondary, higher professional, and postgraduate curricula are implemented in Georgia for the purpose of obtaining legal education.

The secondary general curriculum in the area of law is implemented during the last (10th and 11th) classes of secondary school. After the graduation from this level, the student is required to pass an examination. The courses which are the basis of law should become mandatory for secondary schools. Study programs about the general theoretical basis of the Constitution of Georgia and other laws will help to improve the legal knowledge of the young generation.

The draft law creates a one stage system for legal higher education.

This one stage system consists of a 5-year study course. The student receives a diploma with the qualification of specialist in law after graduation from the 5-year course. This one-stage system of education is an adequate form of education and that is what exists now. The difference is that the students do not receive the qualification of a lawyer after graduation from this 5-year study course.

The draft law provides for mandatory practical training of students during the various levels of their education. The main goal of this provision is to provide students with practical training on the issues they learn on a theoretical basis during their study courses and to give them the opportunity to use this theoretical knowledge in practice. It will be helpful for students to have practical experience and to develop the necessary habits of a lawyer. At the present time, practical training of students has a formal character and mostly is conducted at law enforcement agencies. Based on this we think that special attention should be paid to practical training during the study courses. The draft law proposes a special administrative agency to issue the certificate which approves the successful completion of the student’s practical training. These provisions provide for adequate training of qualified specialists who will be well prepared to take the obligation and to work in public agencies after successfully passing the qualification examination.
Appendix G—Concept Paper on The Reform of Legal Education System of Georgia

Alternative I

According to the draft law, the student is obliged to pass an inter-institutional final examination after graduation from the law faculty of an institution of higher education, which means the receipt of a diploma with the qualification of a specialist based on the final examination. A person with legal education gains the right to take the general qualification examination and to receive the qualification of a lawyer only after passing the inter-institutional final examination.

Alternative II

We also present for your discussion an alternative form which calls for graduation from the law faculty and receipt of the relevant qualification. According to the draft law, the institution of higher education is authorized to give the qualification of a specialist with diploma by an alternative rule and according to the standard. This more simple form of giving the qualification should be determined by the legal education standard, the purpose of which will be to not create additional obstacles to receiving legal education. For example, it will be up to the institution of higher education to decide to give or not give its graduates the final complex examination. It is possible to remove the final examinations from the institutions of higher education because a person wishing to have the status of a lawyer has to pass the general qualification examination.

4. The Licensing and the Accreditation of Law Schools

According to the existing law the institutions of higher education are licensed by the Ministry of Education, and are also accredited by the Accreditation Council created by the President of Georgia.

The draft law requires the licensing and mandatory accreditation of law schools. The purpose of licensing law schools is to determine, in cooperation with the competent state agency (Ministry of Justice), the compliance of the law faculty of the institution of higher education with the mandatory requirements determined by the law.

5. The Accessibility of Higher Education and Creation of General Objective Criteria for Entrance Examinations to the Institutions of Higher Education

The draft law requires the creation of general criteria for the entrance examination to the law faculty, the purpose of which is the conduct of the entrance examination to the law faculties of all institutions of higher education according to a general rule.

The Minister of Education, in cooperation with the Minister of Justice, approves the program of the entrance examination. The conduct of the entrance examination according to the general rule means that the institution of higher education cannot establish lower requirements for students entering the law faculty. The institution of higher education is obliged to introduce the conditions of the license to the students and to present the state
accreditation document. The student has the opportunity to get familiar with the specific conditions of the law school and the conditions that provide for the institution of higher education.

The important novelty of the draft law is the conduct of entrance examinations to the law faculties at the same time.

At present time, the students in Georgia first try to enter the more prestigious institutions of higher education, and in the case of their failure they still have the opportunity to enter the “lower level” institutions. Such institutions conduct their entrance examination later in order to give the students this opportunity.

The entrance examination to the law faculty will be conducted according to the rule established by the law. The students at the first stage will take the test in law. Successful passage of this examination (a minimum score of 75 out of 100) will be the preliminary condition for moving toward the next stage of examination. The necessity of inclusion of such a provision in the law is to address the problems caused by the existing system, according to which a student who has higher grades in other subjects and has the lower grade in the law can still be accepted.

6. Fixing the Quota

The significant increase in the number of “lawyers” and people wishing to become lawyers is a serious problem in Georgia. The number of the institutions of higher education with law faculties has increased proportionally to the above-mentioned requirements. Our country cannot offer employment to all of these lawyers, because the number of lawyers is much higher than the vacancies for this position in the public and private sector. The authors of the draft law provide for the use of a fixed quota. The quota is the general number of students entering the law faculties of the institutions of higher education in Georgia, which is determined annually by the President of Georgia. The needed number of lawyers in the country and the real prospects for their employment will be taken into consideration in the determination of these quotas.

The division of the number determined by the quota among the institutions of higher education is conducted proportionally to the rating of the institution; in other words, the educational institution which has the better material-technical conditions and curricula which are in compliance with modern standards, and in which the number of professor-teachers with a scientific degree is big, will train more lawyers.

7. Giving the Qualification of Lawyer [Licensing]

The main purpose of the draft law is to determine the general criteria for the qualification of a lawyer and the conduct of the general qualification examination. The foreign experts support this idea. Based on their recommendations the norms were included in the draft
according to which a person can receive the qualification of a lawyer who has a high legal education and has passed the qualification examination.

The Ministry of Justice will organize the conduct of the qualification examination. A Qualification Council and Subject Examination Commission will be created to organize this examination according to the relevant subjects. The draft law provides for a two-stage system of examinations. The first stage is the written examination and the next stage is an oral examination. The draft law establishes a transparent system of conduct of the examination.

8. Rating the Law Faculty

The draft law provides for the rating of the law faculty of an institution of higher education followed by the publication of the list of ratings. We think that the publication of the rating of law faculties of the institutions of higher education will be effective and it will be published by the Ministry of Justice through its official publisher based on the analysis of the results of the qualification examination. The student will take into consideration the rating of the law faculty, because he or she will have more chance to pass the qualification examination if he or she studies at an institution with a higher rating.

9. Acknowledgement

The draft law regulates the issuance of an acknowledgement of the receipt of legal higher education. The Acknowledgement is a document issued by the relevant agency of a foreign country, except in cases where a person from the competent agencies of the government was sent to the foreign country to receive legal education or to improve the qualification on the basis of a bilateral agreement or unilateral administrative act.

According to the draft law, the decision of an authorized agency, which proves the successful completion of judicial, judges assistant’s, notaries, and lawyers qualification examination, will be considered as the acknowledgement of document proving the receipt of the legal higher education.

10. The Academy of Justice. Status, Functions, Goals and Tasks

The draft law provides for the creation of an Academy of Justice. The Academy of Justice is an institution of higher education. The goal of the Academy of Justice is the training of the higher rank officials, and also the education and training of the employees of law enforcement agencies and other institutions in the legal sphere.

The goal of the Academy is to train the officials of public service, who will be taught by the experts with relevant qualifications in issues of management and administration, which are
necessary for the officials working in management positions. (For instance: The drafting of
documents, including legal; financial, budget and tax issues; conduct of negotiations; foreign
languages; international relations). The abilities of students will be improved during these
study courses in small groups, the purpose of which is training in the making the optimal
decisions in difficult situations.

Persons who can enter the Academy:

a) persons with higher education;

b) a person who has not less than three years of working experience as an official of public
service;

c) a person who has not less than five years of work experience in the private sector or
persons who are elected for one or more terms in the representative agency of the local-
self-governing and governing agencies;

11. The High School of Justice

The law of Georgia on “High School of Justice” is drafted, according which, the High School of
Justice is created within the Council of Justice to train the people wishing to become judges,
prosecutors or investigators, or the people who are already holding these positions. We think
that the draft law on “Legal Education” and the law on “the High School of Justice” should be
considered as the general complex package of legislation. The purpose of each law is to create a
system of legal education which will be in compliance with modern standards, which provides
the training of real professionals.

Alternative I

According to the law, persons who have passed the qualification examination of legal education
provided for by this law, and who have the qualification of a lawyer are allowed to enter the
High School of Justice. The positions of judge, prosecutor or investigator are highly responsible
positions that need the highest qualifications and special professionalism. Special theoretical and
practical training are required for these positions. The authors of the draft law have agreed to
allow entrance into the High School of Justice only to those people who have passed the general
qualification examination and have the qualification of a lawyer according to the rule determined
by this law. The purpose of such definition is to allow only such people to become a judge,
prosecutor, or an investigator who have been trained theoretically and practically, have passed
the general qualification examination, and have received the qualification of a lawyer and have
successfully completed the High School of Justice.

Alternative II

We also think that it is possible to determine in the draft law different criteria for the students
wishing to enter the High School of Justice. According to the alternative version of article 44 of
the draft law on “Legal Education” the document proving the completion of course of study of
the High School of Justice is equivalent to a certificate certifying the qualification of a lawyer.
The graduate of the High School of Justice will automatically receive the qualification of a lawyer
without taking the general qualification examination.

12. The proving of the Legal Education received before this Law Enters the Legal Force

According to the draft law, the persons who have received the legal higher education and
have the qualification of a lawyer are exempt from the general qualification examination.

The certificates (diplomas) issued before the enactment of this law, that prove the receipt of
the legal higher education, have the same legal power as the certificate issued after the
genral qualification examination proving the qualification of a lawyer.
Appendix H

Concept Paper on Legal Education
Georgian Young Lawyers Association
Concept Paper on Legal Education

Georgian Young Lawyers Association

The purpose of this concept paper is to determine the policy of the government in the legal education of the citizens of Georgia and legal higher education system. The implementation of such policies should provide adequate training of professional legal staff and should satisfy the increasing potential of the ongoing judicial reform and reform of the private sector and provide them with highly professional human resources. This concept paper recommends the main areas of structural changes in the legal education system, based on which the legislation on legal education should be drafted.

The implementation of this concept in accordance with the prospective development of the country will be a preliminary condition for the creation of a democratic society, building the rule of law, and harmonizing national and international values.

1.

The Problems of Legal Education

There are more than 100 law schools in Georgia, where thousands of students graduate and receive the status of lawyer annually. It is a well-known fact that only a few schools provide an adequate legal education to students.

The majority of law schools (or law faculties) work in compliance with low teaching and educational standards in Georgia. The students of such schools do not meet the minimum requirements and are unemployed.

The content of the curriculum and the regulation of its implementation at law schools does not meet the strategic requirements of the state. Disciplinary programs, curricula, and the methods of teaching are not in compliance with modern requirements. The problem is the separation of the subjects and duplication of those subjects in the curriculum.

The existing teaching methods are not based on practical teaching methods and do not support the independent judgment of a future lawyer, development of skills which are necessary to assess the problem knowledgeably and to find solutions to the problem.

The problem is also the level of education of the students. The process of education is very poor in the secondary schools. Old methods of teaching are used, including the curriculum and grading system. As for the legal education at the secondary school level – the basis of law and state; the Constitution of Georgia, and the Declaration of Human Rights are taught separately and only in
Tbilisi and other big cities. Teachers are mostly non-professionals and non-specialists. It is obvious that the result is not of high quality.

The partial session system, the old method of grading the knowledge of students, and the evaluation of the work of teachers and schools of higher education does not provide for a high quality of legal education.

Oral examinations and tests, held at the end of each semester, are the only means of grading the student’s knowledge. Only one written test – the colloquium – is conducted each semester. Work on a senior thesis is no longer mandatory. Theoretical subjects are taught by the law faculty in the form of monologues of the lecturer, and later in seminars the same theoretical issues are orally examined. Methods of practical teaching, discussion of concrete cases, hypotheticals, oral discussion and analysis, are not used. The annual examinations and tests for graduation are orally conducted and based only on theoretical issues.

The biggest problem is the lack of practical courses during the teaching process. At the present time, a short-term practical course is formally established.

The level of financial support for the higher education system of Georgia (both in the private as well as state institutions) cannot provide high standards. The number of so-called “paid” students is deliberately increased in the state institutions for the purpose of providing adequate teaching conditions. But the requirements of knowledge are weakened by this. Finally, this situation creates obstacles for the proper implementation of the curriculum.

Despite a number of attempts, a licensing and accreditation system for higher education institutions practically does not work in Georgia. None of the schools of higher education of Georgia are accredited or licensed by the state, which is the prerogative of the Ministry of Education, but it has a formal character and creates dangerous conditions for the automatic attestation and accreditation of schools.

The biggest problems of our higher education system, such as favoritism and bribery, apply to legal education because of its prestige and importance. The corruption in our country allows and gives an opportunity for a specialist with low qualifications to receive the status of a lawyer and to hold a governmental position.

The above-mentioned problems need to be solved as soon as possible. We should mention that Georgia has human resources which are one of the main sources for the solution of this problem. These human resources are distinguished representatives of our legal system, who fortunately still work in our law schools. These are young, highly qualified scientific lawyers.

The private sector has become stronger and it requires human resources with high quality legal education. Some non-governmental organizations of the legal profession have been established and are working successfully.

The interest of society and the government and their readiness to implement reforms to make possible training and teaching of highly qualified lawyers is also an important resource. The
experience of western countries shows the special interest and participation of the government in
the process of creation of qualified lawyers, which is the preliminary condition for the establishment
and development of the rule of law. The participation of the Georgian government in the reform of
legal education is a major stage of the development of the rule of law, which is required by the
Georgian Constitution.

2.

The System of Legal Education

The system of legal education is the most important part of qualified legal training. The government
should focus its attention on this system during the implementation of the reform in this field. The
legal education system should include state standards for legal education, curricula, legal education
institutions, and managing agencies of the legal education system.

2.1. The Standards of legal Education; Curricula

State Standards of Legal Education. To start the process of the creation of correct, rational state
standards of legal education is the first essential measure that is needed to be taken. The existence of
state standards which will be in compliance with the current situation and modern requirements, will
be the basis for the creation of a quality management system of the legal education system.
Licensing, attestation and state accreditation of law schools should be conducted in compliance with
state standards.

World-wide experience, the prospects for integration with Europe, and the analysis of the problems
and achievements of post-socialist countries should be taken into account during the creation of
standards. All those people who are the participants of this process because of their positions or
intellectual potential should be involved.

A special Commission should be created which will work on creating the state standards for law
schools. This Commission will create general standards for admission to law school, which will
provide for a higher level of education at the law schools and highly qualified graduates. This
Commission:

a) Will determine necessary general criteria for legal education, including the criteria to receive
   bachelors, masters and post graduate degrees;

b) Will determine the general mandatory minimum requirements for licensing and state
   accreditation of law schools, and for a general state examination for the testing of law school
   graduates;

c) Will determine the minimum and maximum credits and the curriculum of law students for a
   bachelors and masters degree to receive the status of a lawyer;
d) Will establish a uniform form of teaching in all laws schools and will determine their specializations, forms of classes;

c) Will establish the criteria for objective grading of students and the same criteria for the examinations between the semesters and at the end of a year;

f) Will establish the general criteria for giving the status of lawyer;

g) Will determine the special requirements for acknowledgement and corresponding law school diploma or other document received in a foreign country;

h) Will determine the required subjects and the list of required subjects in the curriculum;

i) Will determine the types of law schools;

The draft of state standards created by the Commission should be submitted to the interested agencies and groups for public discussion and proposals. After such discussion, the final version of the state standards should be approved by the joint order of the Ministry of Justice and the Ministry of Education.

Curricula. The curricula of the law schools should be established based on state standards.

The law departments of the schools of higher education working in the legal field should start the formation of new curricula with the participation of practicing lawyers, taking into consideration the experience of western countries and based on state standards. The subjects, the list of special legal courses and their division by semesters for the bachelors and masters degree courses should be determined. The Academy of Science of Georgia should determine the list of selected subjects in accordance with the scientific norms established in the legal field and should also the plan for their division by the faculties and semesters.

The proposals focused on law practice for a general methodology of law teaching, including special methods of teaching particular subjects of law, should be determined through this process. The new curriculum and the methods of teaching should provide us with well-prepared specialists for law practice.

Educational Programs. The students should receive legal education according to the following educational programs and curriculums in Georgia:

1. Secondary School Program. Secondary school teaching should consist of required teaching of the basis of the government and law of Georgia during the last year – ninth class of secondary school and also in tenth and eleventh classes of specialized institutions. The course of the basis of the government and law of Georgia should include the theoretical part of the basis of the government and law, a general theoretical review of the Georgian Constitution and other basic laws and by-laws, the relationship between the government and the citizen, and the conventions on the protection of human rights and children’s rights. An
examination should be given at the end of the course, which will measure the general legal theoretical knowledge of the student.

The Ministry of Education should create a general curriculum for teaching on the basis of the government and law of Georgia, the textbook for the ninth class; and the government should determine the quantity of hours for teaching of that subject annually and the teaching methods. The Ministry should solve the problem of the training of the secondary school professional teachers in the basis of the government and law of Georgia. All of these efforts are focused on the legal training of students and young people, to raise the level of legal education, knowledge and legal culture of the society.

2. Law School (Higher Education) Program. The higher education program should consist of two stages of legal education: theoretical (4 years) and practical (1 year) courses (5 years for the bachelors degree). The purpose of this curriculum is the training of highly qualified specialists to receive the status of lawyer based on their theoretical and practical knowledge. A student with the bachelors degree will continue to receive specialized training, the master’s degree (2 years), which is necessary to be included in the post-graduate legal education curriculum.

3. Post-Graduate Legal Education Program. The post-graduate legal education program should consist of a two-year course of post-graduate study, which provides for the training of legal scientists to conduct scientific-research activities. The post-graduate program includes passing examinations determined as necessary by the minimum requirements to receive the degree (after which a diploma at the conclusion of post-graduate courses is received), also the completion and defense of a masters thesis, after which the person receives a scientific degree according to the scientific norm of legal specialization, and the Council of Scholarly Experts issues the diploma proving the scientific degree of a candidate.

The purpose of a three-year course for the doctorate is the completion of the thesis begun for the masters degree in order to receive the scientific degree of doctor of legal sciences, and it entails undertaking relevant scientific work under the supervision of a scientist-consultant. After the public defense of the doctoral thesis for the doctors degree the person receives the doctors scientific degree of legal sciences and the Council of Scholarly Experts issues the diploma proving the doctor’s scientific degree.

2.2 Legal Educational-Scientific and Scientific-Research Institutions and the Stages of Legal Education

The improvement of the connection and relationship between secondary school legal education and higher education legal training systems is one of the most important tasks for the reform of higher education legal training. The higher education legal training should be harmonized with the post-graduate legal education stage and should be an organic part of one whole general system. The content of the scientific legal degrees received (bachelors degree, masters degree, the candidate of legal sciences and doctors degree) should be prescribed at all of the stages of the legal higher education and post-graduate legal education systems and it should represent one general and
continuing process. Teaching and the scientific research work should be closely connected.

The system of legal training and educational institutions should consist of educational, legal educational-research and scientific-research institutions determined by the state standard:

a) Ninth class of secondary school (teaching of the basis of the government and law of Georgia)

b) Tenth and eleventh classes of specialized schools;

c) Legal educational-scientific institutions. The faculties of law and international law of the higher education schools or institutes (bachelors degree; master’s degree’ post-graduate courses and doctorate), academy or institute of legal specialization (bachelors; masters post graduate and doctorate). The existence of post-graduate and doctorate courses at the educational-scientific institution should be determined by the traditions of the higher education school in the field of legal education and by the minimum number of doctors and academicians (real members and member-correspondent of the academy) on the faculty.

d) Scientific-research institute (post graduate and doctoral courses);

The “state standards” should regulate the stages of legal education:

- Secondary School;
- Higher Education School;
- Post Graduate Courses (post graduate and doctorate courses).

### 2.3. The Managing Agencies for Legal Education

The modern practice and experience of the world regarding the management of higher educational institutions shows that an independent professional unit is created by governments for state evaluation-acknowledgement-attestation and accreditation of law schools. It is obvious that the creation of a special unit for licensing, attestation and state accreditation requires preparation work and legislative changes to avoid the establishment of an unprofessional agency with excessive power and negative results. This needs to be implemented by stages. After analysis and evaluation of each stage, the next step should be taken.

A State Accreditation Council and a State Qualification Exam Council should be created at the beginning stage for the accreditation of law schools, giving the status of lawyer to people having an academic degree in the legal field.

Legal higher education has strategic importance for the country and the government should be involved in several stages – drafting and adoption of the law on legal higher education, accreditation of legal higher institutions (law school) and giving the status of a lawyer (license to practice).

a) The Ministry of Education of Georgia is charged with implementing the planning of secondary level legal education curricula, methodology and provides the teachers; it is
involved in the creation of state standards and implements them through its expertise. The Ministry conducts the licensing of legal higher institutions and issues the licenses.

b) The Ministry of Justice of Georgia is actively involved in the creation of state standards for legal education, it conducts its final evaluation and approves it with the Ministry of Education. The ministry conducts the attestation of legal higher institutions and issues the certificate of attestation, and leads the process of giving the status of a lawyer – it creates the state qualification exam council, approves its provisions, and approves the rating of legal higher institutions.

The Council of Scholarly Experts acts in accordance with the provisions and instructions approved by the President of Georgia and works in the field of giving scientific degree based on the legal scientific norms.

3. The System of Quality Management of Law Schools

This system consists of admission to law school, evaluation of law schools, implementation of curriculum and methods and rules of grading the knowledge of the students.

1. The Rule of Admission to Law School

The problem of knowledge of those who wish to be admitted to law school is obvious and needs to be solved. The rules of admission to the law faculty (at the institutions) should be in compliance with the general rules of admission to the higher education schools of the country.

The establishment of an objective grading of knowledge of an applicant is a very difficult task and world practice does not provide us with a universal or unique model. Nonetheless, one general tendency exists. The knowledge of the students at the moment of graduation of secondary school is graded by the government based on uniform criteria. The reform of secondary schools, which is taking place now in Georgia, contains plans for the creation of National Center for Examination and Grading. The government's grading of secondary school graduates will be conducted in all major subjects in the form of written tests. The score received by each student should be taken into account during the admission in a school of higher education as well as in the issuance of scholarships for the students by the government.

In addition to this, the passing of an entrance examination to the law faculty (institution; university)
or law school in basis of the government and law of Georgia should be a mandatory requirement for the competition. The entrance examination on the basis of the government and law of Georgia should be conducted based on a special uniform program, by the rule of testing. The tests should be published preliminarily and be available for each student.

Within the new system, after the graduation from secondary school, the secondary school graduate with the best score will have a greater chance to continue his or her education in the field and institution he or she will choose. Students with lower scores have to make compromise on their choice of either the profession, the institution, or both. Such a system will increase the interest of children in studying harder at school, because the students with higher scores will have better chances in the future. On the other hand, this system will provide us with better-trained and educated students, taking into consideration that the legal profession is very popular among young people in Georgia.

It is desirable that after the establishment of a new system the monitoring the practice of the law schools (legal higher institutions) an analysis should take place of the results should be and on the basis of this the rules should be improved.

A law school, based on its autonomy, is authorized to establish additional requirements for admission and competition and based on this allow the selected students to study in this higher school.

2. The Systems of Evaluation of Law Schools

Exclusively in all of the countries of the civilized world the government plays the dominant role in the education system and especially in the legal education system. The main goal is to determine the modern forms of the dominant involvement of the government. The government regulation process will be more effective if it is based on extremely clear rules. Additionally, equal rights and responsibilities of the state and private law school institutions should be guaranteed.

Widely used state evaluation systems of law schools are: licensing, attestation, and government accreditation. Necessary and sufficient requirements for the evaluation of law schools should be based on the standards of legal higher education system.

**Licensing** is the obligatory evaluation of the law school or its law faculty (of the institute) during its formation.

Licensing as a rule checks the legislative registration of the institution, its material-technical stock, curriculum, library with the necessary sources for its teaching program, qualification of the teacher, the financial condition of the institution and the financial perspective in the period of issuing the license.

A license should be issued for the relevant program of legal education (bachelors degree, masters degree, post graduate study (aspirant) and PHD (doctorate) and the term of validity should be less than the duration of the relevant program of the legal education. The terms for issuing and
removing of the licenses should be determined by the legislation.

**Attestation** is the thorough study of the institution or of the program, with the purpose of determining whether or not the relevant norms of the standards of the state legal higher education are fulfilled.

Fulfillment of the attestation procedure requires the following steps: determining the standard requirements; conducting a self-evaluation of these standards (inside evaluation), the conclusion of the experts sent by the attestation body (outside evaluation), issuing the final decision. According to the results of the attestation, the issue of termination of functioning of either institution or program is raised.

The issue of compliance of the law school functioning with state standards of legal higher education should be reviewed during the attestation: state educational qualifications, when did the registration take place and who issued the license to the law school or faculty (institution), the condition of the material-technical facilities; the compliance of the curriculum approved in the license with the curriculum of the law school; list of the professors, and compliance of their qualification with the curriculum; compliance of the curriculum and disciplines with the state standards, the students’ level of education and objective methods for determining this, the condition of academic discipline, the level of teaching in lectures, seminars, practical lessons and other types of lessons, criteria for evaluating the knowledge, level of scientific research and methodological studies, the condition of providing the students with the text-books, methodological literature, connections with other Georgian and foreign law schools and institutions; exchange programs and other realized programs; whether the institution is functioning in accordance with current legislation, etc.

The terms of attestation of the law schools, the frequency of attestation, and the terms and rules thereof should be determined by the Law on the Education, in accordance with the provisions on the licensing, attestation and state accreditation of law schools.

Attestation as a rule means the professional evaluation of the institution and should be conducted by the Ministry of Justice in cooperation with the Ministry of Education. In each particular case the specialized commission of the attestation experts should be formed composed of the leading specialists of the representatives of the public and private institutions, scholars, scientific-researchers, representatives of the legal profession, Ministries of Justice and Education, and the representatives of non-governmental organizations. The Attestation Commission should write its conclusion according to the results of the attestation: regarding the attestation of the law school or regarding the failure in attestation. In the first instance, the certificate of attestation should be issued.

The law school that has been licensed by the state attestation process is authorized to give out diplomas according to the curriculum, awarding honors also requires state accreditation.

The issue of closing the program (or programs) may be raised based on the negative results of the attestation. If during the attestation of the law school the facts of violation of the minimum norms of the state licensing standards were revealed, the law school must cease functioning and the issue of removing the license is raised.
The state provides minimum guarantees for its citizens for having opportunity to receive a proper education through this licensing and attestation process.

**State Accreditation.** State accreditation is the highest step of evaluation and the State Accreditation Council implements it. The result of the successful completion of the accreditation process is the state and public acknowledgement of the teaching quality of the institution. State accreditation is voluntary.

Accreditation always comes after the attestation. The results of the accreditation are based on the results of the attestation. Accreditation does not evaluate the state of completion of the required standards; it evaluates the level and rating of the quality. Thus the successful accreditation makes the institution itself more prestigious. It gives opportunity for the candidates to choose between institutions, for the institution to receive state scientific grants and orders; for the students of this institution have access to more educational grants (scholarships) and to receive preferential loans for participation in different educational programs.

The state Accreditation Council makes the nomination to awarding state accreditation to the law school or the law faculty of the institution; the actual accreditation diploma is issued through a Presidential Decree.

**Other Systems of Law Schools’ Evaluation.**

The activities of the law schools as part of the entire higher education system belong to the sector of service; therefore, in a democratic and open society, all interested parties, students, parents, employers, the state government, professional unions, financing organs and other interested parties should have the right and opportunity to evaluate the level of service offered by the law school.

3. The Methods and Rules of Conducting the Studying Process and the Evaluation of Students’ Knowledge

The current legal education requires significant changes. New curricula and educational programs must be prepared; the teaching methodology and system of grading have to be changed, the studying semester needs to be considered.

It is necessary to work out the curriculum of general legal subjects on the grounds of “the state standards of legal education”; the curriculum of the special law courses should be approved by the methodology councils of a law school and should be oriented toward practical skills.

The general teaching plan for bachelor degree should consist of two parts: theoretical and practical courses. In addition, the theoretical course information should be completely repeated in the practical courses; in other words, the practical courses should not be limited to one topic. It is necessary to work out the practical course such that a student uses the entire theoretical course. The theoretical courses should be planned such that duplication of subjects will be avoided. According to the curriculum, the general education should be only given during the first year. It should include teaching of the theoretical, philosophic, sociological and historical parts of the government and law. The teaching of relevant topics about the legislative branch and the teaching of comparative law
should be handled simultaneously and only after that should the special courses start and selected subjects be taught regarding the institutional aspects of this branch.

At the present time the most widely used form of teaching is a lecture; practical courses have a formal character. It is necessary to transform the teaching and grading systems to the modern western system of writing. The basic form of working on the theoretical material received in a seminar requires a new approach. A system of writing seminars should be established. On the grounds of the theoretical knowledge received in the seminar, there should be discussions and analysis in writing of the particular court hearings, hypotheticals, or legal proceedings. The seminars should cover all of the subjects that are included in Georgian legislation. The division among the subjects -- seminars and lectures should be 1/3 for lectures and 2/3 for seminars. In other words, the emphasis should be on the seminars. In the subjects that are considered only in lecture courses (comparative sciences), colloquiums should be intensively used for examining the knowledge at the intermediate level; this should also be handled in writing and be graded.

Writing of an essay on the subject, in consultation with the supervisor of the seminar, should involve preparation on the basis of a combination of theoretical matters and relevant practical matters, and an oral presentation of the results should be carried out in the seminar.

The first state examination should be given after completion of the theoretical course of bachelor degree at the end of the 8th semester; in the case of passing it successfully the student becomes an intern and starts the second stage of education, taking the practical course.

Formation of qualified professionals is impossible through providing only theoretical courses. At present there is no argument between scientists, experts and specialists concerning the fact that theoretical courses are necessary but not sufficient for creating highly qualified lawyers. It is necessary to take a practical course after completing the theoretical course; in other words, there must be a combination of theory and practice. Legal education reform should take exactly this direction in order to raise the quality of legal education.

The student may undergo the two-semester practical course in a court, procuracy, bar association (advocatura), Ministry of Justice, Ministry of Interior Affairs and in other administrative organs and in recognized law firms. The general rule for taking the practical course should be set forth in the “state standards.” State standards must also determine the list of institutions and organizations recognized for giving practical courses, and the terms of the courses in each of them. Each institution and organization issues a certificate for interns after individually examining each of them. The certificate will verify the abilities of an intern regarding any particular issue.

After completion of the practical course and after receiving all the necessary certificates, a second state examination should be administered, which will evaluate the experience received during the practical studies. -- whether or not an intern has developed the necessary skills and abilities for the lawyer.

After passing the second state examination, the student is awarded a bachelors degree in law.

The rules for conducting the state examination should be determined by legislation; additionally,
first state examination should be in writing.

The bachelors degree in law is a required condition for receiving the qualification of a lawyer.

Persons having bachelors degrees may continue their studies for two years in a specialized field of law for a masters degree if they qualify in the competition. The rules for the competition in master degree should be determined by the law school itself, considering the rating of the BA students, on the grounds of the recommendations of the relevant law faculty. Master Degree should be received after public defense of the comprehensive research in the field and after passing the state examinations in the specialty and in one foreign language.

The MA diploma certifies the person as having a high qualification as a specialist in the specialized field of law and, after receiving the qualification of a lawyer, is the precondition for taking high positions determined by legislation and also for the postgraduate studies.

The content of the reform of legal education includes the joint effort of all its participants for reaching the goal and liberalization of the study process itself. It is important to establish the widely used practice in Europe of selecting special (non obligatory) subjects (25%) and the practice of choosing professors while studying for the masters degree. This will allow a student and a magistrate to better use his or her abilities and extend his or her opportunities to concentrate on the studies that he or she thinks will be important in the future.

For the combination of practice and theory it is desirable to establish the widely used practice in Europe of creating law clinics within law faculties, where the undergraduates under the supervision of experienced lawyers study the cases of socially vulnerable clients for the purpose of providing free legal assistance to them.

The student in a clinic learns not only how to deal with particular cases, but also gets a better understanding of the general social situation in the country.

4.

Providing Personnel for the Legal education System

It is vitally important to provide the legal education system with highly qualified personnel. All the participants in the education-scientific process have to participate in it. This includes law school administrations and the relevant faculty students and other interested persons. It is necessary that all the law schools create incentives for working conditions for their professors. The law school should hold itself responsible for the teachers that they send to lecture the students and to conduct seminars for them.

a) The administration of the law school and the relevant faculty should jointly:

- Prepare the new generation of scholarly lawyers for postgraduate studies and doctorates in case the relevant potential exists.
Support the rotation of the professors through involving practicing lawyers in the teaching process;

Support expanding the scientific and teaching potential of the professors (attending each others’ classes and using other forms of control) and perfection with the assistance of experienced and highly qualified teachers using a system to be worked out of influencing each other;

Create special programs for raising the qualifications of the professors and for their training; Systematically conduct qualification and training, using the potential that is in the country and the relevant resources of foreign countries. For this purpose, it should make connections with international organizations and institutions. They should support the teachers, especially the younger ones, to do the internships in different training centers;

Considering the fact that law school is a part of the legal education system, providing qualified personnel for the legal education system should start from the high school level. The pedagogical institutes having state accreditation should prepare the teachers for teaching jurisprudence courses in schools. The relevant centers should be providing training and continuing education for the teachers of government and law;

b) The students should independently and without interference of other forces:

- Establish a multiple profile system of rating the professors using the mechanisms of interviews and surveys, in order to discover their attitude towards the particular lecturer’s methods of teaching, objectiveness, and the results of this survey should be taken into consideration by the administration and faculty of the law school while working with the relevant teacher. The results of the rating should not be depended upon only based on the number of students; ratings should be done based on academic achievements according to the different groups separately.

c) Other interested persons: parents, professional associations, financing organization and the representatives of other interested parties:

- Should actively influence providing the institution with qualified personnel, making suggestions about inviting different professors, etc.

5. Financing of Legal Education

Receiving education is the constitutional right of a person and should be based on the principle of equal access based on the UNESCO Convention of 1960 Against Discrimination in Education, the 1996 Declaration on Economic, Social and Cultural Rights, and the 1998
Worldwide Declaration on Higher Education in the 21st Century. Georgia has signed these documents and has dedicated itself to fulfilling the obligations to support the creation of proper conditions through legislative regulations and real education practice.

The main mechanisms for state support of legal higher education should be determined:

a) Providing successful students with state scholarships (educational grants);

b) Providing preferential educational credits for students to participate in various educational programs

Enforcement of the abovementioned mechanisms requires that each law school determines and publicizes the cost of its educational programs.

6.

Awarding Legal Qualification and Acknowledgement

Law schools are authorized to award academic degrees in jurisprudence. As for awarding the license to practice law, it should be the function of the government and should be related to passing a general qualification examination.

The general qualification examination aims at determining whether or not the qualification of a person to be awarded either a bachelors or masters degree complies with the state standards. The following issues are verified at the examination: the level of education received by the person, the professional skills received during the internship, his or her skills of interpretation of laws, and whether or not he or she has the relevant knowledge in the field of law.

Only by passing this examination successfully can a person having an academic degree in jurisprudence be licensed to practice law. After this he or she should be considered a lawyer and should receive the certificate of state standards. Without this certificate certifying the license to practice law, a person shall not be authorized to take a position that requires the qualification of a lawyer.

The General State Qualification Examination is one of the strong components for regulating the quality (level). It will certainly enhance the responsibility of the law school for their quality and it will support the improvement of teaching, because establishing the system of examinations in Georgia provides an opportunity for an external evaluation. In the future it will naturally result in the closing of those law schools that cannot comply with the state standards of the legal education. It will provide for the divulge of evidence of corruption and bribery in the law schools.

The rules and conditions for conducting the state qualification examination and also the rules of licensing the graduates of the accredited law schools to practice law should be regulated by the legislation in detail.
In addition, a necessary requirement should be that the law schools not participate in the administration of the state qualification examination and this should become a function of the government. The Ministry of Justice should be responsible for administering the general state qualification examination (including the Ministries of Justice of the Autonomous Republics of Adjara and Abkhazia).

Commissions of three branches of the Scientific Groupings (Constitutional Law and Administrative Law, Civil Law, and Criminal Law) should be formed on the rotation principle in the Council of State Qualification Examinations of the Ministry of Justice (its composition and charter should be approved by the Minister of Justice). The Commissions will evaluate the knowledge and qualification of the person having the academic degree according to the subjects. Public service lawyers should participate in the activities of these commissions on a peer basis (judges, prosecutors, advocates, notaries, lawyers-consultants), scholars, representatives of private and non-governmental organizations and professional entities. The heads of the institutions and law schools should not be included in the Exam Commission (Rector, Deputy Rector, Director, Dean, Deputy Dean, Head of the Faculty, Deputy Head of the Faculty).

Persons having BAs and MAs should be entitled to take the General State Qualification Examination within the terms determined by the legislation after receiving their degree despite the property, form or type of the institution.

The General State Qualification Examination should be administered periodically with the determined timing and their results should be available to the public. The results should be taken into consideration when determining the ratings of the law schools.

The compliance of the positions of the persons having the lawyers’ qualification with BA and lawyers’ qualification with MA should be determined by the legislation.

C. Transitional Part

During the implementation of the concepts the issue of recognizing of the lawyers’ qualification and its approval shall be raised. This issue should be determined by legislation. In addition, the qualification of persons having scientific degrees in jurisprudence and qualifications of the practicing lawyers with 2 years’ experience of working should be automatically approved.
Appendix I

The Law of Georgia on the Advocates
The Law of Georgia on the Advocates

Chapter I

General Provisions

Article 1. Advocate

1. An advocate implements legal activities in Georgia.

2. An Advocate is a person of independent profession, which obeys only the laws and norms of professional ethics, is registered in the General List of Georgian Advocates.

Article 2. Legal Practice

1. Legal practice includes legal advice for a person (client) who applied to him/her for assistance, representation of a client in a court, arbitration on the constitutional, criminal, civil or administrative case, also in places of preliminary detention, inquiry and investigation, preparation of legal documentation toward third bodies and presentation of any documentation on behalf of a client, providing with such legal assistance which is not in connection with the representation toward third body.

Article 3. Principles of Legal Practice

The principles of Legal Practice are:

a) Legitimacy;
b) Independence and freedom of legal practice;
c) Non-discrimination and equality of all advocates;
d) Non-interference in advocate’s activities.
e) Respect for and protection of rights and freedoms of a client by an advocate;
f) Prohibition of refusal by an advocate to protect a client, except the cases determined by this law;
g) Protection of professional secret by an advocate;
h) Protection of norms of professional ethics by an advocate;
Chapter II

General Rights and Duties of an Advocate

Article 4. Rights of an Advocate

1. An advocate has the right:

a) To represent and protect a client, his/her rights and freedoms at the Constitutional, Supreme and Common Courts, in arbitration, in the agencies of inquiry and investigation, toward other physical and legal bodies.

b) To require and receive materials, information and other documents, according to the rules established by law which are necessary for the implementation of legal activities and protection of clients interests;

c) To meet and communicate personally with a detained or imprisoned client without obstacles and control in accordance with the rules established by criminal procedural legislation;

d) To implement other rights determined by procedural legislation;

2. Only the law may restrict an advocate’s activities.

Article 5. Duties of an advocate

1. An advocate is obliged to implement his/her professional functions honestly, to protect exactly the norms of professional ethics, to prohibit infringement of rights of court and other legal process participants, to protect professional confidence, to implement duties established by procedural legislation and to inform a client immediately in the event of conflict of interest.

Article 6. Protection of Clients Interests

1. An advocate has the right to use any measures, which are not prohibited by legislation or norms of professional ethics, to protect the client’s interests.

2. An advocate is obliged to provide the client with the information and to determine all financial obligations to the client, which are connected to the case proceedings.
Article 7. Professional Secret

1. An advocate is obliged
   a) To keep the professional secret even with the passage of time;
   b) Not to disclose the information, which become known to him/her during the implementation of advocate’s activities, without the consent form a client.

2. The violation of professional confidence by an advocate is governed by the responsibility determined by this law and the advocate’s code of professional ethics.

Article 8. Conflict of Interests

1. The advocate is obliged not to implement such activities, or not establish such relationship, which will create danger for his/her client’s interests, professional activities of an advocate or his/her independence.

2. The advocate is obliged not to implement his/her professional functions, if he/ she served as an advocate to the opposite party on the same case.

3. Implementation of professional functions by an advocate on a case in which he/she already has implemented functions of a judge, prosecutor, investigator, inquirer, secretary of court sessions, interpreter, attendant, witness, expert, specialist, public servant, notary or other obligations determined by procedural legislation is prohibited;

Article 9. Insurance of an Advocate

An advocate is obliged to have insurance of his/her professional responsibility, to compensate material damage to a client, according to the rule established by the law.

Chapter III

Advocate

Article 10. Requirements to the Advocate

1. An advocate can be any physical body (person), if he/she:
   a) Has a high legal education;
   b) Has passed advocates’ test in accordance with the rules established by this law;
   c) Has given the oath of an advocate (wrote the affirmation) in accordance with this law.
   d) Has at least one year of working experience as an advocate or intern of an advocate.

2. An advocate may not be a person convicted for a deliberate commission of a crime when the conviction is not annulled in accordance with the rule established by Georgian legislation.
Article 11. Test of an Advocate

1. Any person who has high legal education has the rights to pass advocates’ test.

2. The test will be held twice a year. The date, rules, program and regulations of the qualification commission is nominated by Executive Council of the Georgian Bar Association and approved by the General Meeting of the Georgian Bar Association not later than two months before the test.

3. The test is general or according to the specialization of an advocate.

4. The specialization of an advocate can be in civil law and criminal law.

5. The general test is conducted in the following subjects:
   a) Constitutional Law;
   b) International Laws on Human Rights;
   c) Administrative Code;
   d) Administrative Procedural Code;
   e) Criminal Code;
   f) Criminal Procedural Code;
   g) Civil Code;
   h) Civil Procedural Code.

6. The test of an advocates specialized in civil law will be held in the following subjects:
   a) Constitutional Law;
   b) International Laws on Human Rights;
   c) Administrative Code;
   d) Administrative Procedural Code;
   e) Civil Code;
   f) Civil Procedural Code.

7. The test of an advocate specialized in criminal law will be held in the following subjects:
   a) Constitutional Law;
   b) International Laws on Human Rights;
   c) Administrative Code;
   d) Administrative Procedural Code;
   e) Criminal Code;
   f) Criminal Procedural Code.

8. An advocate, who passed the test according to the specialization, has the right to practice law in a relevant field. Any advocate has the right to practice law in the Constitutional case proceedings.

9. The test is held in State language.

10. In a case of successful passage of the test, the person will receive special certifying document that he/she passed the test.
11. The certificate of the qualification test will become invalid in case when an examinee has not started legal practice during 7 years after passing the test.

**Article 12. The Unified List of Advocates of Georgia**

1. Any advocate who is the member of advocates association will be registered on the unified list of advocates of Georgia, according to the rule established by this law.

2. To be registered on the unified list of advocates of Georgia an advocate applies directly to the executive council of the Georgian Bar Association or through Bar Associations of Abkhazia and Adjara. The executive council of the Georgian Bar Association according to the rule established by this law makes decision either about the registration of an advocate in an unified list or refusal on registration of advocates within 10 days after the receive of an application.

3. The executive council of the Georgian Bar Association approves the unified list of advocates of Georgia.

4. The unified list of advocates should consist from the following data:

   a) Name, surname and date of birth of an advocate;
   b) Address and contact telephone of residence and legal bureau;
   c) Field of law in which an advocate is specialized after the bar test in specific fields.

5. The bases for refusal of an advocate to become a member of the Association and to be registered on the unified list of advocates are the following:

   a) Does not meet the requirements of the article 10 of this law;
   b) Seven or more years passed after he/she passed the examination;
   c) Is excluded from the unified list of advocates of Georgia on the basis of article 14, subparagraphs “b”, “f” and “g” and 5 years have not passed after exclusion.

6. The rejection of the executive council on the membership and enlistment can be appealed to a court during one month after the rejection.

7. Any person has the right to inspect the data of the unified list of advocates of Georgia. The executive council of the Georgian Bar Association publishes the unified list of advocates of Georgia twice a year.
Article 13. The Oath of an Advocate (Affirmation)

1. After registration on the Unified List of Georgian Bar and becoming a member of association an advocate is obliged to swear an oath before the executive council of association. The oath should be as follows:

“I swear to be loyal to the ideas of justice, honestly implement advocate’s duties, protect the Georgian Constitution and laws, norms of professional ethics and human rights and freedoms”.

2. If a person refuses to swear an oath because of his/her personal beliefs, an oath can be changed by a solemn affirmation, where an advocate can promise that he/she will honestly protect the rights and duties established by this law.

3. The text of the oath (affirmation) is signed by an advocate and kept in his/her personal file.

4. After swear of an oath (signing an affirmation) a person receives the status of an advocate, with a special certificate proving the right of legal practice.

Article 14. Removal of Advocate from the Unified List of Advocates of Georgia

1. An advocate can be removed from the unified list of Advocates of Georgia:

a) Based on his/her own application;

b) Based on the decision of the ethics commission of association or and court decision;

c) In a case when a person was recognized deceased or lost, as incapable or quasi-incapable;

d) If he/she is convicted with the deliberate commitment of a crime and the punishment is imprisonment;

e) If by a court’s decision he/she is forced to medical treatment;

f) If the advocate does not satisfy the requirements determined in article 10 of this law, knowledge of which could prejudice his/her registration on the unified list of advocates.

g) If an advocate does not pay the mandatory fee established by Georgian Bar Association.

h) in case of death

2. The executive council of the Georgian Bar Association by the majority of membership, with a secret ballot makes the decision about the termination of authority of membership of an advocate in Georgian Bar Association in a cases determined in this article paragraphs “b”; “f”;
“g”, and in the cases determined in this article paragraphs “a”; “c”; “d”; “e” and “h” makes the decision about the removal of an advocate from the unified list of advocates, receives the information and removes an advocate from the list.

3. The decision must be definite and shall be handed or send to an advocate within 5 days after enactment except the cases determined by paragraph 1 items “c” and “h” of this article.

4. A copy of decision of the executive council of the Autonomous Republics of Adjara and Abkahazia about the termination of authority of membership of association must be sent to the executive council of the Georgian Bar Association within 5 days after its announcement for exclusion of a given lawyer from the bar list.

5. In cases determined by subparagraphs “b”; “f”; “g” of paragraph 1 of this article before the final decision of a court is made, the decision of Georgian Bar association about the termination of authority of an advocate and removal from the unified list of advocates will be stopped.

6. From the moment an advocate has been excluded from the list he/she loses right to be called an “advocate ” and will lose his/her certificate.

Article 15. Termination of the Legal Practice

1. The right to practice law by an advocate is terminated according to the rule determined by Article 14, paragraph 2, based on the decision of the Executive Council of Association:
   a) Based on personal application
   b) In a case determined by paragraph “b” of article 34 of this law.

2. According to the paragraph 1 of this article in case of termination of the legal practice, an advocate is exempt from the payment of membership fee and it is prohibited for her/him to participate in the Association’s activities.

3. The right to practice law by an advocate will be restored after the receive of relevant application or after the expiration of time determined in paragraph “b” of article 34.

Chapter IV

Intern of an Advocate, Advocate’s Assistant

Article 16. Intern of an advocate

1. A person, who passed the test, and is willing to be an intern for an advocate of legal bureau, must apply to the desired advocate or legal bureau. An advocate or the legal bureau makes a decision about his/her internship and informs the relevant bar association about the decision not later than 5 days.
2. The period of internship is included in the work tenure and professional experience.

3. In accordance to the rule established by Georgian legislation and in special cases intern may conduct functions of an advocate according to the advocate’s instruction.

4. Intern cannot be questioned on issues, which have become known to him/her during his/her professional activities. The obligations determined in article 7 of this law apply to the intern.

Article 17. Advocate’s assistant

1. In the process of legal practice, with the meaning of technical or other kind of assistance an advocate may hire an assistant. He/she does not possess any rights of an advocate and is not allowed to be presented during legal proceedings, in a court, arbitration, agencies of investigation and inquiry, in other governmental agencies or organizations, except the cases determined by paragraph 2 of this article.

2. With attendance of an advocate or according to his/her order, based on his/her signed permission an assistant may get familiar with the case materials in a court, arbitration, in agencies of investigation and inquiry, in other government agencies or organizations.

3. The assistant of an advocate may not be questioned as witness on those issues, which had become known to him during his professional activities. The obligations determined by article 7 of this law apply to him/her.

Chapter V

Organization of Legal Practice

Article 18. The Organizational – Legal Form of Legal Practice

1. After reception of the certificate an advocate has the right to create independently or together with other advocates a legal bureau (office, firm and etc) in a form of cooperation or entrepreneurial legal body, where the responsibility of not less than one partner is not limited.

2. The information about the creation of legal bureau should be presented to the executive council of the bar association during 10 days after the creation of a bureau. The application should include the information about the address; contact telephone, the name of an advocate (the advocates) unified in the bureau and the fields of law in which an advocate (the advocates) practices (practice) the law.
3. The rule of work and organization of the legal bureau, also its structure is determined by the bureau.

Article 19. The Bases for Legal Practice

1. An advocate practices the law based on an agreement;
2. An advocate is obliged to present, at the agencies of inquiry and preliminary investigation or during the case hearing at the court, the document issued by a client according to the established rule - power of attorney or order and the advocate’s certificate.
3. The executive council of the bar association adopts and approves the form of advocates order.

Chapter VI
Bar Associations

Article 20. Bar Association

1. The advocates are the members of The Georgian Bar Association. The Bar Associations of Abkhazia and Adjara are included in the Georgian Bar Association.
2. The members of the Bar Association of Adjara and Abkhazia automatically become the members of Georgian Bar Association.

Article 21. Status of the Associations

1. Georgian Bar Association, Bar Associations of Adjara and Abkhazia are legal bodies of public law based on persons' membership.
2. The charter of association determines work and basic principles of the Association.
3. The article 11 of the “Law on Legal Bodies of Public law” does not apply to associations.

Article 22. The Symbols of the Georgian Bar Association

The General assembly of the Georgian Bar Association based on the nomination of executive council of the association approves the symbols of the association.

Article 23. Organizational Structure of the Bar Association

1. For implementation functions defined by this law the following departments are created in bar association:
1. The highest body of the Bar Association is the general assembly, Abkhazia and Adjara Autonomous Republic Bar Associations - general assembly of the relevant bar associations of the autonomous republics. The general assembly meets at least once a year.

2. The General Assembly of the Georgian Bar Association:
   a) Approves the charter of the association and the provisions of the structural units, makes amendments and changes by the majority of votes.
   b) Elects and dismisses the chairperson, members of the executive council, ethics commission and audit commission by a secret ballot and majority of votes of those listed.
   c) Approves the rule of holding the test of advocates, program of test and the provisions of the qualification commission presented by the executive council of the Georgian Bar Association
   d) Approves the Code of Professional Ethics of the Georgian Bar;
   e) Approves the provision about the disciplinary responsibility and disciplinary proceedings of advocates;
   f) Approves the rule of work of the training center;
   g) Approves the expenses of the association for next year;
   h) Hears the reports of the Chairman of associations, ethics commission and audit commission on their activities;
   i) Approves the membership fee and the time of its payment;
j) Allocates funds to cover the expenses connected to the general concerns of association

k) Approves the amount of salaries, travel expenses, and other administrative expenses of hired staff;

l) Implements other functions defined by the legislation, this law and statute of the Association.

3. General Assembly of the bar associations of Abkhazia and Adjara Autonomous Republics:
   a) Approves the charter of the association and the provisions of the structural units, makes amendments and changes by the majority of votes.

b) Elects the chairperson of the association;

c) Elects and dismisses the chairperson, members of the executive council, ethics commission and audit commission by a secret ballot and majority of votes of those listed.

d) Hears the reports of the Chairman of associations, ethics commission and audit commission on their activities;

e) Allocates funds for covering the organizational-technical expenses of associations activities;

f) Approves the amount of salaries, travel expenses, and other administrative expenses of hired staff;

g) Implements other functions defined by the legislation, this law and statute of the Chamber.

Article 25. Rule of Decision Making and Calling the Extraordinary Session of the General Assembly

The rule of calling extraordinary session and making the decision on general assembly is determined according to the charters of the Georgian Bar Association, Adjara and Abkhazia Bar Association.

Article 26. The Executive Council

1. Executive body of the association is the executive council, which meets at least once a month.

2. Executive council consists of 9 members. 6 members are appointed for three years by the general assembly.

3. The chairmen of the Georgian Bar Association and Bar Associations of Adjara and Abkhazia based on their positions become the members of the executive council automatically.
4. The executive council of the Georgian Bar Association is authorized:
   a) To organize the creation of Unified List of Georgian Bar, making changes to that and its
      publication based on the data provided by the executive councils of the bar associations
      according to the rule established by this law.
   b) To determine the date of testing of advocates, to organize the preparation and holding of the
      test (except the bar association of Adjara and Abkhazia); to coordinate the testing on whole
      territory of Georgia.
   c) To organize the vow of an oath by an advocate (writing the affirmation);
   d) To execute decisions of the general assembly, ethics commission and audit commission;
   e) To approve the form of the advocates order;
   f) To approve the form of advocate’s certificate;
   g) To establish international contacts, and be a representative of the association in these
      relationship;
   h) To have personal files processed on advocates and interns;
   i) To be the arbitrator between the arguing members of association, or between the members
      and their clients based on the bilateral request.
   j) To publish the bulletin of advocates or other publications;
   k) To implement other functions determined by this law and the Charter of the Association.

5. The executive councils of the bar associations of Abkhazia and Adjara Autonomous Republics
   are authorized:
   a) To provide executive council of Georgian Bar Association with the information for Unified
      List of Georgian Bar, to make changes and to publish;
   b) To organize the vow of an oath by an advocate (writing the affirmation);
   c) To organize and hold testing;
   d) To be the arbitrator between the arguing members of association, or between the members
      and their clients based on the bilateral request;
   e) To have personal files processed on advocates and internees;
APPENDIX I—THE LAW OF GEORGIA ON ADVOCATES

f) To implement the decisions of the general assembly of Georgian Bar Association, relevant executive council, general assembly of association, ethics commission and audit commission;

g) To implement other functions determined by this law or the legislation.

6. The executive council is authorized to make a decision if the majority of half of its members attends its session. Decisions are made by majority of attending members. In case of equality of votes chairman’s vote is decisive.

Article 27. Chairman of the Association

1. The general assembly for a term of three years elects the chairman of the association from the members of executive council, according to the preliminary written consent of a candidate.

2. The chairman of the association is the chairman of the executive council and represents association.

3. During service as chairman, an advocate is paid from the budget of the association and may not have a legal practice.

Article 28. The Ethics Commission

1. The ethics commission is composed of 9 members elected for three years term.

2. The general assembly of the association elects the seven members of the ethics commission, and the general assembly of the bar associations of Adjara and Abkhazia elects one member.

3. The number of members of the ethics commission of Abkhazia and Adjara Autonomous Republic Bar associations, their authority and rule of election are determined by provision, which is approved by General Assembly of the relevant autonomous republic bar association.

4. The members of the ethics commission can be reelected only once.

5. The chairman of the ethics commission is elected from the members of the council, for one-year term, based on the preliminary consent of a candidate.

6. The ethics commission examines received information about an advocate, investigates its basis and makes a decision about the disciplinary responsibility of an advocate.

7. Anonymous letters and messages cannot be considered as basis for discussion an issue of disciplinary responsibility.

8. The statute adopted by the General Assembly of the Georgian Bar Association will define rules of advocates’ disciplinary responsibility and proceedings.
Article 29. The Audit Commission

1. With the purpose of control of financial activities the audit commission is created.

2. The audit commission is composed of 3 members, which are elected by the general assembly of chamber for a term of 2 years. Members of the audit commission elect the president for a term of one year.

3. The audit commission checks financial activities of the association, investigates cashbook and reasonableness of the expenses incurred.

Article 30. Limitation to the Membership of the Executive Council, Ethics Commission and Audit Commission

1. An advocate may not be elected as a member of the executive board, ethics commission and audit commission if:
   
   a) Has not fulfilled property obligations imposed by a court’s decision;
   
   b) Has been accused with criminal charges;
   
   c) Has been imposed a disciplinary penalty during last three years or has been deprived of right to practice law during last 5 years.

2. Re-election of members of the executive council, ethics commission and audit commission is allowed only twice.

Article 31. Termination of Authority of Members of the Executive Council, Ethics Commission and Audit Commission

1. An advocate’s authority to be a member of the executive council, ethics commission and audit commission may be terminated:

   a) Based on his/her own application;
   
   b) In a case of termination of the right to practice the law;
   
   c) In a case of termination of authority;
   
   d) Based on exclusion from the unified list of Georgian Bar.

2. If an advocate’s authority to be a member at the executive council, ethics commission and audit commission, is terminated before his/her term has been expired a new member with full
authority will be elected on the next general assembly. If appears that there are less then half of whole compositions of members of the executive council, ethics commission and audit commission the general assembly must be called immediately to elect new members.

Chapter VII
Responsibility of an Advocate

Article 32. The Basis for Imposing the Disciplinary Responsibility on the Advocate

1. An advocate is imposed disciplinary responsibility for:
   a) The violation of requirements determined in articles 5 and 9 of this law;
   b) Violation of norms of professional ethics;
2. An advocate should not be imposed disciplinary responsibility, if 3 years passed after the commitment of disciplinary violation.

Article 33. Commencement of Disciplinary Prosecution toward the Advocate

The ethics commission of the association commences the disciplinary persecution toward an advocate. The ethics commission makes decision about the commencement or refusal to commence disciplinary prosecution toward the advocate within a month after receives the information.

Article 34. The Types of Disciplinary Measures and the Measures of Disciplinary Influence

1. The types of disciplinary measures are:
   a) Warning;
   b) Deprivation of the right to practice law from 6 months to 3 years;
   c) Removal from the Unified List of Georgian Bar;

1. The measures of disciplinary influence are:
   a) Private letter of reprimand;
   b) Deprivation of the right to have the authority of member of executive council, ethics commission, and audit commission of the bar association of Georgia, Adjara and Abkhazia.
Article 35. Imposing the Disciplinary Measures on an Advocate

1. The issue in ethics commission is heard collegially, with the composition of 3 members, and the majority of votes make the decision. The dissent is attached to the decision in a case of disagreement.

2. An advocate should be granted the opportunity to express his/her opinion in an oral or written form, before the ethics commission makes the decision.

2. The sessions of the ethics commission are closed, but the decision is publicly announced.

3. In a case of absence of the advocate at the session of the ethics commission, the discussion of the issue will be postponed for 10 days. The absence of an advocate second time without reasons does not create the obstacle for the ethics commission to discuss the issue.

4. The decision of the ethics commission should be reasonable. The decision should be granted to advocate within 5 days after its announcement, in a case of its not announcement it should be sent to him/her within the same time period.

5. An advocate has the right to appeal the decision to the Supreme Court of Georgia within a month after he/she receives the decision.

Article 36. The Responsibility of an Advocate

An advocate is responsible for the commission of law violation according to the rule established by Georgian legislation.

Article 37. Encouragement of an Advocate

The forms and rules of encouragement of an advocate are determined by the general assembly of the association based on the nomination of executive council of the Georgian Bar Association for the purpose of successful work of an advocate.

Chapter VIII

The Legal Protection of an Advocate

Article 38. The Legal Protection of an Advocate

1. An advocate is independent in his/her activities and interference in advocate’s professional activities is prohibited.
2. The advocates are equal before the law.

3. It is prohibited to question an advocate as a witness on the case where he/she was an advocate (representative or defender).

4. An advocate is not responsible for those statements, which are presented in written or oral form to the court or administrative agencies by an advocate for the client’s interest.

5. The prosecutor general of Georgia, or his/her deputy, prosecutors of the Autonomous Republic of Abkhazia and Adjara has the right to commence a criminal case in a case of crime commission by an advocate.

6. Any information obtained by an advocate from a client or any person seeking legal advice shall remain confidential.

7. The eavesdropping and reporting of conversations between the client and advocate is prohibited and the correspondence is inviolable.

8. The advocate's person, residence, office, means of personal transportation, papers and correspondence (including computer correspondence) and telephone conversations are inviolable. Any search or seizure of the advocate's person, residence, office, means of personal transportation, papers and correspondence (including computers correspondence) and telephone must first be authorized by the Chairman of the Appellate Court. The arrest or detention of an advocate must be reported to the Chairman of the Appellate Court within two hours of the arrest or detention. Any criminal proceeding against an advocate shall be considered in the first instance by the Chamber of Criminal Cases of the Supreme Court.

Chapter IX

The Advocate's Gown

Article 39. The Advocate’s Gown

1. Based on the decision of the general assembly of the Georgian Bar association during the case hearing at the Constitutional or courts of general jurisdiction, an advocate shall participate with special clothing- a gown.

2. The form of the gown is determined by the executive council of the Georgian Bar association and approved by the general assembly.
Chapter X

Transitional and Final Provisions

Article 40. Advocate’s Testing in the Transitional Period

1. The Advocates Qualification Commission will hold the testing of the advocates before the creation of Georgian Bar Association.

2. Not less than half of the Advocates Qualification Commission will be composed from the representatives of different unions of advocates and lawyers of Georgia (Law firm, union and etc).

3. The President of Georgia will approve the rule of creation of qualification commission, testing program, the rule of holding the test and the terms based on the nomination of the Council of Justice.

4. A person who has not passed the Advocates test will be prohibited from the to practice of law from June 1, 2003.

Article 41. Membership in the Georgian Bar Association and the Unified List of Georgian Bar in Transitional Period

1. Before the Association will become active, any advocates willing to become members of association or be excluded from it shall apply to the Council of Justice of Georgia, in order to become members or be excluded from the Associations of Abkhazia and Adjaria an advocate must apply to the councils of justice of those autonomous republics, which will temporarily implement the obligations of the executive council of Georgian Bar Association according to this law.

2. The unified list of advocates is confirmed by the Council of Justice of Georgia during the transitional period.

Article 42. Calling the General Assembly of the Bar Association

The Council of Justice of Georgia and Councils of Justice of Adjaria and Abkhazia Autonomous Republics will summon the general assembly within a month of receiving at least 100 applications, of those advocates who passed the examination.

Article 43. Calling the First General Assembly of the Georgian Bar Association

The first general assembly of the Georgian Bar Association will be called after 100 advocates who passed the examination will become the members.
Article 44. The Approval of the Advocates Professional Ethics Code

In three months after calling the first General Assembly the Georgian Bar Association approves the Advocates professional ethics Code.

Article 45. Invalid Normative Acts and The Laws That Should Be Adopted as a Result of the Enforcement of this Law

1. Statute on the “Georgian Advocatura” of Georgian Soviet Socialist Republic of November 12, 1980 will be considered invalid according to the rule established by this law.

2. The laws on “Insurance of the Advocates Professional Activities” and “Public (Treasury) Advocates” should be adopted before June 1, 2002.

3. The Legal Committee of Parliament of Georgia with the corresponding institute of executive branch should draft the proposals about the special taxation system of the advocates during the three months after adoption of this law.

4. Before the adoption of the law on the “Public (Treasury) Advocates” the services of the public (treasury) advocates shall be conducted by the legal body of public law – the office of public (treasury) advocate – created by the Ministry of Justice of Georgia according to the law on the “Legal Body of Public Law”.

Article 46. Entry Into Force of the Law

1. This law will enter the legal force upon its publication

2. Article 9, Article 32 paragraph 1 subparagraph “a” should enter the legal force with the Law of Georgia on “Insurance of advocates professional activities”.

President of Georgia

Eduard Shevardnadze

Tbilisi

June 20, 2001

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Appendix J

Draft Law of Georgia on Legal Education
Law of Georgia on “Legal Education”

Chapter I
General Provisions

Article 1. The Field of Regulation of Law

This law regulates relationships established during the process of legal education, determines the mandatory criteria for the educational institutions of law specialization, the mandatory requirements to receive the qualification of a lawyer, the basis for acknowledgement of documents issued by the law schools of foreign countries, and the conditions for employment of a lawyer in a public governmental agency.

Article 2. The Scope of the Law

The scope of this law implies to those institutions of higher education where the legal courses are conducted based on the relevant program.

Article 3. The Main Principles of Legal Education

Legal education in Georgia is based on the following main principles:

a) Continuity of the educational process and the independence of educational institutions;
b) Creation of modern educational standards and programs for legal education and the training of highly qualified specialists;
c) The conduct of the general entrance examination for law departments of the state and private institutions of higher education;
d) Determination of a general, centralized rule for giving the qualification of a lawyer;
e) Support of the scientific-research activities and the training of qualified scientists-employees of the institutions of higher education specialized in law by the state;

Article 4. Georgian Legislation in the Field of Legal Education

The Georgian legislation in the field of legal education consists of the Constitution of Georgia; International Treaties and Agreements of Georgia on ”Education”; Georgian Law on “Higher Education”, this law and other legislative acts and by-laws.
Chapter II

The System of Legal Education and the Educational Institution

Article 5. The System of Legal Education

The legal education system in Georgia consists of:

a) The standards of legal education and the educational programs relevant to it;
b) Educational, scientific-research and training institutions established according to the state standard;
c) The agencies of management of legal education system;

Article 6. The Standards of Legal Education

1. The standards of legal education are established for the institutions of higher education specialized in law to provide them with:

   a) high level of teaching at the institution of higher education and high qualification of its graduates;
b) the general requirements for receipt of legal education at the institutions of higher education existing in the state;
c) objective criteria of evaluation of level of knowledge at the educational institution;
d) general criteria for giving the qualification of a lawyer;
e) acknowledgement of diplomas or other documents proving the receipt of the legal education in foreign countries and the determination of their equivalency;
f) the definition of mandatory minimum for legal education;
g) the definition of necessary terms for legal education
h) maximum load [number of students] of training of the students to receive the relevant qualification;

2. The Ministry of Justice of Georgia approves the standard of legal education with the agreement of the Ministry of Education of Georgia.

Article 7. The Programs of Legal Education

1. The programs of legal education in Georgia are implemented based on the continuity principle and in the stages;
2. The secondary, higher and post-graduate education programs are conducted in Georgia for the students to receive legal education;

3. The secondary education program consists of legal education course at secondary school, which is mandatory to implement at the last classes of secondary schools;
   a) The curriculum of legal education at the secondary school consists of the general basis of legal sciences and the Constitution of Georgia and general theoretical review of other legislative acts and by-laws of Georgia;
   b) The examination is conducted at the end of legal education curriculum at the secondary, which proves the general theoretical knowledge of law by a student.

4. The higher legal education program consists of a two-stage system the purpose of which is to train highly qualified specialists based on the theoretical and practical knowledge.

5. The post-graduation legal education program consists of post-graduation courses, which provides with the conduct of scientific-research activities and training of scientist-specialists.

Article 8. The Institutions of Higher Education

1. The institutions of higher education are created in accordance with the Law on Education of Georgia.

2. The following institutions of higher education are functioning in Georgia to provide higher legal education: University, Institute Academy, Higher Education School.

Article 9. The Licensing, Accreditation of the Institution of Higher Education

The institutions of higher education active in Georgia are subject to license and mandatory accreditation according to the rule established by the law.

Article 10. The Licensing, Accreditation of Law Faculty [Department]

1. The license of law faculty [department], which is issued by the Ministry of Education with the agreement of the Ministry of Justice, is necessary to open this faculty at the institution of higher education.

2. The law faculty of the institution of higher education is subject to mandatory accreditation, which is implemented by the Ministry of Justice.

3. The written consent of the Ministry of Justice is necessary in a case of licensing or accreditation of institution of higher education with multiple specializations (including legal).
4. The law determines the rule and conditions of the licensing.

5. The Ministry of Justice of Georgia determines the rule of accreditation of law faculty.

Article 11. Mandatory Requirements for the Opening of the Law Faculty

1. The law faculty of the institution of higher education should be in compliance with the following main requirements:
   a) Training room-laboratories and logistics should be in compliance with the rules established by the legal education standards;
   b) The legal education curriculum should be in compliance with legal education standards and the real conditions of practical implementation of such programs should exist at the institution of higher education;
   c) The library of the institution of higher education should have the literature necessary for the legal teaching or the institution should have an agreement with the library;
   d) The teachers of the law faculty should have higher education. The number of professor-teachers having the scientific degree should be 75% of whole number of the teachers, 10% from it should be teachers with doctor’s degree.

Article 12. The Qualification of Professor-teachers of the Institutions of Higher Education

1. The administration of the institution of higher education provides training of professor-teachers once every three years within and outside of the country according to the qualification and training programs.

2. It is prohibited to invite the specialist without the relevant specialization to the institution of higher education with the legal specialization.

3. The administration of the institution of higher education establishes contacts with international organizations and educational institutions with the purpose of implementing the duties determined in the first paragraph of this article.

Article 13. General Coordination of Legal Education

1. The purpose of the general coordination of legal education is to establish state standards for the whole process of legal education and to provide for a high level of professional training.

2. The Ministry of Justice:
   a) Coordinates the legal education process in Georgia;
   b) Coordinates the licensing on the opening of the law faculty at the institution of higher education and makes the decision on the termination and annulment of the license according to the rule established by the law;
c) Implements the accreditation of the institution of higher education and makes the decision on annulment of the accreditation;

d) Conducts the lawyers qualification examination and issues the document-certificate proving the qualification of a lawyer according to the rule established by this law;

e) Participates in the process of creation of the legal education curriculum;

f) Approves the composition of the qualifying council and examination commission.

Chapter III

The Stages, Forms and Terms of Legal Education

Article 14. Admission Examination

1. The institution of higher education is authorized to announce the competition for admission to the law faculty if it is licensed according to the rule established by the law, also is accredited according to the rule established by this law, which allows this institution to issue the established document on receipt of legal education.

2. The administration of the institution of higher education is obliged to inform the students about the conditions of the license, and also to present to him or her with the certificate proving the state accreditation.

3. The mandatory requirements for the admission to the law faculty are approved by the Ministry of Education of Georgia with the agreement of the Ministry of Justice of Georgia.

4. The first admission examination to the law faculty of the institution of higher education of Georgia is conducted in the law, according to the rule established by Chapter IV of this law.

5. The admission examination in the law on the law faculty is conducted based on a special program, which is determined by the Ministry of Justice with the agreement of the Ministry of Education.

6. The student is allowed to take the next examinations only in a case if he or she receives the minimum 75 score in the law examination.

7. All of the institutions of higher education which exist in Georgia are obliged to conduct the admission examination according to the requirements determined by paragraph 3 of this article.

8. The institution of higher education is obliged to conduct a fair and objective admission examination.
Article 15. The Number of Students Admitted to the Law Faculty of the Institution of Higher Education

1. The number of students admitted to the law faculty of the institutions of higher education existing in Georgia is determined annually by a quota, which is approved by the President of Georgia.

2. The required number of the qualified lawyers and the real perspective of their employment in the state and private institutions is taken into consideration when the quota is determined.

3. The division of places at the institution of higher education determined by the quota is implemented according to the rating determined in article 35 by the proportional system.

4. In the case of equal rating, such institution of higher education is given the advantage which has a better curriculum, logistics, and in which institution the percentage of invited professor-teachers is more.

Article 16. The Forms of Receipt of the Legal Education

1. The two-stage system is established in Georgia for receiving higher legal education.

2. The students of the law faculty are trained for four years, which is completed by the first state examination.

3. In a case of successfully passing the first state examination at the end of the four-year course, the student is given the bachelor’s academic degree and is called person undergoing the practical training (probationer).

   a) In a case of successfully passing the first state examination, the probationer is trained for two years at a court, procuracy, bar, Ministry of Justice, Ministry of Internal Affairs and other administrative agencies determined by the law.

   b) The length of practice in each institution is 3 months, at the end of which each agency issues a certificate (document) based on the necessary examination, which proves the abilities of the probationer regarding the certain activities.

   c) The probationer chooses one of the administrative agencies, after the completion of the first training course determined in paragraph “b” of this article, where he receives from 4 to 6 months of mandatory practical training, the purpose of which is to study thoroughly the concrete field of law and to receive relevant experience.

4. The two years of practical training is completed by the second state examination, which reveals whether the probationer reached the goal and whether he or she learned the necessary skills.
5. The student receives the master’s academic degree in a case of successful completion of the second state examination and after the two years of practical training.

Article 17. State Examination

1. The first state examination on law faculty is conducted according to the rule established by chapter IV of this law.

2. The rule of conduct of second state examination is determined by joint order of the Minister of Justice and Minister of Education.

Chapter IV
The Qualification of a Lawyer

Article 18. Giving the Qualification of a Lawyer

A person having higher legal education, who wishes to receive the qualification of a lawyer, is obliged to pass the qualification examination.

Article 19. The Certificate of the Lawyer’s Qualification

1. A person is given the certificate proving his or her qualification after passing the qualification examination. The certificate indicates that he or she now has the “qualification of a lawyer” and the concrete field of law in which he or she is specialized.

2. The certificate of qualification is mandatory to allow a person with a higher legal education to participate in the competition announced by public agencies, to occupy the vacancy for a position of public servant.

3. The Minister of Justice with the agreement of the Minister of Education approves the form of qualification certificate.

Article 20. The Purpose of the Qualification Examination

The purpose of the qualification examination is to evaluate the level of legal education received, to reveal the professional skills received during the practical training, determine whether or not a person is able to understand and use the field of law and whether he or she has the necessary legal education.
Article 21. Qualifying Council

1. The Ministry of Justice of Georgia organizes the preparation stage and conduct of the qualification examination and general coordination.

2. The Qualifying Council (hereinafter referred as the Council) is created in the Ministry of Justice with the purpose to conduct the qualification examination.

3. Qualifying councils are also created in the Ministries of Justice of Abkhazia and Adjara Autonomous Republics.

4. The Minister of Justice approves the regulation of the Council.

5. There are 8 members in the Council; four of them are teachers of institutions of higher education and the other four are practicing lawyers.

6. The Council of Rectors nominates candidate teachers from the institutions of higher education for the membership of the Council, and the other candidates are nominated by the Minister of Justice with the agreement of the Minister of Education.

7. The Minister of Justice approves the composition of the Council for a two year term.

8. A person can be a member of the Council only twice in succession.

9. The Council creates examination commissions by subjects, which are directly involved in the process of examination and review the results.

10. The Minister of Justice with the agreement of the Minister of Education determines the regulations for the work of the Council and Examination Commission.

Article 22. The Creation of Examination Commission

1. The Council creates the examination commission.

2. The commission is created according to the following fields of law:
   a) Constitutional Law;
   b) Criminal Law;
   c) Civil Law;
   d) Administrative Law;

3. The Council determines the composition of the commission.

4. The Chairman of the commission chairs the commission, which is nominated by the chairman of the Council and appointed by the Minister of Justice.
Article 23. Examination Commission

1. The examination commission is created not later than 10 days after the qualification examination starts.

2. Examination commission is divided according into subjects and each commission consists of two practicing lawyers and two teachers of higher educational institution.

3. The members of the commission are independent during the grading of a candidate.

4. The examination commission can make the decision if all members attend the session. The decision is made by majority vote. In a case of an equal division of votes, the vote of the chairman is decisive.

Article 24. The Conditions for Applicants to Take the Qualification Examination

1. Graduates of the law faculty of the institutions of higher education who successfully passed both state examinations and completed their two year internship course and have the master's academic degree will be allowed to take the qualification examination.

2. A application should be completed to take the qualification examination. The application should be filed with the Qualifying Commission of the Ministry of Justice three weeks prior to the examination.

3. The following should be attached to the application:
   a) A copy of the diploma;
   b) A biography;
   c) A document proving the required work experience;
   d) A recommendation letter from last working place or institution of higher education;
   e) The document regarding the health condition;
   f) Two photos.

Article 25. Lack of Approval to Take the Qualification Examination

Violation of conditions determined in article 24 of this law is the base for refusing permission for the applicant to take the qualification examination.

Article 26. Qualification Examination

1. The relevant examination commissions divided according to the subjects conduct the examination.
2. The qualification examination consists of the main subjects and other mandatory subjects of different fields of law and the main field of law, with its historic, social, economical and legal aspects, which is chosen by a person.

3. The Minister of Justice with the agreement of the Minister of Education approves the program of the qualification examination.

4. The qualification examination consists of two stages – written and oral tests.

5. The examinee will be allowed to take the next stage of the qualification examination after he or she receives a sufficiently high score on the previous stage of the examination.

Article 27. The Conditions of the Qualification Examination

1. The examinees are not allowed to use normative materials or other references during the qualification examination.

2. The Council determines the conditions and rule of the qualification examination and the Minister of Justice of Georgia approves it.

Article 28. Written Examination (Test)

1. The purpose of the written test is to examine and evaluate the theoretical knowledge and professional judgment of an examinee.

2. The test should be drafted in accordance with the requirements determined by the standards of legal education and should be in compliance with the program of the qualification examination.

3. The test consists of 100 questions, which covers the following fields of law: Constitutional Law, Criminal Law, Criminal Procedure, Civil Law, Civil Procedure, Administrative Law and Administrative Procedure.

4. The test consists of two parts: the first is the description of a fact/problem, the second part is four possible solutions to the described problem.

5. Each page of the test is numbered and attested by the Minister of Justice of Georgia.

6. The tests shall be put on the tables before the examinees enter the exam room, in front of the public representatives and under the supervision of the members of the council.

7. The examinees shall have 6 hours to complete the examination.

8. The examinations will be scored by a computer.
9. After completing the examination, the examinee goes to the computer and in front of the commission writes in the number of the marked answers into the computer himself.

10. The copies of the completed tests together with the results of the exam shall be made public and will accessible to interested persons.

**Article 29. The Rules for Finding Place in the Examination Room.**

Before entering the exam room the examinees takes numbered papers. After this, the computer determines the seat number for the examinee.

**Article 30. Oral Examination.**

1. An oral exam shall be held in one of the fields of law chosen by the examinee.

2. The examination commission of the relevant field of law administers the oral exams.

3. The knowledge of an examinee in the particular field of law is examined at the oral examination, as well as his or her intellectual and analytical skills.

4. Examinee shall be admitted to the oral examination if on the written examination he or she has received the grades determined in the Article 31 of this law.

**Article 31. Grading of the Qualification Examination**

1. The examination is considered to be successfully completed if the examinee receives more than 75 score.

2. The oral examination is considered to be passed if the examination received a satisfactory grade.

**Article 32. The Minutes of the Exam**

1. The results of the qualification examination are registered in minutes that are signed by the Chairman of the Commission and all the members.

2. The minutes should include:
   a. The place of the exam commission session and the names of the examinees;
   b. Grading of the test examination;
   c. Circumstances and particular grading of the oral examination;
Article 33. Repeating the Examination

1. If the examinee was not able to pass examination, he or she may have admission to take the examination a second time;

2. If examinee still was not able to pass the examination, Council is authorized to allow a person to take another examination after listening to the opinion of the law faculty based on the nomination of the Tbilisi State University, if it is expected that this person will pass the examination.

Article 34. Publicizing the Exam Results

The Ministry of Justice Qualifying Council shall publish the results of the qualification examination in “The Journal of Georgian Legislation” within ten days after completing the examinations.

Article 35. Rating of the Law Schools

Based on the results of the qualification examinations, the Ministry of Justice Qualifying Council shall analyze, determine and publish the rating of the law schools in “The Journal of Georgian Legislation” within one month after completing the qualification examinations.

Article 36. Document Certifying the Qualification of a Lawyer

1. A person shall be given a document certifying the qualification of a lawyer after successfully passing the qualification examination.

2. A qualification certificate is a document that enables a person to participate in the vacancy announcements of the organs of public authority.

Article 37. Appealing the Results of the Examinations

Examinee has a right to appeal the decision of the Council concerning the exam according to the rules determined by current legislation.

Article 38. Acknowledgement

1. Acknowledgment of the documents certifying receipt of legal education means acknowledgment of the certificates received in foreign countries by the relevant state organ, and approving the same legal status of them as the documents issued in Georgia.

2. Educational documents issued by the relevant organs of the foreign states fall under the category of acknowledgment, except in the cases in which a person has been sent either for
receiving legal education or for improving the legal qualification by the competent organs of Georgian Government based on the bilateral agreement with foreign state.

3. Acknowledgment of the document issued by the foreign states does not exempt a person from the general obligations (among them, the requirement to know the state language) that are determined for continuing education or for entering the public service.

4. The Ministry of Justice Qualifying Commission makes decision on the acknowledgement of the certificate for the legal education received abroad.

5. The rules and terms of the acknowledgment shall be determined by the International Agreements and Treaties of Georgia, by this Law and by the Decree of the President of Georgia that will be jointly worked out by the Ministries of Education and Justice.

6. The decision of the relevant state body that approves passing of the qualification examinations for judges, judicial assistants, notaries and lawyers shall be considered as acknowledgment.

Chapter V
Academy of Justice

Article 39. Status of the Academy of Justice

1. In order to prepare qualified specialists for the Ministry of Justice and for other administrative organs, the Academy of Justice (hereafter called “Academy”) shall be created.

2. The Academy is a public law legal body, an institution of higher legal education.

3. The Academy has a seal with the state coat of arms, stamp, independent balance, bank account.

4. The Academy has special rights and authorities. It stands for itself, makes agreements, and may act as a plaintiff or a respondent in court.

Article 40. Goals and Tasks of the Academy

The goals of the Academy’s activities are:

a) Education and retraining of the specialist of law and other fields;
b) Preparing the cadre for the Ministry of Justice, (including the penitentiary system) and for other relevant institutions;
c) Advancing qualifications of employees of the Justice system and also of other institutions and organizations in the legal field;
d) Training of candidates for public service and law specialists;

Article 42. Functions of the Academy

In order to implement the goals and tasks, the Academy:

a) Shall provide legal education based on the standards of legal education following the developed program.
b) Shall provide legal education for specialists of the justice system (also for the penitentiary), and for other institutions of the legal field, and later provides their training and advances their qualifications.
c) Shall participate in developing the standards for legal education;
d) Shall fulfills scientific – research activities;
e) Shall makes contacts with other educational institutions within the country and abroad.

Article 43. Administration of the Academy

1. The rector who directs the Academy is nominated by the Minister of Justice and appointed by the President of Georgia.

2. A faculty and scientific council shall be created in order to provide for the administration of the Academy.

Article 44. Regulations of the Academy

The President of Georgia approves the Regulations of the Academy.

Article 45. State Control of the Academy

The Ministry of Justice of Georgia carries out the state control of the activities of the Academy.

Chapter VI.
The High School of Justice

Article 46. Status of the High School of Justice

1. For the purpose of providing professional training and internships for persons to be appointed as judges, prosecutors, and investigators in the future, as well as for continuing education of
judges and advancing their qualifications, the High School of Justice shall be created within the Council of Justice of Georgia.

2. The High School of Justice is a public law legal body; the President of Georgia approves its Regulations.

3. Only a person who has passed the qualification examination for lawyers and has taken the course of the High School of Justice according to the rules determined by this law may be appointed as a judge, prosecutor or investigator; except in the cases determined by law.

**Article 47. The Goals and Aims of the High School of Justice**

1. The aims of study at the High School of Justice are the acquisition of professional techniques and culture, practical skills by auditors of justice, the acknowledgement of the scope of their future responsibilities and discretion, and their gradual integration in the social environment in which they will have to act as judges, prosecutors and investigators in the future.

**Article 48. The Governing Bodies of the High School of Justice.**

1. The governing bodies of the High School of Justice are the Council of Justice and the School administration.

2. Council of Justice of Georgia establishes and coordinates the policies of the High School of Justice, supervises their implementation.

3. The Director, his deputies, and two representatives of the council of instructors create the School direction.

4. The School is administered by the director, which is appointed by the President of Georgia, on the proposal of the Council of Justice for three years.

5. At the position of the School Director may be appointed: a Georgian Citizen from the age of 30, with high legal education and passing general qualification exams for lawyers, five years of professional experience, which by his moral and business character satisfies the requirements for this position.

**Article 49. The Rules for Admission at the High School of Justice**

1. The admission at the High School of Justice may be on the basis of a competition or without it.

2. A Georgian citizen, with high legal education, fully legally capable, and with no criminal record can be accepted to take part in the competition:

**Article 50. Admission on the basis of a Competition. Competition Commission.**

1. The High School of Justice announces a competition at the beginning of each September to admit the candidates of High School of Justice.
2. The competition is held in two rounds, which are conducted by the competition commission.

3. The members of the competition commission are approved by the Council of Justice upon the proposal of the High School of Justice.

4. The competition commission is created not earlier than 10 days before the beginning of the competition.

**Article 51. Competition**

1. The first round of the competition is held in writing (test).

2. The second round of the competition is oral and is held no later [earlier?] than two days and not earlier [later?] than one week from the end of the first round.

3. The oral competition is held publicly.

4. A candidate may take part in the competitions successively only three times.

**Article 52. Persons to be Admitted to the High School of Justice without Competition**

The following persons may be admitted to the High School of Justice without competition.

a) A law professor, having the degree of the doctor of legal sciences and not less than five years experience of working at law faculties of the state universities.

b) A doctor of legal sciences, having not less than five years experience of working as a notary, lawyer, or in an other field of law or in public service.

**Article 53. The Candidate of Justice**

1. The candidate of justice is a person, who has been admitted to study at the High School of Justice through the competition or without it by the decision of the Council of Justice.

2. The status of the candidate of justice is incompatible with any position in the public service or any kind of paid work, except scientific and pedagogical activities.

3. During the course of study the candidate of justice receives a scholarship, which should not be less than a half of the lowest judicial salary.

4. Before the start of the study, the candidate of justice undertakes an obligation to work during at least five years after graduation as a judge, prosecutor, or investigator. In case of non-compliance with this obligation, or its partial fulfillment, the candidate of justice is obliged to reimburse the scholarship received during his or her studies, proportionate to the remaining time.

**Article 54. The Duration of the Study, and Stages:**

1. The duration of the study in the High School of Justice is two years.

2. The candidates of justice are prepared in two stages: the first stage is study at the school; the 2nd year is dedicated to internship.

3. The duration of each stage is one year.
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Article 55. The Graduation Examination
1. At the end of the first stage study, the candidates of justice take an examination.
2. The scores achieved on this examination shall be used to compose qualification list.

Article 56. The Internship of the Candidates of Justice.
1. During the 2nd year of study, the candidates of justice undergo internship courses. The forms of internship are mandatory internship and alternative internship.
2. The candidates of justice undergo a nine month long internship in courts, prosecutors’ offices and investigators’ offices in the following order: four months in the courts, three months in prosecutors’ offices and two months in investigators’ offices.
3. The candidates of justice undergo internship courses within the bar, public notaries, and police and local government agencies; it is also possible to allow internships abroad.
4. The candidates of justice who have at least two years of experience working as judges, investigators, or prosecutors may be subject to a different internship regime, the conditions of which, as well as attributing qualification scores, shall be defined by school regulations.

Article 57. The Graduating Examination at the High School of Justice
1. At the end of their study, the candidates of justice pass an exam, the goal of which is to evaluate the knowledge received by the candidate of justice from the course of study, as well as from the internship.
2. The examinations are conducted in written form. The candidates of justice are given concrete cases from the investigative or court practice and they should compose procedural documents.
3. The results of the examination are evaluated by a commission, the composition of which is approved by the President of Georgia proposed by the Council of Justice.

Article 58. The Qualifying List of the Candidates of Justice
Within a month from the end of the final examinations at the High School of Justice, the Director of the High School of Justice will compose a qualification list of the candidates of justice, which is then approved by the Council of Justice.

Article 59. The Appointments of Candidates of Justice.
1. While appointing candidates of justice to different positions, the following shall be considered: Their number in the qualifying list, the recommendation of the chief of internship, the work executed by the candidate of justice while executing his duties on internship.
2. The first ten nominees in the qualification list are given priority while choosing vacancies.

Article 60. Retraining
1. The High School of Justice schedules and executes the programs of retraining judges, prosecutors and investigators.
2. Anyone who has been appointed as a judge, prosecutor or investigator has the right, after two years from starting the execution of his or her functions, to pass retraining courses at the High School of Justice once in every two years, with a duration of a minimum 5 days and a maximum 3 weeks.

Chapter VII
Post Graduate Study

Article 61. Post Graduation Courses (Aspirantura)

1. A person who successfully passes the second state examination and is awarded the academic degree of Master is entitled to take the Postgraduate exam according to the rules determined by the legislation.

2. Aspirantura is a post-graduate study which takes place on the grounds of the institutes and provides for the implementation of scientific research and education and trainings for the scholars.

3. The necessary requirements for opening Postgraduate programs in law schools are defined in the standards of legal education.

Article 62. Scientific Degrees and Scientific Titles and the Rules for Awarding Them

The types of scientific degrees and scientific titles and the rules for awarding them are determined according to the current legislation.

Chapter VIII
Transitional Provisions

Article 63. Acknowledgment of the Legal Education Received before Enforcement of this Law

1. Persons who have received high legal education and have received a diploma certifying this qualification before enforcement of this law are entitled to take the qualification examination.

2. A public servant who was working in the public service before enforcement of this law will go through attestation according to the rule determined in the Law of Georgia on Public Service.
3. The attestation of a public servant is similar to the document certifying the qualification of a lawyer.

Chapter IX
Final Provisions

Article 64. The Measures that have to be carried out after this law enters into Legal Force

1. For the enforcement of this Law before November 1st, 2000, there shall be published:

a) The Decree of the President of Georgia on the acknowledgment of the certificates issued by the foreign law schools;
b) A Joint Order of the Minister of Justice of Georgia and Minister of Education of Georgia “on the Rules of Administering the Second State Examination”
c) An Order of the Minister of Justice of Georgia on the Approval of the Provisions of the Ministry of Justice Qualifying Council;
d) An Order of the Minister of Justice of Georgia on the Approval of the Program of the Qualification Examination;
e) An Order of the Minister of Justice of Georgia on the Approval of the Form of the Certificate;
f) An Order of the Minister of Justice of Georgia on the Accreditation of the Law Faculties of Institutes (Law Schools)

2. This Law shall be in force upon its publication.