

Preface

Scope of Accrediting Authority

All jurisdictions have set minimal educational requirements to qualify a person for eligibility to sit for the bar examination. Almost all rely exclusively on ABA approval of a law school to determine whether the jurisdiction's legal education requirement for admission to the bar is satisfied. In all states, graduation from an ABA-approved law school is sufficient to meet these requirements although a small number of states have now added requirements in addition to the ABA requirements. Whether a jurisdiction requires education at an ABA-approved law school is a decision made by a jurisdiction's highest court and its bar admission authority and not by the Council or the ABA. The Council and the ABA believe, however, that every candidate for admission to the bar should have graduated from a law school approved by the ABA and that every candidate for admission should be examined by public authority to determine fitness for admission.

Since 1952, the Council of the Section of Legal Education and Admissions to the Bar (the Council) of the American Bar Association (the ABA) has been approved by the United States Department of Education as the recognized national agency for the accreditation of programs leading to the J.D. degree. United States Department of Education rules require an accrediting agency within a professional association to operate separately and independently from the association of which it is part. Therefore, it is the Council and its Accreditation Committee not the ABA that are the recognized accreditor. Nonetheless, for ease of reference, law schools accredited by the Council are referred to as "ABA-approved."

In its role as the accrediting agency for legal education, the Council has promulgated the Standards and Rules of Procedure for Approval of Law Schools. The Standards contain the requirements a law school must meet to obtain and retain ABA approval. Interpretations that follow the Standards provide additional guidance concerning the implementation of a particular Standard. The Rules of Procedure govern the accreditation process and the process through which decisions concerning the status of individual schools are made. The Rules also contain provisions related to the operation of the Office of the Managing Director.

History

The ABA in 1879 established the Standing Committee on Legal Education and Admissions to the Bar as one of the ABA's first committees. In 1893, the Section of Legal Education and Admissions to the Bar was established as the Association's first section. 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 (AALS) in 1900. Today, the AALS is a law school membership organization with membership requirements different from the Standards. The AALS is not an accrediting agency.

In 1921 the American Bar Association promulgated its first *Standards for Legal Education*. At the same time, the ABA began to publish a list of ABA-approved law schools that met the ABA Standards.

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

The Revisions of the Early 1970s

A major revision of the 1921 Standards was undertaken in the early 1970s. After an extensive comment process, the revised Standards and the Rules of Procedure were adopted by the Section of Legal Education and Admissions to the Bar in August, 1972, and were approved by the ABA House of Delegates in February, 1973.

Ramsey Commission

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. As a result of the work of the Ramsey Commission, a number of revisions to the Rules of Procedure were adopted in 1989.

Department of Justice 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 civil suit was concluded by a final Consent Decree that was approved in June 1996. It included a number of requirements concerning the Standards, which the Council subsequently approved. The Consent Decree was in force for a period of ten years and expired by its own terms on June 25, 2006. The Council has determined, however, that after the expiration of the Consent Decree, accreditation processes and procedures will continue to observe the substantive provisions of the Consent Decree.

The Wahl Commission and the 1996 Revisions of the Standards

In 1992, the Council launched a formal revision of the Standards and their Interpretations. In the midst of that review, 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 chair of the Section, accepted appointment as Commission chair. The Wahl Commission's mandate was to conduct a thorough, independent examination of all aspects of law school accreditation by the ABA. On the basis of hearings, solicited written comments, and surveys, the Commission prepared a report for submission at the 1995 annual meeting of the ABA.

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

The four-year revision process that began in 1992 and culminated with the work of the Wahl Commission focused both on the form and the substance of the Standards and Interpretations. After extensive opportunity for comment, the revised Standards were approved by the Council and adopted by the House of Delegates in August, 1996.

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

Proposed revisions to the Standards, Interpretations and Rules of Procedure are subject to an extensive public comment process. Proposed revisions are widely distributed for comment, and comment is solicited by letter and e-mail, and at public hearings. Proposed revisions are then carefully considered in light of the comment received before any final action is taken.

The Council, with the assistance of the Standards Review Committee, regularly reviews and revises the Standards and Interpretations to ensure that they are appropriate requirements for current legal education programs and that they focus on matters that are central to the provision of quality legal education. A

comprehensive review of the Standards and Interpretations was undertaken during 1996-2000. Another such comprehensive review was undertaken from 2003 through 2006. The most recent comprehensive review commenced in fall 2008. The Council approved the revisions in June 2014 and they were concurred in by the House of Delegates in August 2014.

In the summer of 2004, the Council appointed a Rules Revision Committee, chaired by Provost E. Thomas Sullivan of the University of Minnesota (a former chair of the Section), to undertake and recommend a comprehensive revision of the Rules. In June 2005 the Council accepted the Committee's report and shortly thereafter distributed for comment a proposed comprehensive revision of the Rules. The Council adopted the comprehensive revision of the Rules of Procedure in December 2005 and the House of Delegates concurred in those revisions in February 2006. The Rules of Procedure have undergone a thorough review as part of the most recent comprehensive review of the Standards (2008-2014) and were concurred in by the House of Delegates in August 2014.

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

www.americanbar.org/groups/legal_education/resources/standards/standards_archives.html

www.americanbar.org/groups/legal_education/committees/standards_review/comp_review_archive.html

Council Responsibility

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

ABA House of Delegates Responsibility

In August 2010, the role of the ABA House of Delegates in accreditation matters was revised in order to comply with new Department of Education requirements regarding appeals. Prior to August 2010, a school that was denied provisional or full approval by the Council was able to file an appeal to the House of Delegates. The House of Delegates could either concur in the Council's decision or refer that decision back to the Council for further consideration. A decision of the Council was final after referral from the House of Delegates a maximum of two times in the case of decisions denying provisional or full approval, or once in the case of decisions to withdraw approval from a school. As a result of the changes in August 2010, the House of Delegates no longer has a role in the appeals process. (See Rule 57 and IOP 19.)

Any decision of the Council to adopt any revisions to the Standards, Interpretations or Rules of Procedure must be reviewed by the House of Delegates. The House either concurs in those revisions or refers them back to the Council for further consideration. The Council's decision after the second referral back is final.

This Book Includes:

- **The 2017-2018 Standards and Rules of Procedure**

These are the current criteria that law schools must meet to obtain and retain ABA approval. The 2017-2018 edition reflects all changes approved by the Section's Council and concurred in by the ABA House of Delegates through February 2017.

- **Criteria for Approval of Foreign Programs**

Under its authority to adopt rules implementing the Standards, the Council has adopted criteria for the approval of studies or activities leading to credit for the J.D. degree that are undertaken outside the United States. Those Criteria include the Criteria for Foreign Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States, the Criteria for Approval of Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools, and the Criteria for Accepting Credit for Student Study at a Foreign Institution. The Council has delegated to the Accreditation Committee the authority to approve programs under the Criteria.

The Criteria for Accepting Credit for Student Study at a Foreign Institution were revised in 2014/2015. The Criteria for Approval Foreign Summer and Intersession Programs were revised for this 2016-2017 edition

- **Internal Operating Practices (IOPs)**

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

- **Additional Information and Guidelines**

(Available online at: http://www.americanbar.org/groups/legal_education/resources/standards.html)
Council Statements are positions that the Council has taken on various matters that do not have the force of a mandatory Standard or Interpretation. Guidance Memos are issued periodically to assist schools in coming into compliance with the Standards.