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STANDARDS OF THE
AMERICAN BAR
ASSOCIATION FOR
LEGAL EDUCATION.

FACTORS BEARING ON THE
APPROVAL OF LAW SCHOOLS
BY THE
AMERICAN BAR ASSOCIATION

November 1, 1969

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This booklet lists the Standards of the American Bar Association for Legal Education and the current factors bearing on the approval of law schools by the American Bar Association as of November 1, 1969. It should be noted that the factors to be taken into consideration by the Council in recommending the initial and continuing approval of law schools are subject to re-examination and change by the Council in order to recognize and assist in the development of legal education and its responsibility for the preparation and education of future members of the profession. (Article I, Section 4, Bylaws of the Section of Legal Education and Admissions to the Bar)

November 1, 1969

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STANDARDS OF THE AMERICAN BAR ASSOCIATION FOR LEGAL EDUCATION

(1) The American Bar Association is of the opinion that every candidate for admission to the bar should give evidence of graduation from a law school complying with the following standards:

(a) It shall require as a condition to admission at least three years of acceptable college work, except that a school which requires four years of full-time work or an equivalent of part-time work for the first professional degree in law may admit a student who has successfully completed two years of acceptable college work.

(b) It shall require its students to pursue a course of three years' duration if they devote substantially all of their working time to their studies, and a longer course equivalent in the number of working hours, if they devote only a part of their working time to their studies.

(c) It shall provide an adequate library available for the use of the students.

(d) It shall have among its teachers a sufficient number giving their entire time to the school to insure actual personal acquaintance and influence with the whole student body.

(e) It shall not be operated as a commercial enterprise and the compensation of any officer or member of its teaching staff shall not depend on the number of students or on the fees received.

(f) It shall be a school which in the judgment of the Council of Legal Education and Admissions to the Bar possesses reasonably adequate facilities and maintains a sound educational policy; provided, however, that any decision of the Council in these respects shall be subject to review by the House of Delegates on the petition of any school adversely affected.

(2) The American Bar Association is of the opinion that graduation from a law school should not confer the right of admission to the bar, and that every candidate should be subjected to an examination by public authority to determine his fitness.

(3) The Council of Legal Education and Admissions to the Bar is directed to publish from time to time the names of those law schools which comply with the above standards and of those which do not and to make such publications available so far as possible to intending law students.¹

COMPILATION OF FACTORS BEARING ON THE APPROVAL OF LAW SCHOOLS BY THE AMERICAN BAR ASSOCIATION

In 1921 the Council of Legal Education and Admissions to the Bar was instructed by the American Bar Association to prepare and publish a list of law schools which complied with certain standards. These standards and the specific interpretations of them made by the Council, together with additions which have been adopted by the Association from time to time, have constituted a guide in the approval of law schools. Their provisions were more quantitative than qualitative and dealt with the admission requirements of the school, its length of course, the number of usable books in the library, the physical equipment, the number of full-time teachers and its operation on a non-commercial basis. While schools which met these physical standards were also guided toward higher qualitative standards, it was felt that something more than mere compliance with quantitative standards should be required. This resulted in the adoption in 1938 of the standard which reads as follows:

An approved school shall be a school which, in the judgment of the Council of Legal Education and Admissions to the Bar, possesses reasonably adequate facilities and maintains a sound educational policy; provided, however, that any decision of the Council in these respects shall be subject to review by the House of Delegates on the petition of any school adversely affected.

The burden is upon an applicant school to satisfy the Council that it has complied with each of the standards established by the Association; in short, that it has met both the specific minimum and the general qualitative standard quoted above. These standards are equally applicable to requests for approval of full-time and part-time schools and of new divisions of schools already approved.

The American Bar Association has consistently disapproved of correspondence law school study as a means of preparation for admission to the bar. Accordingly no correspondence law school has ever been approved by the American Bar Association.

Approval is granted or withdrawn by the House of Delegates of the American Bar Association upon recommendations of the Council of the Section of Legal Education and Admissions to the Bar.

¹ The standards were adopted by the American Bar Association in 1921, except (1) (f) which was adopted in 1938, and (1) (a) which was amended in February 1950, effective in the fall of 1952.

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The approval granted is of two types: provisional approval and full approval. No school will be given provisional approval unless in the judgment of the Council it is found to be meeting the minimum standards of the American Bar Association. The graduates of provisionally approved schools are entitled, therefore, to the full recognition of their credits by bar examiners. A provisionally approved school will be considered for full approval when it is pursuing a sound educational policy on a basis which assures continued compliance with the letter and spirit of the standards. Provisional or full approval may be withdrawn at any time when a school is not continuing to meet the standards.

In accordance with the position taken by the American Bar Association in 1963, law schools are expected to maintain equality of opportunity in legal education without discrimination or segregation on grounds of race or color.²

In order to fulfill adequately its responsibilities the Council has made a careful appraisal of the factors to be taken into consideration in recommending the initial and continuing approval of law schools. For its own guidance, and that of the schools, it has listed these factors with some explanation as to each.

The standards set forth certain minimum requirements which must be met in all cases. The Council has had frequent occasion to interpret these, and as an aid to applicant schools offers this statement on what it has conceived necessary in order to establish compliance. A school which satisfies the Council that it has met all specific requirements will thereupon be judged in reference to its over-all attainment of the qualitative standard. The statement which follows will serve as a guide in both respects. It will relate to the following twenty topics:

- I. Background and organization.
- II. Administrative policies.
- III. Financial condition and policies of the school.
- IV. Physical plant.
- V. Library content and administration.
- VI. Admission requirements.
- VII. Administrative and teaching personnel.
- VIII. Teaching methods.
- IX. Curriculum.
- X. Scholarship standards.
- XI. Degree requirements.
- XII. Availability and completeness of records.
- XIII. Quality and characteristics of student body.

² Report of the Special Committee on Civil Rights and Racial Unrest, approved by the House of Delegates 13 August 1963. 88 Reports of the ABA 423-424, and 614-618.

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- XIV. Additional means and methods of law training.
 - XV. Bar examination success of graduates.
 - XVI. Need for legal education in the community.
 - XVII. Mergers and new divisions.
 - XVIII. Procedure for securing approval.
 - XIX. Desirability of exceeding the minimum requirements.
 - XX. Removal from list of approved schools.

I. BACKGROUND AND ORGANIZATION

A. *When Connected with a University*

By reason of the fact that the organization of a school cannot but profoundly influence the quality of the institution, the question as to whether the law school is connected with a university, and if so, the kind and quality of the university, is one of importance in connection with law school approval. A connection with an established university of good standing, although not indispensable, is highly desirable both because it guarantees a certain stability to the law school and because it is a factor in the maintenance of the proper academic standards. Moreover, the opportunity for contacts between faculty and students of law and those of related fields of thought tends to a keener perception of the values that make up the American tradition and to a fuller understanding of the place and responsibilities of lawyers in our kind of society.

If there is a university connection, the following items, among others, should be taken into account:

1. History, size and character of the university of which the law school is a part.
2. Whether the connection is substantial or merely formal or nominal.
3. The extent to which the law school is autonomous.
4. Number, size and general standards of other schools or colleges of the university.
5. Recognition of other colleges and schools in the university by accepted accrediting agencies.
6. Attitude of the governing authority of the university toward the law school and its problems.

B. *When Not Connected with a University*

As has been stated, a university connection is not necessary for approval. Without it, however, a burden rests upon a school to show not only that it is not a commercial enterprise and that the compensation of any officer or member of its teaching staff does not depend on the number of students or on the fees received, but also that it has sufficient income so that its academic policies will not be influenced by commercial motives. Furthermore, it must demonstrate sufficient stability to give a reasonable assurance of continued operation under

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satisfactory standards and educational policies and must satisfy the Council of its appreciation of the importance of education in an understanding of professional responsibility and of the obligations of a lawyer in society. The following factors are among those pertinent in this connection:

1. Whether the school is organized as a profit or non-profit institution.
2. The disposition made of surpluses, if any.
3. The manner of fixing salaries of officers and faculty.
4. If connected with an organization such as the Y.M.C.A., the nature of the connection and the extent to which the law school is autonomous.
5. The structure of the law school, including the composition of its governing board.
6. The control exercised over law school funds by any parent organization.
7. The attitude of the governing authority of any parent organization toward the law school.
8. The need of the community for such a school as related to future permanence and stability of the institution.

II. ADMINISTRATIVE POLICIES

The administrative policies of the law school have an important bearing on the kind of training which it gives. The following factors will be inquired into:

1. Attitude of the law school administration toward the university or the parent body.
2. Relationship of the law school to the separate board of trustees in the case of an independent law school.
3. Extent of the authority of the dean over such matters as admissions, dismissals, readmissions, employment of the faculty and determination of the curriculum.
4. Function of the faculty in the formulation and guidance of educational policy, in the recruitment of faculty members, and in matters relating to student admissions, dismissals, scholarship and discipline.
5. Frequency of regular faculty meetings, agenda of such meetings and record of proceedings.
6. Function of the law school administration in the operation and development of the law library and of the plant facilities of the school.
7. Policy of school as to tenure of teaching staff.
8. Secretarial aid to dean and faculty.
9. Policy as to sabbatical leaves.
10. Availability and administration of scholarships and fellowships.

III. FINANCIAL CONDITION AND POLICIES OF THE SCHOOL

The financial condition of a law school is a factor of great importance. It reflects itself in a number of other areas of interest in regard to approval, such as faculty personnel, scholarship and admission practices, library and physical plant. The school's financial condition must be such that reasonably adequate facilities and a sound educational policy can be maintained. Whether or not the school meets these requirements is judged in the light of the facilities and standard of other approved schools. It is highly desirable that a school have some source of revenue other than tuition receipts. The following items are considered:

1. Source and size of the income of the university of which the law school is a part.
2. Proportionate distribution of revenues to the law school and other schools and colleges.
3. Whether the law school prepares and actually operates under a separate budget.
4. Whether the university is meeting the school's budgetary needs.
5. Whether the budget for the current year is adequate to the school's needs.
6. The disposition of income from tuition, especially where income is in excess of law school expenditures.
7. The Council will not recommend for provisional or full approval any school in which the median salary does not meet the last ascertained national median of the median salaries in approved schools.
8. The general financial condition of the university and the law school.
9. How operating deficits are met when they are incurred.
10. A detailed analysis of the revenues and expenditures of the law school over the years.
11. Availability of funds for research and faculty professional travel.
12. Character and extent of advertising in so far as this bears on the attitude of the school toward financial problems.
13. Amount of tuition and other fees per student.
14. Financial provision for extracurricular professional activities, such as law review, moot court, and student briefing service.
15. Funds available for scholarships, fellowships and student loans.

IV. PHYSICAL PLANT

A law school's plant and physical facilities should be reasonably adequate for the needs of its program so as to promote efficient work on the part of both students and faculty. Differing local conditions will produce different kinds of physical requirements. Utility, not luxury, should be the standard, but it should be kept in mind that surroundings influence conduct and attitude. It is important that there be a physical separation of the law school from other divisions of the university in order to create a proper professional atmosphere. Each full-time member

of the faculty should have a separate office which, wherever possible, should be situated near the library. Not only does this give him a place of his own in which to work and in which to consult students, but it also adds to his own self-respect and to his conception and that of the students regarding the importance of the work he is doing. In determining the adequacy of the physical plant the following factors are relevant:

1. Location and type of building.
2. Classroom facilities.
3. Library facilities and their accessibility.
4. Facilities for faculty—separate offices and their location relative to library.
5. Facilities for extracurricular professional activities, such as law review, moot court, and briefing services.
6. Classroom, office, and library furnishings.
7. Heat, light, ventilation and maintenance.
8. Accommodations for seminar work and individual research.
9. Club rooms, student lounges or other common meeting places.

V. LIBRARY CONTENT AND ADMINISTRATION

It is a basic principle of legal education that the library is the laboratory of a law school and is a very important factor in training law students and in providing faculty members with materials for research and study. It is a cardinal requirement of the American Bar Association that each approved law school shall maintain an adequate, debt-free, law library, composed of usable up-to-date volumes and owned or controlled by the school with which it is connected. All applicant schools will prepare and provide the Council with a well-considered program of library expansion.

The law school must be provided with sufficient funds to maintain, at the very least, the minimum holdings hereinafter listed, and to insure growth through continuations and new additions.

The content of the library is of importance and will be considered in connection with approval.³ The following factors are of importance in evaluating a law library and its administration:

1. Quantity, scope and quality of the content of the library.
2. Average amount expended annually on additions, binding and repairs.

³ In the building of a small law school library the consideration of the following articles is recommended: Moylan, *A Selected List of Books for the Small Law School Library*, 32 *LAW LIBRARY JOURNAL* 399 (Nov. 1939); Long, *A Selected List of Treatises for the Small Law School Library*, 35 *LAW LIBRARY JOURNAL* 233 (July 1942); *Revised Law Library Standards*, 3 *JOURNAL PUBLICATIONS OF LEGAL EDUCATION* 174 (Winter 1950). The Council calls attention to the fact that, as of 1968, there is not a single approved law school library with less than 20,000 volumes.

3. Adequacy of physical facilities.
4. Cataloguing system.
5. Administration of the library:
 - a. Training, experience and effectiveness of the librarian.
 - b. Size and training of the library staff.
 - c. Average amounts expended for administration of the library.
 - d. Degree of autonomy.
6. Students' use of library.
7. Other library facilities of the college or university.
8. The library should contain at least the following volumes if it is to achieve the very lowest level of adequacy.
 - a. *Publications of or for special use in the state in which the school is located.*
 1. The published reports of decisions of all appellate courts (including lower court reports where published).
 2. The best available current statutory compilation. This assumes an annotated edition if one is available.
 3. The session laws.
 4. A state digest and legal encyclopedia, if available.
 5. Shepard's Citations.
 6. All significant local text books and treatises of current value as well as available Attorney General Reports, State Bar Reports, and Form and Practice Books.
 - b. *Publications concerned with Federal Law.*
 1. The reports of decisions of the United States Supreme Court.
 2. United States Code Annotated including Congressional Service.
 3. Statutes at Large.
 4. A digest of the United States Supreme Court Reports and a digest of all Federal Reports.
 5. Shepard's United States Citations.
 6. Shepard's Federal Reporter Citations.
 7. Code of Federal Regulations.
 8. Federal Register.
 - c. *General American publications.*
 1. The published reports of decisions of the courts of last resort, prior to the National Reporter System, in at least nineteen states in addition to the state in which the school is located.
 2. The National Reporter System complete, including the New York Supplement, provided that if the decisions of the United States Supreme Court included in the Supreme Court Reporter are available in one of the other regular sets of these decisions, the Supreme Court Reporter may be omitted.
 3. The American Digest System.
 4. The American Law Reports (complete with digests, etc.).

5. Current state statutory compilations for twelve states in addition to the state in which the school is located.
6. American Jurisprudence and Corpus Juris—Corpus Juris Secundum.
7. At least 200 complete bound volumes of legal periodicals of recognized worth in complete sets, unless not so available, in which case incomplete sets are acceptable if in continuous runs including the current volumes.
8. Index to Legal Periodicals.
9. All American Law Institute Restatements.
10. At least 300 volumes of legal text books and treatises of contemporary value including, where available, at least one in every subject in which a course is taught.
11. One legal dictionary of recognized worth.
12. One unabridged general dictionary.
13. One general encyclopedia of recognized worth.
14. Good general form book.
15. Shepard's Citations for all units of the National Reporter System.
16. Words and Phrases.
- d. *English publications.*
 1. English Reports, Full Reprint.
 2. Law Reports complete.
 3. Statutes of England.
 4. One general legal digest or encyclopedia.
- e. *Micro-card and micro-film.*
If the publication is not ordinarily in frequent demand, its availability on micro-film or micro-card will be regarded as satisfying the requirement, provided a suitable reader is also available.

All publications referred to above shall be complete from the beginning. If they are provided with a current service, the service shall be maintained. Should some volumes of a publication not be immediately available or only at disproportionately heavy cost, their acquisition may be postponed if the missing materials are likely to become available later at a reasonable price. Their non-acquisition may be excused if in all probability they will remain unprocurable at reasonable prices even in the future. In that event, some other publication of substantially equal value for a library collection shall be substituted.

The law library should be administered by the law school as an autonomous unit, free of outside control. Exceptions are permissible only where there is preponderance of affirmative evidence in a particular school, satisfactory to the Council of the Section, that the advantages of autonomy can be preserved and economy in administration attained through centralizing the responsibility for acquisition, circulation,

cataloguing, ordering, processing, or for payment of books ordered.

The law librarian should be appointed on the recommendation of the dean after consultation with the law faculty. He should be directly responsible to the law school dean. When the law library is autonomous, the staff should be administratively and fiscally a part of the law school.

VI. ADMISSION REQUIREMENTS

Admission requirements and the manner of their administration are factors bearing on approval. Careful selection of law students, as well as the rejection of applicants clearly unfit to study law, is highly desirable.

The following is required to be incorporated in the admission policy of a school before approval will be accorded:

It shall require as a condition of admission at least three years of study in a college.

The foregoing standard means that a school shall require of all candidates for any degree, other than special students, at the time of the commencement of their law study the completion of three-fourths of the work acceptable for a bachelor's degree granted on the basis of a four-year period of study by either the state university or a principal college or university in the state where the law school is located.

Attention is called to the language of the standard adopted in February 1950:

It shall require as a condition of admission at least three years of acceptable college work, except that a school which requires four years of full-time work or an equivalent of part-time work for the first professional degree in law may admit a student who has successfully completed two years of acceptable college work.

This has been interpreted by the Council as requiring the successful completion of three-fourths of the work acceptable for a bachelor's degree on the basis of four years of study. The Council has determined that the express approval of the Council is necessary before an approved school may offer a 2-4 program.

Not more than ten per cent of the credit presented for admission shall be in non-theory courses in military science, hygiene, domestic arts, physical education, vocal or instrumental music, or courses without intellectual content of substantial value.

An approved law school shall require that all college work submitted for admission be done in residence in a college whose work, for the purpose of the evaluation of transcripts, has been given a rating in the Annual Report compiled by the American Association of Collegiate Registrars. It shall accept work from that college only to the extent that credit for it is recognized in that report. The Council reserves the right, however, to make its own independent rating. Schools which appear on the Registrars' Report as provisionally or conditionally approved are entitled to the acceptance of their credits by approved law schools.

A student's pre-legal work must have been passed with a scholastic average at least equal to the average required for graduation in the institutions attended. This average shall be based on all the work undertaken by the student in his pre-law curriculum, exclusive of non-theory courses in military science, hygiene, domestic arts, physical education, vocal or instrumental music, or courses without intellectual content of substantial value. An applicant who holds a bachelor's degree from an accredited college or university as defined above may be treated as satisfying the aforesaid scholastic average requirement. But if the applicant does not present a bachelor's degree as the basis of admission, all work undertaken, except non-theory courses, whether passed or failed, must be considered in computing the scholastic average. Many schools require pre-legal scholastic attainment in excess of the minimum requirement. This policy is recommended.

The Council is of opinion that LSAT, administered by the Educational Testing Service of Princeton, New Jersey, should be required of all applicants for admission to the approved schools.

An approved school shall require from each student admitted a written statement as to his previous attendance at other law schools, and as to his previous applications for admission to other law schools. Each school shall have in its records, within twenty days after the registration of the student, credentials showing that such student has completed the required pre-legal work. It is recommended as a matter of good policy that a school have a record of these credentials in its files before it registers the student.

Work done in residence as applied to the law school admission requirements shall mean work done in class in an approved college, or if done off the campus of the college, it shall mean work done in a class meeting in regular sessions each week under the personal supervision and instruction of a member of the instructional staff of an approved college; provided that, after the minimum requirements for admission under the standards of the American Bar Association have been met, correspondence work acceptable by a recognized college may be counted toward such further entrance requirements as the particular school may set up.

Students who do not have the required preliminary education shall be classed as special students, and shall be admitted to approved schools only in exceptional cases. The number of special students admitted to an approved school in any year shall not exceed ten per cent of the average number of beginning law students admitted during each of the two preceding years. No student shall be admitted as a special student except where special circumstances, such as the maturity and apparent ability of the student, seem to justify a deviation from the rule.

The following classes of students are to be considered as special students unless the law school in which they are registered has on file credentials showing that they have completed the required pre-legal work:

1. Those transferring from another law school either with or without advanced standing in law.

2. Those taking a limited number of subjects either when registered in another department of the university or when on a purely limited time basis.

In calculating the number of special students who may be admitted it shall not be necessary to include members of the bar who are not to receive academic credit for the course in which they are enrolled.

Any school admitting special students must advise them that such admission does not relieve them of the necessity of meeting bar admission requirements as to pre-legal college education in the state where they intend to practice. Any school within its own discretion may grant degrees to its special students.

Advanced standing for credit earned in another law school in the United States shall be given only when such work has been taken in a school approved by the American Bar Association. However, an approved school may accept credits for advanced standing even though the credits were earned in an approved school before the date of approval, provided the applicant for advanced standing was taking work in the school at the time of provisional approval, and, provided further, that the student fulfills the pre-law requirements of the American Bar Association. Students who were in attendance for at least one year at a school during the time it was unapproved and who dropped out of school before completing their law course may be readmitted as regular students after the school is approved, if not more than five years plus the period of time they may have spent in service in the armed forces have elapsed.

Advanced standing for credit earned in a law school located outside the continental United States shall be given only if such foreign law school had, at the time of admission of the student concerned, requirements for admission and standards substantially equivalent to those of approved law schools in the United States.

A law student disqualified on account of low scholarship shall not, normally, be admitted to another law school. Nevertheless, an approved law school may admit several such applicants each year provided the admitting school has reason to believe that the applicant's disqualification was occasioned by factors other than lack of capacity. A statement of the factors taken into consideration and of the reasons for accepting the particular applicant must be placed in the applicant's file. In particular, the admitting school must obtain a statement from the Dean or other administrative officer of the dismissing school explicitly delineating the reasons for the applicant's dismissal and stating why the applicant is not eligible for readmission. Alternatively, a dismissed law student may be considered for admission to an approved law school, after two years have elapsed from the time of his dismissal, on the basis of his potential aptitude and the educational or employment experience of the past two years. A statement of the reasons for admission must be placed in the student's file.

In considering schools for approval, the following factors will be weighed:

1. Pre-legal requirements and the manner in which they are administered.
2. Credit given for law study in other schools.
3. Previous record of transfer students.
4. Admission of special students.
5. Readmission of students excluded for poor scholarship.

VII. ADMINISTRATIVE AND TEACHING PERSONNEL

It is believed that, on the whole, law school teaching can be most effectively done by those teachers who devote their entire time to teaching and legal scholarship. It is therefore required that each school shall have a minimum of three full-time instructors and not less than one for each 75 students or major fraction thereof, in addition to a full-time dean and a full-time law librarian.

A full-time teacher is defined as one who devotes his entire time to teaching and legal scholarship and who has no office or business connections outside his teaching, although he may take an occasional case or write an occasional brief. Practicing lawyers are a desirable part of a law school faculty but should be used as a supplement to the full-time faculty, usually in courses of which adjective law forms an important part.

In each school, and in each of its divisions, at least 66 2/3 per cent of the total hours of instruction offered, leading to the first degree in law, should be taught by full-time members of the faculty.

The faculty personnel of any school is the most important item in the evaluation of the quality of a school. It is believed that each member of the faculty should have proper training, carry a reasonable teaching load, be paid a fair salary under the circumstances, should engage in some research in a field in which he is interested, and should be an effective teacher.

A teaching load which includes more than five separate courses in different or unrelated subject areas, regardless of class contact hours, is prima facie unreasonable.

The dean should devote his full time to the law school, and in addition to having qualifications as a law teacher, should also be an executive and administrator of ability. Exceptions to the requirement of a full-time dean may be made by the Council, for good cause shown, in rare instances and for limited periods of time only.

The following factors will be considered in reference to the dean and faculty:

1. Training record and degrees.
2. Experience in practice.
3. Experience in teaching.

4. Research, including books written, articles published and special work.
5. Teaching load, teaching ability and interest in work.
6. Salary.
7. Number and percentage of full-time teachers in the school and the diversity of their backgrounds as to legal education.
8. Professional or non-professional connection of full-time faculty members with any law office or business (official or unofficial).
9. Attendance at professional meetings.
10. Reputation with the local bar.

VIII. TEACHING METHODS

The American Bar Association does not desire to require any one method of presentation of legal materials. The one definite restriction in the standards is that neither the law school, nor the university or college of which it is a part, shall conduct instruction in law designed to coach students for bar examinations, except in the case of those who hold their first professional degree in law. In general it may be said that teaching in approved schools is based fundamentally but not exclusively on the case method, and participation by the students in classroom discussion is a usual and desirable method of stimulating interest and work. Every effort will be made to determine the extent to which a school is working out the problem of employing the most effective means of teaching legal subjects. The following information will be sought:

1. Size of classes.
2. Materials specified for student use.
3. Teaching methods—*i.e.*, case method, text method, lecture method, combination of these.
4. Student participation in classroom discussion.
5. Experimentation with new methods.
6. Types and content of examinations.
7. Courses designed as preparation for the bar examinations.
8. Punctuality of student attendance and regularity of class sessions.

IX. CURRICULUM

The American Bar Association makes no attempt to dictate the law school curriculum. Its standards merely provide that the schedule of work of a full-time school which offers a 3-3 year program shall require substantially the full working time of its students in resident study of law during a period of at least ninety calendar weeks and the successful completion of at least ten hundred and eighty hours of classroom instruction in law.⁴ If the schedule of work is so arranged that substantially the full working time of its students in resident study of law

⁴ Appropriate adjustments in these requirements must be made if a school offers a 2-4 year program of full-time study.

is not required, the part-time school shall maintain a curriculum which is equivalent of that of a full-time school and shall require resident study in law during a period of at least one hundred and twenty calendar weeks and the successful completion of at least ten hundred and eighty hours of classroom instruction in law. A law school which maintains a course for full-time students and a course for part-time students must comply with all the requirements as to both courses.

In determining the calendar weeks of resident study required, a student must carry a minimum load of ten classroom hours of instruction per week in a full-time school or eight hours in a part-time school. A schedule of less entitles the student to fulfillment of only a proportionate fraction of the residence requirement. These minima do not apply to students who are not enrolled for credit.

A school will be expected to have an awareness of changes which are taking place in the law. To some extent, the scope and content of its curriculum, and the record of recent changes therein, will serve as a criterion for the measurement of this quality.

The following items are worthy of consideration in evaluating the work of a school:

1. Content and length of courses offered.
2. Required courses and elective courses.
3. Number of class periods per week.
4. Adequate instruction in the ethics and responsibilities of the legal profession.
5. Number of class periods required per unit of credit for classroom work.
6. Encouragement, in the case of full-time law schools, of a reduction in outside employment by such means as scholarships, student aid, and class scheduling.
7. Seminar courses.
8. Alternating courses.⁵
9. Significant changes which have taken place in the curriculum, particularly in recent years.

X. SCHOLARSHIP STANDARDS

The importance of maintaining high scholarship standards cannot be overestimated. In any attempt at relative evaluation of factors, the maintenance of such standards must assume a place of prime importance.

One approach to the accomplishment of this objective lies in the method and care employed in the election and elimination of students.

⁵ Care should be taken in the scheduling of alternating courses to see that no student is deprived of the opportunity to take a fundamental course through its omission in a particular year. No first year course should be omitted in any year. As a matter of policy no course should be given only in alternate years if the background of students with one year of training and those with two years of training would tend to create a decided difference in the ability of the two classes of students to comprehend the subject matter of the course.

The leading legal educators recommend selective admission to law school with a view to the rejection, before they begin law study, of those applicants who are not qualified to become lawyers. In the approval of law schools by the Association, the standard of care and the method adopted by a school will be noted and evaluated, in order to ascertain whether a sincere effort is being made to accept only those students who, because of past scholastic performance or otherwise, give reasonable assurance of success in the study of law.

The extent of compliance of each school with its rules governing admission and dismissal of students is a factor which will be considered.

Fairness to the student himself requires that the unfit student be eliminated when such unfitness becomes manifest. The need for elimination in a particular school will be determined to a large extent by the degree of selectivity exercised in admitting students. However, experience has indicated that generally the schools admittedly doing the better work in legal education have shown the greater percentage in elimination, particularly at the end of the first year's work. Such indication should not be ignored.⁶

Factors to be taken into account under this heading include:

1. Selection of students.
2. Dismissal of students.
3. Student body attitude toward professional studies.
4. Classroom standards.
5. Record of success of special students compared with regular students.
6. Regulations governing the elimination of students on account of poor scholarship.
7. Regulations governing scholarship, advancement to a succeeding grade, probation, etc.
8. Faculty responsibility for passing on action to be taken in case of poor scholarship.
9. Number of conditions and failures.
10. Examination and results and grade distribution.

XI. DEGREE REQUIREMENTS

While a minimum of units as a prerequisite to the granting of a degree in law may appear desirable the difficulty of fixing a precise minimum is apparent. However, a school should possess and observe degree requirements which are not substantially less or inferior to those being maintained by the majority of approved schools.

⁶ A clear distinction should be made between voluntary withdrawals and eliminations on account of poor scholarship. The latter are the result of a definite rule, and action as a result of the rule should be officially recorded on the student's record.

At least one year of resident classroom study should be required by the law school granting the degree. In the case of students transferring from law schools located outside the continental United States credit may be granted toward a first degree in law, at the discretion of the school, only for courses taken and satisfactorily completed in such law school which are substantially equivalent to courses given in an approved law school in the United States, and for an equivalent amount of credit, and only if such foreign law school had at the time of admission of such student requirements for admission and standards substantially equivalent to those of approved law schools in the United States. In the case of graduates of such foreign law schools the substantial equivalency of courses is not required. In the cases of either students or graduates an approved school shall not grant credit toward its first degree in law in an amount to exceed two academic years of full-time work, or its equivalent in part-time work, if the course of instruction of such foreign law school was based primarily on Anglo-American common law, or in an amount to exceed one academic year of full-time work, or the equivalent in part-time work, if the course was based primarily on some legal system other than the Anglo-American common law.

The Council approves postgraduate work leading to a master's degree. This degree may be awarded for additional work similar in kind to the undergraduate courses. It should represent a higher level of scholarship than is required for a first degree in law.

The doctor's degree (J.S.D. or S.J.D.) should be awarded only for work which gives the candidate an opportunity to demonstrate unusual scholarly ability after the completion of a satisfactory dissertation.

Only a few schools have the faculty and library facilities for work leading to the doctor's degree. The majority of schools are not qualified to and do not offer work leading to this degree.

Satisfactory completion of work equivalent to an academic year should be the minimum requirement for any postgraduate degree in law.

An approved school shall admit as candidates for graduate degrees in law only those persons who have received the first degree in law from a school which is approved at the time application is made for admission to graduate study or one who is a member of the bar of his own state.

XII. AVAILABILITY AND COMPLETENESS OF RECORDS

Complete records of all students should be kept. These records should contain the following information: a statement signed by the student as to all law schools previously attended, if any, or if none, a statement to that effect; credentials for admission; the action of the administrative office passing thereon; date of admission; date of graduation or final dismissal from school; date of beginning and ending of each period of attendance, if the student has not been in continuous attendance throughout the whole period of study; courses which he has taken, the

grades therein, if any, and the credit value thereof, and courses for which he is registered; and a record of all special action of the faculty or administrative officers. It is particularly important that any action taken in reference to the student because of poor scholarship or discipline should be noted fully upon his record.

XIII. STUDENT BODY

The make-up of the student body and its objectives are pertinent considerations in the evaluation of other factors heretofore set out. Information will be asked for under the following headings:

1. Number of students.
2. Average age of students.
3. Predominant objectives of students—*i.e.*, preparation for practice, for business, for government positions, etc.
4. Amount of time devoted by students to outside work or activities.
5. Principal sources of pre-legal study.
6. Percentage of full-time and part-time students.

XIV. ADDITIONAL MEANS AND METHODS OF LAW TRAINING

In addition to the regular courses in the curriculum, many schools use other means to train their students. Some make a definite effort to bring their students into contact with practicing lawyers during the period of their law school course. What a school does along these lines may be an important indication as to its progressiveness and the results which it achieves. Activities to be inquired into include the following:

1. Law review.
2. Legal aid clinic.
3. Law clubs.
4. Student bar association.
5. Student briefing service.
6. Part-time law clerk service to judiciary.
7. Sponsorship or apprenticeship system.
8. Tutorial system.

XV. BAR EXAMINATION SUCCESS OF GRADUATES

The percentage of success in the bar examinations of the graduates of a school is an important factor to be considered. The bar examination is an objective test of the effectiveness of the work of the law school. The cumulative results of the bar examination over a period of years may indicate the quality of the students admitted as well as the quality of the teaching.

The American Bar Association recommends that the results of each bar examination, showing the number and percentage of students from each law school, passing and failing, classified as first-time applicants and

repeaters, be made public following each examination. Such analyses are of material assistance to the Council and the Association of American Law Schools.

Each applicant and each approved school will be requested to furnish the Council with data covering such period of time as it shall specify, showing the percentage of success in comparison with other schools which the graduates of such school shall have achieved in the bar examinations in the state where the school is located.

XVI. THE NEED FOR LEGAL EDUCATION IN THE COMMUNITY

It is a matter of interest to the Council whether a genuine need exists for the educational opportunities offered by the applicant law school. It has no desire to encourage new law schools, or the addition of new part-time or full-time programs by existing law schools, where present facilities are already adequate to meet the needs of the foreseeable future. But where present or potential needs for full-time or part-time legal education warrant it, the Council will consider the advantages to be achieved by the establishment of a new law school or by the merger or expansion of the facilities of existing schools. In this connection it is relevant to know whether well-established law schools meeting Association standards are already operating within the community and within ready access to the potential students whom the applicant seeks to serve and whether their facilities and programs are adequate or can be expanded to receive and educate these students.

XVII. MERGERS AND NEW DIVISIONS

The merger of an approved school with another school, approved or unapproved, may involve issues touching the standards of the American Bar Association. Before concluding negotiations for merger, the terms should be submitted to the Council for approval. Such negotiations, if brought to a conclusion without the Council's approval, may result in censure of a participating approved school, and, in an extreme case, the withdrawal of approval.

The opening of a new division within an approved school will very probably raise questions concerning the school's continued compliance with the standards and to protect its approved status the school must submit its plan to the Council for approval in advance of the opening of the new division. A graduate division is considered a new division within the meaning of this rule.

XVIII. PROCEDURE FOR SECURING APPROVAL

A school may request advice or help from the Council without

incurring any obligation. An inspection will be made on request for a fee of \$200 plus traveling and living expenses of the inspector.

There is no formality concerning application for approval by the American Bar Association. A letter to the adviser of the Section will bring a copy of a questionnaire to be filled out, and information on any particular points. The usual course is for the school wishing to be approved to send in the questionnaire and request a visit from an inspector. The covering letter should state that the school's administrative officers have read and carefully considered these standards and this accompanying statement, and that they assure the Council that in their opinion each requirement has been fully complied with. Thereafter, a visit from an inspector will be arranged at a mutually satisfactory time. An inspection usually requires at least two days, as classes are visited, records and transcripts inspected, the library canvassed and information given in the questionnaire checked. Following the inspection, a report is sent to each of the members of the Council before the next Council meeting.

The Council always meets immediately before the annual meeting of the American Bar Association, and usually immediately before the mid-year meeting of the House of Delegates. If a school is recommended by the Council for approval, such recommendation is sent to the House of Delegates. No publicity is given to an application for approval which is not favorably acted on.

To the end that the American Bar Association standards shall be maintained, approved schools will be expected from time to time to give any information requested by the Council of the Section of Legal Education and Admissions to the Bar and will be subject to reinspection at the pleasure of the Council at the expense of the school.

Under item three of the standards of the American Bar Association the Council of Legal Education and Admissions to the Bar is directed to publish from time to time the names of those law schools which comply with the Association's standards and those which do not. An up-to-date list of approved schools can always be secured by writing to the adviser of the Section, and a list of unapproved schools is printed in the latest issue of the annual *Review of Legal Education* which is published by the Section and distributed upon request without charge. The list of schools which have been approved is included in the annual *Review of Legal Education*, published by the Section of Legal Education and Admissions to the Bar.

XIX. DESIRABILITY OF EXCEEDING THE MINIMUM REQUIREMENTS

The foregoing statement, as has been said, is intended as a guide to schools seeking approval by the American Bar Association; to indicate the factors on which the Council lays particular stress; and to clarify the interpretations which over the years it has traditionally placed upon the requirements that have been set by the Association.

It is difficult, however, to conceive that an applicant worthy of approval will attempt merely to meet these bare minima. Schools whose administrators and faculties have deep and sincere commitments to the ideals and practices of a sound educational policy will undoubtedly desire to exceed these standards to whatever extent their personnel and facilities permit. Only so can they make maximum contribution to the cause to which they have dedicated themselves.

XX. REMOVAL FROM THE LIST OF APPROVED SCHOOLS

Whenever it is reported to the Council that a previously approved school has failed to maintain the standards established by the American Bar Association as interpreted and administered by the Council, it may notify such school of its alleged deficiencies and a hearing will be held thereon not less than 60 days from receipt of notice, at which time the school may appear and submit such evidence as is relevant to these alleged deficiencies. After the hearing, the Council will determine whether the alleged deficiencies do in fact exist, and will advise the school of its finding promptly. If such deficiencies are found the Council will apprise the school that unless they are removed within a stated time, the Council will recommend to the House of Delegates of the American Bar Association that the school be removed from the list of approved schools. A finding of deficiencies will not be published, but may be communicated to the Executive Committee of the Association of American Law Schools, to the Board of Law Examiners, and to the highest appellate court of the state in which the school is located, to the highest administrative offices of the institution of which it is a part, and to the appropriate regional institutional accrediting agency.

Further, in the event a law school that has been advised of its deficiencies has corrected them within the period fixed in the procedure set out above, the Council will notify such school that it does not propose to make an adverse recommendation to the House of Delegates.