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RULES of Procedure for the Approval of Law Schools

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From its inception the American Bar Association has been devoted to the improvement of the legal profession through the improvement of the pre-legal and legal education of those who apply for admission to the Bar.¹ This objective is clearly stated in the By-laws of the Section of Legal Education and Admissions to the Bar² of the American Bar Association:

Article 1 — Section 3. Purposes. The purposes of the Section shall be to consider, discuss, recommend to the Association, and effectuate measures for the improvement of the systems of pre-legal and legal education in the United States; methods for inculcating in law students the sincere regard for the ethics and morals of the profession necessary to its high calling; and means for the establishment and maintenance in the several states of adequate and proper standards of general education, legal training, and moral character of applicants for admission to the Bar, including the manner of testing their qualifications.

The By-laws of the Section of Legal Education and Admissions to the Bar, in Article 1 Section 4, empower the Section, through its Council, subject to the approval of the House of Delegates:

(b) To recommend to the House of Delegates uniform standards and requirements to be met by law schools for approval, or retention of approval, either provisional or full, by the Association:

(c) To establish procedures and requirements to be met and observed by law schools in obtaining and retaining the approval of the Association; to receive and process applications of law schools for approval;

² As approved by the House of Delegates of the ABA, Feb. 1961.
Foreword

and to make recommendations thereon to the House of Delegates:

Id) To prescribe procedures for changing the status of a law school from provisional to full approval, or from full to provisional approval, or for withdrawal of either provisional or full approval from law schools:

le) To establish conditions and procedures for the inspection and re-inspection of the approved law schools, with power in the Council to make the same at the expense of the school or schools in question;

lf) To observe and determine the adherence of the approved law schools to the Standards for Legal Education of the Association, and, after investigation and hearing, and upon a finding of non-adherence in a given school, to recommend to the House of Delegates a change in the approval status of the said law school.

All of the standards, requirements and procedures recommended by the Section and approved by the House of Delegates are printed and distributed to law schools, universities, libraries, boards of bar examiners, professional groups or associations, and other concerned with legal education.

Pursuant to these objectives and powers, the Section of Legal Education and Admissions to the Bar prepared the following Standards and Rules of Procedure for the Approval of Law Schools. A first draft was distributed for comment on December 8, 1971, to the chief appellate judge of each state, the bar examiners of all jurisdictions, the deans of all ABA approved law schools, and the members of the Section. In addition, the deans of over 100 law schools discussed the draft at a meeting with the Section Council and the drafting committee held February 4, 1972. A second draft was prepared and circulated on April 10, 1972. Hearings were held in San Francisco on May 6, and in Chicago on May 13, 1972. Nearly 100 practitioners, judges, teachers and deans participated in the hearings. Thereafter, a final draft was prepared and adopted by the Section at its annual meeting on August 15, 1972. The House of

The Standards recognize the diversity in quality legal education and represent an important step in advancing the cause of quality legal education and the American Bar Association’s concern therefor.

The Rules of Procedure were prepared to implement the Standards and also were drafted to conform to the Criteria for Nationally Recognized Accrediting Agencies and Associations promulgated by the Office of Education, Department of Health, Education and Welfare.
GENERAL PURPOSES AND PROCEDURES: DEFINITIONS

101 The American Bar Association is vitally and actively interested in ways and means of bringing about the improvement of the legal profession. These Standards for the Approval of Law Schools by the American Bar Association are promulgated in pursuance of that objective.

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

103 In order to obtain or retain approval by the American Bar Association, a law school must demonstrate that its program is consistent with sound educational policies. It shall do so by establishing that it is being operated in accordance with the Standards.

104 The authority to grant and to withdraw approval is vested in the House of Delegates.

(a) A law school will be granted provisional approval when it establishes that it substantially complies with the Standards and gives assurance that it will be in full compliance with the Standards within three years after receiving provisional approval.

(b) A law school will be granted full approval when it establishes that it is in full compliance with the Standards and it has been provisionally approved for at least two years.

(c) A law school that is provisionally approved may have this approval withdrawn if it is determined that it is not substantially complying 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 and the Council has not extended the time within which full approval must be obtained.

(d) If it is determined that an approved school is no longer complying with the Standards its approval may be withdrawn. However, if the school gives assurance that the deficiencies will be corrected within a reasonable time, as fixed by the Council, the school may remain an approved school.

(e) The students at provisionally approved law schools and persons who graduate while a school is provisionally approved are entitled to the same recognition accorded to students and graduates of fully approved law schools.

(f) A person 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, shall be deemed a graduate of an approved school, even though the school’s approval was withdrawn while he was enrolled therein.

105 An approved school should seek to exceed the minimum requirements of the Standards.

106 As used in the Standards:

(a) “House” or “House of Delegates” means the House of Delegates of the American Bar Association.

(b) “Section” means the Section of Legal Education and Admissions to the Bar of the American Bar Association.

(c) “Council” means the Council of the Section.

(d) “First professional law degree” means the degree granted by the law school upon the satisfactory completion of an educational program that meets the requirements of Chapter III.

(e) “Governing Board” means the Board of Trustees or comparable body having the ultimate policy making authority for the law school or the university of which it is a part.
ORGANIZATION
AND ADMINISTRATION

201 The law school shall have the resources necessary to provide a sound legal education and accomplish the objectives of its educational program, and shall be so organized and administered as to utilize fully those resources for those purposes.

202 The law school shall be organized as a non-profit educational institution and may not be operated for private profit.

203 The law school shall be governed by a Board whose members are dedicated to the maintenance of a sound educational institution, possess the capability of participating in the formulation and development of such an institution, and have no financial interest in the operation of the law school.

204 The Governing Board may establish general policies for the law school, provided they are consistent with a sound educational program and the Standards.

205 Within those general policies, the dean and faculty of the law school shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and academic standards for retention, advancement, and graduation of students.

206 The dean and faculty of the law school shall have the opportunity to present their recommendations on budgetary matters before the budget for the law school is submitted to the Governing Board.

207 The allocation of authority between the dean and the faculty is a matter for determination by each institution.

208 The law school may involve a Committee of Visitors or current students, or both, in a participatory or advisory capacity. The dean and faculty shall retain
control over matters that are entrusted to them under the Standards.

209 The present and anticipated financial resources of the law school shall be adequate to sustain a sound educational program.

(a) If tuition is a substantial source of the law school’s income, the school is faced with a potential 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 its program. The law school shall not permit financial considerations detrimentally to affect those policies and their administration.

(b) The 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.

210 Affiliation between a law school and a University is desirable, but is not required for approval. If the law school is affiliated with or a part of a University, that relationship shall serve to enhance the program of the law school. If the law school is an independent institution, it shall endeavor to secure the advantages that would normally result from being part of a University.

(a) A University affiliation permits an educational program that extends beyond the traditional law school curriculum, the development of academic programs that involve other disciplines, and enables law students and faculty to enjoy the advantages of the University library and other facilities and to participate in the academic life of the University community.

(b) If a law school is separate, either because it is unaffiliated with a University, or although affiliated, is so located as to be physically remote from the rest of the University, it should take appropriate measures to supply the advantages of University affiliation, for
example, by providing a more extensive library, particularly on non-legal subjects, and by developing a working relationship with other institutions of higher learning in the community.

(c) If the University’s general policies relating to rank, advancement, tenure, and compensation do not provide adequately for the recruitment and retention of a qualified law faculty, separate policies should be established for the law school.

211 The law school shall maintain equality of opportunity in legal education without discrimination or segregation on the ground of race, color, religion, national origin, or sex.

(a) The denial by a law school of admission to a qualified applicant will be treated as made upon the ground of race, color, religion, national origin, or sex if the ground of denial relied upon is (i) 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, or sex; or (ii) an admissions qualification of the school that is intended to prevent the admission of applicants on the ground of race, color, religion, national origin, or sex though not purporting to do so.

(b) The denial by a law school of employment to a qualified individual will be treated as made upon the ground of race, color, religion, national origin, or sex 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, or sex though not purporting to do so.

(c) Equality of opportunity in legal education includes equal opportunity to obtain employment. Each 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 to what end will avoid objectionable practices such as (i) refusing to hire or promote members of the groups protected by this policy because of the prejudices of
clients or of professional or official associates; (ii) applying standards in the hiring and promoting of such individuals that are higher than those applied otherwise; (iii) maintaining a starting or promotional salary scale as to such individuals that is lower than is applied otherwise; (iv) and disregarding personal capabilities by assigning, in a pre-determined or mechanical manner, such individuals to certain kinds of work or departments.
EDUCATIONAL PROGRAM

301 (a) The law school shall maintain an educational program that is designed to qualify its graduates for admission to the bar.

(b) A law school may offer an educational program designed to emphasize some aspects of the law or the legal profession and give less attention to others. If a school offers such a program, that program and its objectives shall be clearly stated in its publications, where appropriate.

(c) The educational program of the school shall be designed to prepare the students to deal with recognized problems of the present and anticipated problems of the future.

302 (a) The law school shall offer:

(i) instruction in those subjects generally regarded as the core of the law school curriculum,

(ii) Training in professional skills, such as counselling, the drafting of legal documents and materials, and trial and appellate advocacy,

(iii) and provide and require for all student candidates for a professional degree, instruction in the duties and responsibilities of the legal profession.

(b) The law school may not offer to its students, for academic credit or as a condition to graduation, instruction that is designed as a bar examination review course.

303 (a) The educational program of the law school should provide for:

(i) study in seminars or by directed research,

(ii) small classes for at least some portion of the total instructional program.

(b) The law school may not allow credit for study by correspondence.
304 (a) The law school shall maintain and adhere to sound standards of legal scholarship, including clearly defined standards for good standing, advancement, and graduation.

(b) The scholastic achievement of students shall be evaluated from the inception of their studies. As part of the testing of scholastic achievement, a written examination of suitable length and complexity shall be required in every course for which credit is given, except clinical work, courses involving extensive written work such as moot court, practice court, legal writing and drafting, and seminars and individual research projects.

(c) A law school shall not, either by initial admission or subsequent retention, enroll or continue a person whose inability to do satisfactory work is sufficiently manifest that his continuation in school would inculcate false hopes, constitute economic exploitation, or deleteriously affect the education of other students.

305 (a) Subject to the qualifications and exceptions contained in this Chapter, the law school shall require as a condition for graduation, the completion of a course of study in residence, of not less than 1200 class hours, extending over a period of not less than ninety weeks for full-time students, or not less than one-hundred and twenty weeks for part-time students.

(i) “In residence” means attendance at classes in the law school.

(ii) “Class hours” means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not exceeding ten percent of the total number of class session hours.

(iii) “Full-time student” means a student who devotes substantially all of his working hours to the study of law.

(b) To receive residence credit for an academic period, a full-time student must be enrolled in a schedule requiring a minimum of ten class hours a week and must receive credit for at least nine class
hours and a part-time student must be enrolled in a schedule requiring a minimum of eight class hours a week and must receive credit for at least eight class hours. If a student is not enrolled in, or fails to receive credit for, the minimum number of hours specified in this subsection, he 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.

(c) Regular and punctual class attendance is necessary to satisfy residence and class hours requirements.

If the law school has 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, the time spent in such studies or activities may be included as satisfying the residence and class hours requirements, provided the conditions of this section are satisfied.

(a) The residence and class hours credit allowed must be commensurate with the time and effort expended by and the educational benefits to the participating student.

(b) The studies or activities must be approved in advance, in accordance with the school’s established procedures for curriculum approval and determination.

(c) Each such study or activity, and the participation of each student therein, must be conducted or periodically reviewed by a member of the faculty to insure that in its actual operation it is achieving its educational objectives and that the credit allowed therefore is, in fact, commensurate with the time and effort expended by, and the educational benefits to, the participating student.

(d) At least 900 hours of the total time credited towards satisfying the “in residence” and “class hours” requirements of this Chapter shall be in actual attendance in regularly scheduled class sessions in 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.
Upon request, the Council may authorize a fully approved law school to establish a course of study leading to a degree other than the first professional law degree. Programs in addition to the first professional law degree may not detract from the law school’s ability to maintain a sound educational program leading to that degree. A law school shall not undertake a program in addition to the first professional law degree unless the quality of its program leading to the first professional law degree exceeds the requirements of the Standards.
FACULTY

401 The members of the faculty shall possess a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing.

402 (a) The law school shall have not fewer than six full-time faculty members, in addition to a full-time dean and a law librarian. It shall have such additional members as are necessary to fulfill the requirements of this Chapter and the needs of its educational program, with due consideration for

(i) the size of the student body and the opportunity for students to meet with and consult faculty members on an individual basis,

(ii) the nature and scope of the educational program, and

(iii) adequate opportunity for effective participation by the faculty in the governance of the law school.

(b) A full-time faculty member is one who during the academic year devotes substantially all his working time to teaching and legal scholarship, has no outside office or business activities and whose outside professional activities, if any, are limited to those which relate to his major academic interests or enrich his capacity as scholar and teacher, or are of service to the public generally, and do not unduly interfere with his responsibilities as a faculty member.

403 The major burden of the educational program and the major responsibility for faculty participation in the governance of the law school rests upon the full-time faculty members.

(a) Students shall receive 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 proportion of their total instruction from full-time faculty members.
(b) The proper use of qualified practicing lawyers and judges as part-time faculty members is an appropriate means of enriching the educational program.

404 (a) To the extent that a faculty member is teaching only regularly scheduled class sessions over fixed periods of time, he shall not teach more than

(i) an average of eight scheduled class hours per week, counting repetitions during the same academic period as one-half for this purpose, or

(ii) an average of ten scheduled class hours per week, counting repetitions during the same academic period at full value.

(b) To the extent that a faculty member’s teaching assignment is not limited to regularly scheduled class sessions over fixed periods of time, his total teaching responsibilities may not exceed a maximum comparable to that set forth in subsection (a).

(c) If the institutional responsibilities of a full-time faculty member include extensive participation in activities of the academic community, research, or public service, the maximum assignments permitted by this section shall be correspondingly adjusted.

405 The law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

(a) The compensation paid faculty members should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified private practitioners and government attorneys and of the judiciary. The compensation paid faculty members at a school seeking approval should be comparable with that paid faculty members at similar approved law schools in the same general geographical area.

(b) The law school shall afford faculty members reasonable opportunity for leaves of absence and for scholarly research.

(c) The law school shall afford faculty members reasonable secretarial and clerical assistance.
(d) The law school shall have an established and announced policy with respect to academic freedom and tenure of which Annex I herein is an example but is not obligatory.
The admission policies of the law school shall be consistent with the objectives of its educational program and the resources available for implementing those objectives. The school may not admit applicants who do not appear capable of satisfactorily completing that program.

(a) The educational requirement for admission as a degree candidate is either a bachelor’s degree from a qualified institution, or successful completion of three-fourths of the work acceptable for a bachelor’s degree at a qualified institution. In the latter case, not more than ten percent of the credits necessary for admission may be in courses without substantial intellectual content, and the pre-legal average on all subjects undertaken and, in addition, on all courses with substantial intellectual content, whether passed or failed, must at least equal that required for graduation from the institution attended.

(b) A qualified institution is one that is accredited by or is a member of North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Southern Association of Colleges and Schools, Northwest Association of Secondary and Higher Schools, Western Association of Schools and Colleges, or the Department of Education of the State of New York.

(c) In exceptional cases, applicants not possessing the educational requirements of subsection (a) may be admitted as degree candidates upon a clear showing of ability and aptitude for law study. The admitting officer shall sign and place in the admitee’s file a statement of the considerations that led to the decision to admit the applicant.

All applicants, except those physically incapable of taking it, should be required to take an acceptable test for the purpose of determining apparent aptitude for law study. A law school that is not using the Law
School Admission Test administered by Educational Testing Service should establish that it is using an acceptable test.

504 The law school shall advise each applicant that he should inform himself of the character and other qualifications for admission to the bar in the state in which he intends to practice. 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 and fitness of the applicants to the law school. If the law school considers an applicant’s character qualifications, it shall exercise care that the consideration is not used as a reason to deny admission to a qualified applicant because his political, social, or economic views might be considered as unorthodox.

505 Admission or re-admission may be granted a law student who has been previously disqualified for academic reasons, upon an affirmative showing that he possesses the requisite ability and that his prior disqualification does not indicate a lack of capacity to complete his studies at the admitting school. In the case of an admission to another law school this showing shall normally be made by letters from the dean or faculty of the school previously attended. A previously disqualified student may also be admitted when two or more years have elapsed since his disqualification and the nature of his work, activity, or studies during the interim indicate a stronger potential for law study. In each case the admitting officer shall sign and place in the admittee’s file a statement of the considerations that led to the decision to admit or readmit the applicant.

506 Pursuant to an established policy, the law school, without requiring compliance with its admission standards and procedures, may permit the enrollment in a particular course or limited number of courses, as auditors, non-degree candidates, or candidates for a degree other than a law degree, of:

(i) students enrolled in other colleges or universities or in other departments of the university of which the law school is a part, and
Standards for the Approval of Law Schools

(ii) members of the bar, graduates of other approved law schools, and other persons satisfying the requirements for admission set forth in section 502.
601 The law school shall maintain and administer a library adequate for its program.

602 (a) The law school library shall contain:

   (i) all publications listed in Library Schedule A, attached as Annex II,

   (ii) those other materials that are reasonably necessary for the proper conduct of its educational program,

   (iii) all publications listed on Library Schedule B, attached as Annex III, except those that are readily accessible to and available for use by students and faculty in another library facility.

(b) The Council is delegated the authority to revise the Library Schedules from time to time.

603 (a) All materials shall be current with respect to continuations, supplements, and replacements.

(b) All sets of materials shall be complete and unbroken except when early volumes of a set are either unavailable or are available only at an excessive price. A set is not complete unless it includes all supporting materials, including indices, desk books, digests, finding tools, and citators published as part of the set or generally available for use with the set.

(c) All periodicals, except for the current year, shall be permanently bound.

(d) If the library contains any materials on microfilm, tape, or similar form, it shall provide the necessary viewing and listening equipment.

(e) The library shall contain additional sets of more commonly used materials whenever necessary for efficient use by the faculty and students.

(f) The library shall be kept current with respect to new publications and new forms of publications.

604 The law school library may be administered either as part of the University Library, or as an autonomous unit, provided that however administered, its growth,
development, and utilization are not interfered with or impeded and the best possible service is afforded the law school. Within such general policies as may be established by the Governing Board,

(i) the dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection of acquisitions, arrangement of materials and reader services. The allocation of authority among the dean, law librarian, and faculty is a matter for determination by each institution;

(ii) the budget for the law library shall be determined as part of, and administered in the same manner as, the law school budget;

(iii) the selection and retention of the law librarian shall be by the dean and faculty of the law school.

The law library shall be administered by a full-time librarian whose principal activities are the development and maintenance of the library and the furnishing of library assistance to faculty and students, and may include teaching courses in the law school.

(a) The law librarian should have a sound knowledge of library administration in general and of the particular problems of a law library. If the librarian is not a law school graduate, he should have special training in the field of law library content, use, and administration.

(b) The law library shall have a competent and adequate staff under the supervision of the law librarian.
PHYSICAL PLANT

701 The law school shall have a physical plant that is adequate both for its current program and for such growth in enrollment or program as should be anticipated in the immediate future.

702 There shall be sufficient adequate classrooms and seminar rooms to permit reasonable scheduling of all courses and there shall be such additional rooms as may be necessary adequately to provide for all other aspects of the law school’s program.

(a) The physical facilities shall 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, then the arrangements must permit proper scheduling of all law classes and other law school activities.

(b) Adequate provision should be made for the conduct of moot court programs, both at the trial and appellate level, either by a separate courtroom, or one or more classrooms that can readily be adapted to such a program, or by reasonably available public courtroom facilities.

703 Each full-time member of the faculty shall have a private office. In addition, suitable office space shall be provided for the use of part-time faculty members.

704 Space for study purposes shall be provided in the law school library or in an adjacent law school facility that is sufficient to accommodate at the least the following percentage of the total enrollment: if the school is exclusively a day school, 40 percent; if the school is exclusively an evening school, 25 percent; if the school has both day and evening divisions, 40 percent of whichever division is the larger. In addition to the regular study area, there shall be one or more suitable areas in which students may gather in small groups for discussion.

705 There shall be adequate areas for secretarial and administrative personnel and for the maintenance of all necessary records. These areas shall be in close proximity to the persons or offices served thereby.
801 Consistent with the Standards, the Council shall have authority to:

(i) interpret the Standards,

(ii) adopt rules implementing the Standards,

(iii) adopt procedural rules for the initial application by and approval of law schools and for the review and reinspection of approved schools, provided that until procedural rules are so adopted, the procedural rules in effect on the adoption of the Standards apply, and

(iv) amend any rules from time to time.

All interpretations and rules shall be published and shall be available to all interested persons.

802 A law school that proposes to offer a program of legal education that is contrary to the terms of the Standards may apply to the Council for a variance. The variance may be granted if the Council finds that the proposal is consistent with the general purposes of the Standards. The Council may impose such conditions or qualifications as it deems appropriate.

803 The Council shall have the authority to consider any request for provisional or full approval. If the Council’s decision is that approval should be granted, it shall so recommend to the House. If the Council’s decision is that approval should not be granted, its action shall be communicated to the school which then has the right of appeal provided for in Section 2, Article IV of the Constitution of the American Bar Association.

804 The House of Delegates will not act on any request for the withdrawal of approval until it has first received the advice and recommendations of the Council.

805 The Council shall, from time to time, publish the names of those law schools which have been approved and those schools which have not been approved and shall make these publications available to interested persons.
ADOPTION
AND AMENDMENT

901 (a) These Standards become effective upon their adoption by the House of Delegates. The Standards for Legal Education and the Factors Bearing on the Approval of Law Schools by the American Bar Association, heretofore in effect, are repealed.

(b) For a period of two years after these Standards become effective a law school that was provisionally or fully approved at the time these Standards became effective will not have its approval withdrawn if it either continues to be in compliance with the Standards heretofore in effect or complies with these Standards.

(c) Two years after these Standards become effective, all approved law schools must comply with them.

(d) After these Standards become effective, an unapproved law school will not be granted a provisional approval and a provisionally approved law school will not be granted a full approval unless it complies with these Standards.

902 (a) The power to approve an amendment of the Standards is vested in the House of Delegates, but the House of Delegates will not act on any amendment until it has first received the advice and recommendations of the Council and the Section.

(b) A member of the Section of Legal Education and Admissions to the Bar may propose an amendment of these Standards by submitting the proposed amendment and a statement of its purposes to the Secretary of the Section, who shall transmit the proposed amendment and the statement of purposes to the members of the Council. The Council shall consider such a proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. By majority vote the Council shall submit to the Section at the annual meeting such proposed amendments of the
Standards for the Approval of Law Schools

Standards as it deems appropriate. If an amendment proposed by a member as described above is not submitted favorably by the Council to the Section, the amendment shall be submitted to the Section at the next following annual meeting if a petition signed by 100 or more Section members requesting its submission is filed with the Secretary at least 30 days prior to the annual meeting at which the amendment is to be submitted to the Section. The Section may consider only those amendments of the Standards that are submitted to it by the procedures described above. If a majority of the members of the Section present at an annual meeting and voting approve, the amendment is adopted. The amendment becomes effective when it is approved by the House of Delegates after a report by the Board of Governors.
Annex 1*

PRINCIPLES OF ACADEMIC FREEDOM AND TENURE

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

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

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

Academic Freedom

The teacher¹ is entitled to full freedom in research and in the publication of the results, subject to the

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¹The word “teacher” as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

*The text of the statement follows the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors.
adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

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

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

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that
when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person’s total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.
Annex II

LIBRARY SCHEDULE A

(A school is not required to have a unit in the National Reporter System which duplicates an official set of records in the collection, e.g. Supreme Court Reporter, California Reporter.)

National Materials — General
American Digest System
Corpus Juris and Corpus Juris Secundum
American Jurisprudence and American Jurisprudence, Second
Words and Phrases
Annotated Reports Complete
Restatements
Uniform Laws Annotated

Federal Materials
United States Supreme Court (at least one set, any edition)
Federal Reporter and Federal Reporter, Second
Federal Supplement
Federal Rules Decisions
Tax Court Reports
Federal Digest and Modern Federal Digest
Statutes at Large, current from date of application for approval
U.S. Code, Annotated
Code of Federal Regulations
Administrative Agency Reports for at least those agencies whose work is relevant to courses in the school
U.S. Code Service
Attorney General Opinions

State in which the School is Located
Official state reports
Specialized reports whose subject matter is particularly relevant to the educational program of the law school
Session laws, complete
Latest code or other statutory compilation
Attorney General Opinions
Administrative code or similar publication, if any
Local digests and encyclopedias, if any
Form and practice books
CLE materials

Other States
National Reporter System, complete
Reports prior to the National Reporter System for
(i) all states in the same unit of the National
   Reporter System as the “local” state;
(ii) another 10 selected states whose case law is
   significant in the educational program of the school

Specialized reports whose subject matter is particu-
larly relevant to the educational program of the law
school

Texts, Treatises, Loose-leaf services
Loose-leaf services for all subjects relevant to the
educational program of the school
All generally recognized texts and treatises

Reviews and Journals
Publications of the Bar of the State and of the ABA,
included in the latter the ABA Journal and section
and other publications
All publications by approved law schools in the State,
complete
An additional twenty publications of recognized
national significance, complete from at least 1940
Specialized journals whose subject matter is particu-
larly relevant to the educational program of the school
Annex III

LIBRARY SCHEDULE B

Federal Materials
Federal Cases
Board of Tax Appeals
Federal Register

Other States
Statutes, in current compilation, of those states whose statutory law is significant in the educational program of the school.

English
All England Selected Reprints and All England Reports, or Law Reports Complete.
English Ruling Cases
British Ruling Cases
Halsbury’s Laws of England
Mews Digest
RULES
OF PROCEDURE FOR
THE APPROVAL OF
LAW SCHOOLS

Rule I.

PROCEDURE FOR
SECURING
PROVISIONAL APPROVAL

(1) Provisional approval of an applicant law school is granted by the House of Delegates of the American Bar Association upon the recommendation of the Council of the Section of Legal Education and Admissions to the Bar. Approval is in two stages: first, provisional approval and second, full approval. Provisional approval will be granted if the applicant school meets the Standards established by the American Bar Association as interpreted by the Council.

(2) A university, college, or other institution considering the establishment of a law school or a law school considering application for approval may obtain information and advice from the American Bar Association upon request without fee or other charge. The services of the Consultant are made available without fee; the only expense to the institution is his travel expense. Inquiries may be addressed to the American Bar Association, Chairman of the Section of Legal Education and Admissions to the Bar, or to the Consultant.

(3) There is no formality in making application for approval by the American Bar Association. A
letter to the American Bar Association, the Council, or the Consultant indicating an interest in securing American Bar Association approval is a sufficient application. The requesting school will be sent a copy of the Standards, Council Interpretations, Rules of Procedure, other pertinent data, and a copy of a questionnaire devised to permit the school and the Council to evaluate the status of the school in the light of the Standards as interpreted by the Council. Requests for additional information, or consultation, will, of course, be honored.

(4) An inspection visit to the school will be made on request for a fee of $200 plus traveling and living expenses of the inspector.

(5) The usual course for the school wishing to be approved is to return the completed questionnaire and to request a visit from an inspector. The covering letter should state that the chief executive officer of the institution and the dean of the law school have read and carefully considered the Standards and Council Interpretations, have answered in detail the questions asked in the questionnaire, and by this letter give assurance to the Council that in their opinion each requirement has been fully complied with. If the school’s officials cannot give these assurances or are uncertain, a request for consultation and advice, including a request for a visit by the Consultant to help the school prepare for approval, is in order. The Council and the Consultant welcome the opportunity to render all possible assistance.

(6) If the school feels that it does meet the Standards, a request for a visit by an inspector, at the school’s expense, is in order. Thereafter, arrangements will be made for a visit to the school at a mutually satisfactory time by an inspector agreeable to the school. An initial inspection usually requires three days, as classes are visited, records and transcripts inspected, the library canvassed, information set forth in the questionnaire checked, and consultations held with the chief executive officer of the institution, the dean of the law school, members of the law school faculty, and the law students. Following the inspection, a written report based upon the inspection and the questionnaire is sent to each member of the Council, and the application is placed
on the agenda of the next meeting of the Council. Before the written report is forwarded to the Council, its factual elements are submitted to the chief executive officer and the dean of the inspected school for confirmation of its accuracy.

(7) The Council meets immediately before the annual and the midyear meetings of the American Bar Association. Applications for provisional approval are considered by the Council, with the inspector, usually either a member of the Council or the Consultant, present. If the school is recommended by the Council for provisional approval, the recommendation is sent to the House of Delegates for action. The chief executive officer of the institution and the dean of the law school are sent a written report commenting on the school's strengths and weaknesses and areas of Council concern and recommending means of improvement.

(8) If the application for approval is not acted upon favorably, no publicity is given to this. The Council, through the Consultant, will prepare a written report for the chief executive officer of the institution and the dean of the law school, setting forth wherein the school fails to meet the Standards and Council Interpretations, pointing out the school's strengths and weaknesses, and offering the aid and assistance of the Council and the Consultant in correcting the deficiencies.

(9) Students and graduates of provisionally approved schools are entitled to the same recognition as is accorded the students and graduates of fully approved law schools.
Rule II.

PROCEDURE FOR SECURING FULL APPROVAL

(1) A school granted provisional approval shall in not more than 5 years secure full approval, unless the period of time of provisional approval is extended by the Council for good cause shown by the school, failing which the Council shall recommend to the House of Delegates that the school be removed from the list of provisionally approved law schools. See Rule IV for the procedure.

(2) A provisionally approved school shall be reinspected each year during the period of provisional approval. The school shall pay the inspection fee of $200 and reimburse the inspector for his travel expenses.

(3) A provisionally approved school will be considered for full approval by the House of Delegates when the Council finds, after inspection, that the school meets the Standards established by the American Bar Association as interpreted by the Council on a basis that assures continued compliance with the letter and the spirit of the Standards, with particular emphasis on a steady improvement in the quality of the educational program.
Rule III.

PROCEDURE FOR ASSURING CONTINUED COMPLIANCE

(1) To the end that the American Bar Association Standards shall be maintained, to insure compliance and to advance the continued improvement of legal education, approved schools will be expected to furnish to the Council such information as is requested by the Council.

(2) All fully approved schools will be subject to periodic reinspections at 7 year intervals at the school’s expense. Additional reinspections at the school’s expense may be ordered by the Council when special circumstances warrant.

(3) An approved school is expected to maintain the qualitative level which justified its approval, and to demonstrate a genuine and continuous effort to improve the quality of its educational efforts.
Rule IV.

REMOVAL
FROM LIST OF
APPROVED SCHOOLS—
PROVISIONAL, FULL

(1) The American Bar Association has delegated to the Council of the Section of Legal Education and Admissions to the Bar the responsibility for insuring continued compliance with the Standards as interpreted by the Council. If the school fails to meet the requirements, approval may be withdrawn by action of the House of Delegates of the American Bar Association upon the recommendation of the Council.

(2) Whenever the Council has reason to believe that an approved school has failed to maintain the Standards established by the American Bar Association as interpreted and administered by the Council, or has refused to cooperate with Council requests for information or reinspection, the Council may notify the school of its apparent deficiencies and, if the matter cannot be satisfactorily resolved by routine procedures, set a date for a hearing on the alleged violations.

(3) The school shall be given at least 60 days notice, and it may request additional time not to exceed 6 months. Both the notice and the request for extension of time shall be in writing.

(4) The purpose of the hearing shall be to ascertain whether the school is in default, whether the default is justified and, if not, what steps should be taken to remedy the default.

(5) The school will be given every opportunity to appear and to submit such evidence on the issues as it desires.
(6) After the hearing, the Council shall make a determination as to whether the school is in default, and, if so, what should be done to correct the deficiency. If the school is not in default, a copy of this conclusion shall be transmitted by the Consultant to the school and the matter shall be concluded by proper resolution. If the school is found to be in default, a copy of this determination shall be transmitted by the Consultant to the school along with a notice to the effect that unless the default is corrected within a time fixed by the Council, the Council will place on the agenda of the next meeting of the Council the question whether the Council should recommend to the House of Delegates that the school be removed from the list of approved schools.

(7) A finding of deficiencies by the Council will not be published, but may be communicated to the Executive Committee of the Association of American Law Schools, the National Conference of Bar Examiners, the bar examining authority of the state in which the school is located, the highest administrative officer of the institution of which it is a part, and the appropriate regional institutional accrediting agency.

(8) If before the Council acts on its preliminary finding that the school is in default or before the House of Delegates acts on a recommendation of the Council that the school be removed from the list of approved schools, the school corrects the deficiency, the Council shall take steps to recall its recommendation, if any, and to notify all agencies who were told of the default that the school is once again in compliance, and the Council shall close the matter with a resolution in its Minutes setting forth the facts of compliance.
Rule V.

CHANGES IN STRUCTURE OR OPERATION

Since a major change in structure or operation may raise questions as to a law school’s continued compliance with the Standards, an approved law school, prior to making the change, shall make a timely report on the change to the Consultant, analyzing the effect of the proposed change on the school’s ability to meet American Bar Association Standards. The kind of changes that must be reported include:

A. Instituting a new division (evening or full-time);
B. Shifting from a full-time to an evening part-time program, or from an evening part-time program to a full-time program;
C. Establishing the school or a branch thereof in a new location;
D. Offering a 2-4 or similar program;
E. Merging with another law school, whether approved or unapproved;
F. Activating a program leading to any degree beyond the first degree in law; or
G. Changing its relations with its parent institution, or, affiliating with a college or university.

Before establishing a day or evening program or a graduate division and before concluding a merger, the law school shall obtain the Council’s acquiescence to the action. When the Council acquiesces to a merger, it shall make its acquiescence subject to a reinspec-
tion in two years for the purpose of ascertaining whether the anticipated benefits to the law school and the other institution have been obtained.
Rule VI.

APPEAL

Appeal from Council action is provided for in Section 2, Article IV, of the Constitution of the American Bar Association.

Rule VII.

REINSTATEMENT

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

Rule VIII.

THE ACCREDITATION COMMITTEE

The Committee may appoint an Accreditation Committee, and delegate to this committee such tasks in connection with the inspection and approval of law schools, subject to these Rules of Procedure, as it sees fit.
Rule IX.

LIST OF APPROVED AND UNAPPROVED SCHOOLS

The Council of the Section of Legal Education and Admissions to the Bar shall publish from time to time the names of those law schools which comply with the Association’s Standards and those which do not. A complete list of all approved law schools and as many unapproved law schools as are known shall be published annually in the Review of Legal Education, which is published by the Section and distributed upon request without charge.”