



AMERICAN BAR ASSOCIATION

**STANDARDS
FOR APPROVAL OF LAW SCHOOLS
AND
INTERPRETATIONS**

**RULES OF PROCEDURE
FOR
APPROVAL OF LAW SCHOOLS**

**POLICIES OF THE COUNCIL
OF THE SECTION OF LEGAL EDUCATION
AND ADMISSIONS TO THE BAR
AND OF THE
ACCREDITATION COMMITTEE**

July, 1987

COMPILED AND DISTRIBUTED
BY

THE OFFICE OF THE CONSULTANT
ON LEGAL EDUCATION TO THE
AMERICAN BAR ASSOCIATION
735 West New York Street
Indianapolis, Indiana 46202

AMERICAN BAR ASSOCIATION
STANDARDS
FOR APPROVAL
OF LAW SCHOOLS

AND

INTERPRETATIONS

Table of Contents

Standards for the Approval of Law Schools

Foreword.....	
General Purposes and Procedures: Definitions Standards 101-106.....	
Organization and Administration Standards 201-213.....	
Educational Program Standards 301-308.....	
Faculty Standards 401-406.....	
Admissions Standards 501-506.....	
Library Standards 601-605.....	
Physical Plant Standards 701-705.....	
Authority Standards 801-805.....	
Adoption and Amendment Standards 901-902.....	
Principles of Academic Freedom and Tenure Annex I.....	
Library Schedule A Annex II.....	
Library Schedule B Annex III.....	
Key Word Index to Standards and Interpretations.....	

Foreword

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;

¹ See, Harno Legal Education in the United States (1951); Sullivan, The Professional Association and Legal Education, 4 Journal of Legal Education 401 (1952).

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

(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; and to make recommendations thereon to the House of Delegates;

(d) 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;

(e) 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;

(f) 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 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 others 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 Delegates approved and adopted the Standards and Rules of Procedure on February 12, 1973.

The Standards recognize the diversity in quality legal education and represent an important step in advancing the cause of quality legal education and 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 Department of Education.

The Standards were amended by the House of Delegates in August, 1974 [Standard 302(a)(iii)], in August, 1975 [Standard 902(a)], in August, 1976 [addition of Standard 308], in February, 1977 [Standards 601, 602, 603, 604, 605, 704 and 705], in August, 1978 [addition of Standard 212, renumbered Standard 213 in August, 1980], in August, 1979 [style changes to remove references to male gender and amendments to Standards 105, 303(a) and 308], in August, 1981 [Standards 211, new section (b) and (c), old (b) and (c) renumbered (c) and (e), and Standard 032(a)], in August, 1982 [amendment to Standard 211(d)], in February, 1983 [amendment to Standard 503], in August, 1983 [amendment to Standard 803], August 4, 1984 [added new Standard 405(e)], and August, 1986 [amendment to Standards 602, 603, 704, 705 and Annex II].

The Rules of Procedure were rewritten and so adopted in February, 1975, with further amendments adopted from time to time thereafter.

During 1982-83 a sub-committee of the Standards Review Committee drafted a set of revised Rules. These were adopted by the Council of the Section of Legal Education and Admissions to the Bar in May, 1983. Certain technical changes suggested by the Board of Governors and ABA Counsel were proposed and adopted by the Council in August, 1983; December, 1983; August, 1984; December, 1984; and December, 1985. The revised Rules do not change existing policies, but more carefully delineate all existing procedures.

The policies are those formally adopted from time to time by the Council of the Section of Legal Education and Admissions to the Bar and its Accreditation Committee.

Standard 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.

Standard 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 fitness for admission.

INTERPRETATIONS

Standard 102

Interpretation 1 of 102 and 103: Support from the State Bar Association is not necessary in order for a school to be approved by the ABA, and a school which meets the Standards may be approved even though the local bar is opposed. However, actions and judgments by the bar or by individual members of the bar are not irrelevant. July, 1974.

Interpretation 2 of 102 and 103: It is the responsibility of a law school approved by the American Bar Association or seeking ABA approval to demonstrate compliance with the Standards. The Council cannot determine if a school is being operated in accordance with the Standards if the school refuses to submit information requested by the Council. Refusal to supply information could be determined a violation of the Standards. August, 1977.

Interpretation 3 of 102 and 103: It is the intent of the Standards that each approved law school or law school seeking provisional approval provide appropriate information to the Council and Accreditation Committee, including the completion of appropriate questionnaires and self-studies. July, 1977; August, 1977.

Standard 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.

INTERPRETATIONS

Standard 103

Interpretation 1 of 102 and 103: Support from the State Bar Association is not necessary in order for a school to be approved by the ABA, and a school which meets the Standards may be approved even though the local bar is opposed. However, actions and judgments by the bar or by individual members of the bar are not irrelevant. July, 1974.

Interpretation 2 of 102 and 103: It is the responsibility of a law school approved by the American Bar Association or seeking ABA approval to demonstrate compliance with the Standards. The Council cannot determine if a school is being operated in accordance with the Standards if the school refuses to submit information requested by the Council. Refusal to supply information could be determined a violation of the Standards. August, 1977.

Interpretation 3 of 102 and 103: It is the intent of the Standards that each approved law school or law school seeking provisional approval provide appropriate information to the Council and Accreditation Committee, including the completion of appropriate questionnaires and self-studies. July, 1977; August, 1977.

Interpretation of 103: The intent of Standard 103, in part, is to put the obligation on the school to demonstrate that its program is consistent with sound educational policy and to establish that it is being operated in accordance with the Standards. Each law school, to retain approval, shall, in accordance with Rule III(1) [Rule 38 in the 1983 Revised Rules], furnish the Council with such information as is requested by the Council. The reinspection and annual questionnaires distributed by the Consultant on behalf of the Council provide the means through which each school demonstrates continuing compliance with the Standards. The

INTERPRETATIONS

Page 2

Standard 103

annual questionnaire not only furnishes the Council with information regarding the status of each school, but, in meeting its concern with legal education as a whole, furnishes the Council with information regarding American law schools generally, so that the Council can determine the areas in which improvements are being made and the areas in which appropriate action should be taken and to provide the Council with information which reflects the norms of legal education. The annual questionnaire provides a uniform and regular method for the Council to meet its responsibilities, and, accordingly, each school shall furnish all the information requested on the annual questionnaire. August, 1978.

Standard 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 that person was enrolled therein.

INTERPRETATIONS

Standard 104

Interpretation of 104: Events since the granting of provisional approval may raise doubts as to the ability of an institution to fulfill commitments made in connection with the application for provisional approval and may nullify previously given assurance that a law school will be in full compliance with the Standards within three years of the initial granting of provisional approval. July, 1980.

Interpretation 1 of 104(a): A law school seeking provisional approval by the American Bar Association must furnish separate financial operating statements for the last three fiscal years. If the applicant institution is a private institution, the statements shall be certified. August, 1977.

Interpretation 2 of 104(a): A law school seeking provisional approval by the ABA shall provide appropriate supporting documents detailing the actual cost of all facilities used solely for the support of the law school.

If the applicant institution is a private institution, the institution shall state the MAI appraised fair market value of facilities used solely for support of the law school. August, 1977.

Interpretation 3 of 104(a): Substantial compliance means appropriate and substantial compliance with each of the Standards for Approval of Law Schools and further, that a law school gives assurance that it will be in full compliance within three years after receiving provisional approval. June, 1978.

Interpretation 4 of 104(a): Plans for construction, financing, library improvement, salary increases and employment of faculty which are presented by a law school seeking provisional approval are not, in themselves, matters of substantial compliance with the Standards. Substantial compliance means substantial compliance at the time a law school seeks provisional approval and not future realization of existing plans. June, 1978.

Interpretation of 104(c): Provisional approval may be withdrawn if more than five years have elapsed since a law school was provisionally approved if the

INTERPRETATIONS

Page 2

Standard 104

law school has not qualified for full approval by placing itself in full compliance with each and every Standard. June, 1978.

Interpretation of Standard 104(e): A currently approved law school cannot retroactively grant a J.D. degree to a graduate of its predecessor institution. May, 1980.

Standard 105

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

INTERPRETATIONS

Standard 105

Interpretation 1 of 105: A law school whose academic program does not meet its own stated goals and objectives does not comply with the Standards for Approval of Law Schools by the American Bar Association. August, 1977.

Interpretation 2 of 105: If an institution takes the view that the choice is between a law school meeting only the minimum requirements of the Standards and making no effort to exceed minimum requirements, the law school appears to violate Standard 105. May, 1979.

Interpretation of 105 and 210: In part, the intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts, and property interests committed to the law school. Serious questions concerning the adequacy of a law school's financial support arise when resources generated by a university-affiliated law school are not made available to the school to maintain and enhance its educational program. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. December, 1978.

Standard 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 policymaking authority for the law school or the university of which it is a part.

Standard 201

(a) Through development and periodic reevaluation of a written self-study, the law school shall articulate the objectives of the school's educational program consistent with the Standards.

(b) 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.

INTERPRETATIONS

Standard 201

Interpretation 1 of 201: Although a particular law school may satisfy minimal Standards, failure of a law school to achieve its own stated goals and objectives may place the school in violation of the Standards. August, 1977.

Interpretation 2 of 201: A law school which is almost totally dependent on tuition and fee income, has experienced operating deficits in recent years, and projects the necessity to more than double its entering class in order to meet projected budget deficits, is not in substantial compliance with the Standards. August, 1980.

Interpretation 3 of 201: The intent of the Standards is that the establishment of a branch campus of an approved law school would require the appointment of a permanent full-time faculty for the branch campus, the establishment of an adequate working library for the branch campus, an adequate physical facility, including plans for a permanent physical plant and adequate supporting staff for the program. February, 1979.

Interpretation 1 of 201 and 209: A law school, organized on a not-for-profit basis, does not meet the requirements of Standard 201 and of Standard 209 when:

- (1) A law school is almost entirely dependent upon tuition income;
- (2) Operational and building conversion costs have exceeded income and have necessitated the borrowing of considerable sums of money;
- (3) Acquisition of a permanent law school plant is dependent upon loan commitments which are themselves contingent upon the school's obtaining provisional accreditation by the American Bar Association; and
- (4) Budget projections designed to cover debt service and operational expenses over the years 1975-81 contemplate and are dependent on substantial increases in the size of the student body, together with substantial increases in student tuition.
June, 1978.

INTERPRETATIONS

Page 2

Standard 201

Interpretation 2 of 201 and 209: A law school must have sufficient resources specifically allocated to the school in order to sustain the school's sound educational program and to accomplish the objectives of its educational program as set forth in its self-study. May, June, 1978.

Interpretation 1 of 201, 209 and 210: A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of 201, 209 and 210: The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978.

Interpretation of Standards 201 and 401-405:

Background and Discussion of Educational Effect

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

INTERPRETATIONS

Page 3

Standard 201

Every approved school is required by Standard 105 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

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

(1) Effect on Teaching Load. Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with Standard 404, a school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

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

INTERPRETATIONS

Page 4

Standard 201

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

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

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

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

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

INTERPRETATIONS

Page 5

Standard 201

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

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teaches. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing--because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

INTERPRETATIONS

Page 6

Standard 201

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

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time-equivalent student body.

A. Basic Computation of Ratio

(1) In computing student/faculty ratio, the Committee will consider as full-time those teachers who are employed as full-time teachers on tenure track, or its equivalent under Standard 405(e), and do not hold administrative office or perform administrative duties beyond those normally performed by a full-time teacher. Students who are registered in a part-time program [see Standard 305(a)] are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

INTERPRETATIONS

Page 7

Standard 201

(2) The Accreditation Committee will take into account neither graduate students nor graduate faculty (teachers who devote substantially all of their time to the graduate program) in computing FTE student/full-time faculty ratio. In those instances where there is a co-mingling of graduate and J.D. teachers and students which might result in a dilution of J.D. teaching resources, the Committee will consider the circumstances of the individual school in order to determine the teaching resources available to the J.D. program.

B. Statement and Effect of Ratio. Ratios are indicative and useful and, in the experience of the Committee and Council, provide an effective guide to compliance with Standards 201 and 401-405.

(1) A ratio of 20:1 or less is presumably in compliance with Standards 201 and 401-405, but the Committee and Council may inquire into the educational effects of faculty size, to make certain that the size and duties of the full-time faculty meet those Standards.

(2) A ratio of 30:1 or more is presumably not in compliance with Standards 201 and 401-405.

(3) The fact that a school has a ratio of under 30:1 does not preclude examination by the Committee and Council to determine whether the School is in compliance with Standards 201 and 401-405. In such an examination by the Committee, the Committee will consider, in light of the school's educational program, the administrators and librarians who teach, writing instructors and other full-time instructors, part-time adjunct faculty and other instructional resources not counted in the basic ratio computation.

Interpretation of 201 and 405: A statutorily imposed faculty and decanal salary maximum may place a school in non-compliance with the Standards. January, 1980; February, 1980.

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 202

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

INTERPRETATIONS

Standard 202

Interpretation of 202:

WHEREAS, the Council of the Section of Legal Education and Admissions to the Bar adopted the following resolutions on February, 12, 1977:

- (1) "That at this time no change or material modification of Standard 202 of the Standards for Approval of Law Schools by the American Bar Association be recommended to the House of Delegates."
- (2) "That the Council declares its willingness for a period of two years following the adoption of this resolution to grant a Standard 802 variance of Standard 202 and the last clause of Standard 203 and the interpretations placed upon it, in connection with an application for provisional approval from any proprietary law school which believes it can show that it is in substantial compliance with all of the other Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Section of Legal Education and Admissions to the Bar, in modification and clarification of the above resolutions, hereby determines that until the date of July 1, 1988, it will accept an application for provisional approval from any proprietary law school which can show that it substantially complies with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 and gives assurance that it will be in full compliance with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 within three years after receiving provisional approval;

INTERPRETATIONS

Page 2

Standard 202

BE IT FURTHER RESOLVED, that if the Council of the Section of Legal Education and Admissions to the Bar recommends to the House of Delegates of the American Bar Association that any proprietary law school be granted provisional approval, at that time, the Council will also recommend to the House of Delegates of the American Bar Association the repeal of Standard 202 and the last clause of Standard 203 from the Standards for Approval of Law Schools by the American Bar Association. June, 1977; Revised February, 1979.

Standard 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.

INTERPRETATIONS

Standard 203

Interpretation of Standard 203: The Governing Board of a law school not affiliated with a college or university should empower the dean to serve as chief executive or chief academic officer of the law school and should define the scope of the dean's authority in accordance with the Standards, with particular reference to Standards 204, 205, 206, 207 and 403. The dean should be responsible to the Governing Board. The dean should not serve as president or chairman of the Governing Board. It is desirable that the dean be present at all meetings of the Governing Board.

Standard 204

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

INTERPRETATIONS

Standard 204

Interpretation of 204: The mere fact that the rules of a Board of Trustees regarding promotion and tenure vest in the Board final authority for all determinations of hiring, firing, promotion and tenure, and permit the Board to conduct its own investigation or hearings regarding tenure is not in itself violation of the Standards. June, 1980.

Standard 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.

INTERPRETATIONS

Standard 205

Interpretation 1 of 205: A law faculty as a professional faculty should not be required to be part of a general university bargaining unit. July, 1975.

Interpretation 2 of 205: The intent of Standard 205 is that there be full communication between the dean and faculty that the dean and faculty together join in the establishment of general educational policies and the development of the School's educational goals and objectives. July, 1977.

Interpretation 3 of 205: To facilitate the accomplishment of the objectives of the school, the dean and faculty must engage in and complete a self-study. This self-study, in its current form, is to be submitted by a school seeking provisional approval, by a provisionally approved law school having its annual inspection, and by a fully approved law school having a regular or special inspection. June, 1978.

Interpretation 4 of 205: A university policy which permits review and overriding of decisions of the law faculty as to sanctions imposed upon law students found guilty of academic dishonesty appears to violate the intent of Standard 205. July, 1978.

Interpretation 5 of 205: The law faculty shall have a substantial degree of involvement in the process by which a law dean is selected, appointed, or (as to terms over one year) reappointed. The process should entail a joint effort by the law faculty and the university administration or governing board. Except in rare cases and for compelling reasons, a law dean shall not be appointed or reappointed over the objections of a majority of the law faculty. December, 1978.

INTERPRETATIONS

Standard 205

Interpretation 6 of 205: Actions of a University Advisory Committee may violate Standard 205 because they deprive the dean and faculty of the law school of responsibility for promotion and tenure decisions. July, August, 1980.

Interpretation 7 of 205: It is inconsistent with Standard 205 for a law school to deny to a law librarian who is a member of the faculty the rights and procedures respecting reappointment or termination which are accorded to faculty members generally. July, August, 1980.

Interpretation of 205 and 206: Action of the Board of Trustees of a university authorizing the president of a university to determine a fixed percentage of an entering class without the approval of the dean and faculty of the law school violates Standards 205 and 206 of the Standards and places a law school in a posture of violation of the Standards, which would result in the withdrawing of ABA accreditation. December, 1975.

Interpretation of 205, 207 and 405(d): Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

Standard 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.

INTERPRETATIONS

Standard 206

Interpretation of 205 and 206: Action of the Board of Trustees of a university authorizing the president of a university to determine a fixed percentage of an entering class without the approval of the dean and faculty of the law school violates Standards 205 and 206 of the Standards and places a law school in a posture of violation of the Standards, which would result in the withdrawing of ABA accreditation. December, 1975.

Standard 207

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

INTERPRETATIONS

Standard 207

Interpretation of 205, 207 and 405(d): Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

Standard 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.

Standard 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.

INTERPRETATIONS

Standard 209

Interpretation of 209(a): Where a law school has a present student body which is only marginally qualified for the study of law and where this student body is considered with the school's reported plans to increase the size of its student body, at a time when the number of applications for admission to law school is declining, provoke a serious concern with regard to Standard 209(a). May, June, 1977.

Interpretation 1 of 201 and 209: A law school, organized on a not-for-profit basis, does not meet the requirements of Standard 201 and of Standard 209 when:

- (1) A law school is almost entirely dependent upon tuition income;
- (2) Operational and building conversion costs have exceeded income and have necessitated the borrowing of considerable sums of money;
- (3) Acquisition of a permanent law school plant is dependent upon loan commitments which are themselves contingent upon the school's obtaining provisional accreditation by the American Bar Association; and
- (4) Budget projections designed to cover debt service and operational expenses over the years 1975-81 contemplate and are dependent on substantial increases in the size of the student body, together with substantial increases in student tuition.

June, 1978.

Interpretation 2 of 201 and 209: A law school must have sufficient resources specifically allocated to the school in order to sustain the school's sound educational program and to accomplish the objectives of its educational program as set forth in its self-study. May, June, 1978.

INTERPRETATIONS

Page 2

Standard 209

Interpretation 1 of 201, 209 and 210: A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of 201, 209 and 210: The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978

Interpretation of 209 and 210: Where a university has entered into an executory accord on most of its debt, where such debt is substantial, and where no significant payments have yet been made under this accord, the university does not appear to have achieved the stability and normalcy which should characterize a fully approved school and is not on a financial footing which satisfies Standards 209 and 210. November, 1980.

Interpretation of 209 and 501: A law school which denies almost no one admission for academic reasons and which is experiencing consistently declining average LSAT scores, combined with low GPA's, for admitted students and which has operating deficits and heavy dependence on tuition income, does not comply with Standards 209(a) and 501. August, 1980.

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 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.

INTERPRETATIONS

Standard 210

Interpretation of 210: When a school of law has inadequate resources to fund its program and its parent university is concurrently withholding excessive portions of revenue which should be available to the school of law, the school of law is not in compliance with the Standards. July, August, 1980.

Interpretation of 210(c): University tenure and promotion policies which are dependent upon the fiscal stability of the parent university may inadequately provide for the recruitment and retention of qualified law faculty as required by Standard 210(c). November, 1977.

Interpretation of 105 and 210: In part, the intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts, and property interests committed to the law school. Serious questions concerning the adequacy of a law school's financial support arise when resources generated by a university-affiliated law school are not made available to the school to maintain and enhance its educational program. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. December, 1978.

Interpretation 1 of 201, 209 and 210: A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

INTERPRETATIONS

Page 2

Standard 210

Interpretation 2 of 201, 209 and 210: The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1

Interpretation of 209 and 210: Where a university has entered into an executory accord on most of its debt, where such debt is substantial, and where no significant payments have yet been made under this accord, the university does not appear to have achieved the stability and normalcy which should characterize a fully approved school and is not on a financial footing which satisfies Standards 209 and 210. November, 1980

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 211

The law school shall maintain equality of opportunity in legal education without discrimination or segregation on 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 law school shall not use admission policies that preclude a diverse student body in terms of race, color, religion, national origin or sex.

(c) 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.

(d) This Standard does not prevent a law school from having a religious affiliation and purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation and purpose so long as (1) notice of these policies has been given to applicants, students, faculty and staff before their affiliation with the law school, and (2) the religious affiliation, purpose and policies do not contravene any other Standard, including Standard 405(d) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation and purpose of the law school, but shall not be applied to preclude a diverse student body in terms of race, color, religion, national origin, or sex. This Standard permits religious policies as to admission and employment only to the extent that they are protected by the United States Constitution. It shall be administered as if the First Amendment of the United States Constitution governs its application.

(e) 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 will avoid objectionable practices such as

(i) refusing to hire or promote members of 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; and

(iv) disregarding personal capabilities by assigning, in a predetermined or mechanical manner, such individuals to certain kinds of work or departments.

INTERPRETATIONS

Standard 211

Interpretation 1 of 211: The Council has directed the Consultant on Legal Education to the American Bar Association to advise each approved law school that it is the opinion of the Council that, in those cases where a law firm (or lawyer professional corporation) holds out to prospective lawyer employees, expressly or by implication, the possibility or probability of eventual advancement in partnership (or equivalent status in a lawyer professional corporation) after a period of salaried employment, it is an improper practice for such law firm (or corporation) to discriminate in advancement of its employees to partnership (or such equivalent status) on ground of race, color, religion, national origin, or sex. June, 1976.

Standard 212

Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admission process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students.

Standard 213

The law school shall not discriminate against handicapped persons in its program of legal education. The law school shall provide full opportunities for the study of law and entry into the profession by qualified handicapped persons.

INTERPRETATIONS

Standard 213

Interpretation 1 of Standard 213: Handicapped, for the purpose of this Standard, is defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 706, as further defined by the regulations on postsecondary education, 45 C.F.R. Section 84.3(k)(3).

Interpretation 2 of Standard 213: As to those matters covered by Section 504 of the Rehabilitation Act of 1973, this Standard is not designed to impose obligations upon law schools beyond those provided by that statute.

Interpretation 3 of Standard 213: The essence of proper service to handicapped persons is individualization. Each person must be individually evaluated to determine if he or she meets the academic standards requisite to admission and participation in the law school program. The use of the term "qualified" in the Standard requires a careful and thorough consideration of each applicant and each student's qualifications.

Standard 214

The law school should provide adequate staff, space and resources, in view of the size and program of the school, to maintain an active placement service to assist its graduates to make sound career choices.

INTERPRETATIONS

Standard 214

Interpretation of 214: The Council does affirm that it encourages the establishment and effective operation of placement programs in all approved law schools. August, 1978.

Standard 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.

INTERPRETATIONS

Standard 301

Interpretation of 301: Courses conducted specifically for improving student performance on bar examinations may be offered at law schools approved by the American Bar Association, but credit may not be given for courses conducted for this purpose. August, 1977.

Standard 302

(a) The law school shall:

(i) offer to all students instruction in those subjects generally regarded as the core of the law school curriculum;

(ii) offer to all students at least one rigorous writing experience;

(iii) offer instruction in professional skills;

(iv) require of all candidates for the first professional degree, instruction in the duties and responsibilities of the legal profession. Such required instruction need not be limited to any pedagogical method as long as the history, goals, structure and responsibilities of the legal profession and its members, including the ABA Model Code of Professional Responsibility, are all covered. Each law school is encouraged to involve members of the bench and bar in such instruction.

(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.

INTERPRETATIONS

Standard 302

Interpretation 1 of 302(a)(ii): There is no ABA ruling that a student requesting enrollment in an advocacy course must be admitted to that course. The Standard in question states merely that the law school shall offer training in professional skills. June, 1974.

Interpretation 2 of 302(a)(ii): This section requires training in professional skills. To which of the many professional skills the curriculum will give special attention is left to the individual schools. Therefore, it is incorrect to say that this Standard requires an approved school to offer a course in Trial Practice. The only subject matter in which approved law schools must provide instruction is in professional responsibility. August, 1975.

Interpretation of 302(a)(iii): A law school's failure to offer adequate training in professional skills, whether through clinics or otherwise, violates Standard 302(a)(iii). May, 1980.

Interpretation of Standard 302(a)(iii): Such instruction need not be limited to any specific skill or list of skills. Each law school is encouraged to be creative in developing programs of instruction in skills related to the various responsibilities which lawyers are called upon to meet, utilizing the strengths and resources available to the law school.

Thoughtful professional studies have urged that trial and appellate advocacy, counseling, interviewing, negotiating, and drafting be included in such programs. August, 1981.

Interpretation of 302 and 303: The academic program of a law school violates Standards 302 and 303 when the program of study lacks fundamental core subjects, and provides inadequate training in writing, research, study techniques, and trial tactics and provides very few seminars and small class courses. August, 1978.

Standard 303

(a) The educational program of the law school shall provide adequate opportunity 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.

INTERPRETATIONS

Standard 303

Interpretation of 303(a): When a law school does not afford its students adequate opportunity for seminar and small class study, the school is in non-compliance with the Standards. July, August, 1980.

Interpretation of 302 and 303: The academic program of a law school violates Standards 302 and 303 when the program of study lacks fundamental core subjects, and provides inadequate training in writing, research, study techniques, and trial tactics and provides very few seminars and small class courses. August, 1978.

Standard 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.

INTERPRETATIONS

Standard 304

Interpretation of 304(b): The examination should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent of the Standard is to have a meaningful faculty assessment of the student's work product. February, 1975.

Interpretation of 304(c) and 501: A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work and may be inconsistent with the requirement of faculty control in the admissions process. July, August, 1978.

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 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 1,200 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.

INTERPRETATIONS

Standard 305

Interpretation 1 of 305: This Standard "requires that at least 900 hours (60 semester hours) must be in actual attendance in regularly scheduled class sessions in the law school. The remaining hours may be in studies or activities away from the law school provided such study or activity is conducted or periodically reviewed by a member of the faculty of the law school." November, 1974.

Interpretation 2 of 305: A law school must undertake to enforce appropriate rules in order to assure that full-time division students satisfy requirements for full-time study. June, 1978.

Interpretation 1 of 305(a): Where students are enrolled in courses which do not have final examinations, including seminars and some clinical courses, those students who are subject to examinations in other law school courses during the same period of instruction, continue to be "in residence" during that period of instruction, including the examination period. August, 1979.

Interpretation 2 of 305(a): In computing the weeks of residence study, the time devoted to class instruction and examination is counted. The period devoted to vacation and registration is not counted. No more than one week of examinations may be included in computing semester weeks for residence. "Reading periods" may not be included in residence computation. If a school has fifteen weeks in each semester, then it meets the ABA requirement of at least 90 weeks for a three-year, full-time program. June, 1976.

Interpretation 3 of 305(a): Time spent in regularly scheduled class sessions does not include the time allotted to reading periods. "Reading periods"--a period of time usually designated prior to examinations has "free time"-- cannot be included within the required 1,200 class hours as defined in Standard 305. June, 1976.

INTERPRETATIONS

Page 2

Standard 305

Interpretation 4 of 305(a): Classes for full-time students should extend over not less than 90 weeks and classes for part-time students should extend over not less than 120 weeks; a week, as defined in 305(a), means a week in which classes are regularly scheduled to meet at least Monday through Friday; and that the 90 and 120 week requirement does not include the time allotted for reading periods. August, 1976.

Interpretation 5 of 305(a): Where students are enrolled in a fifteen week semester in courses which do not have final examinations, students so registered who have examinations in other courses continue to be in residence during the examination period. August, 1979.

Interpretation 6 of 305(a): A week as defined in Standard 305(a) means a week in which classes are regularly scheduled to meet Monday through Friday. If a holiday occurs during a week, it may still be considered as a full week if classes are suspended for no more than one day. If classes are suspended for more than one day, the week is less than a full week and only proportional credit may be given under 305(a).

Interpretation 1 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not exceeding 10 percent of the total number of class session hours and not including time allotted for reading periods and not exceeding one week of examinations. June, 1976.

Interpretation 2 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations. For computation purposes, the examination period may not exceed 10 percent of the total class sessions. A maximum of one week (5 days) may be counted for examinations. Time allotted for reading periods may not be counted in computing class hours. June, 1976.

INTERPRETATIONS

Page 3

Standard 305

Interpretation of 305(a)(iii): A student may not work in excess of 20 hours per week while attending a school on a full-time basis. The law school has the burden to show that it has adopted and enforces policies relating to class scheduling, attendance requirements, and performance standards. These restrictions also apply during the summer in the same manner as they do during the normal year if the student is enrolled for summer session. August, 1980.

Interpretation 2 of 305(a)(iii): For the purposes of approval of law schools by the American Bar Association, any student who is registered for fourteen or more class hours per week during any term (semester or quarter), shall be classified as a full-time student during that term. December, 1986.

Interpretation 1 of 305(b): Transfer credit may be given for work taken only at another ABA approved school. Credit may not be given for work taken at a non-ABA approved school or work taken at an approved school prior to ABA approval. November, 1975.

Interpretation 2 of 305(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 in 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. Residence credit for summer sessions is to be computed on the same proportional basis. If a student is not enrolled in or fails to receive credit for the minimum number of hours specified in the subsection, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified. May, 1980.

INTERPRETATIONS

Page 4

Standard 305

Interpretation of 305(a) and (b):

- (1) It is the interpretation of the Council of the Section of Legal Education and Admissions to the Bar that a "class hour" as stated in Section 305 of the Standards for Approval of Law Schools is to be defined as a unit of classroom instruction of 50 to 60 minutes in duration. An additional fraction of a class hour may only be computed in increments of 10 minutes or more. Examples of acceptable units of instruction are 50, 60, 70, 80 and 90 minutes in duration.
- (2) The Council, at its August 6, 1977 meeting, also approved a 75 minute teaching unit (one and one-half 50 minute units) as an acceptable teaching unit for compliance with this aspect of 305. In all other instances a 5 minute increment would be counted to the lower ten, e.g., 55 minutes would be counted as 50 minutes, etc.
- (3) In addition, Section 305 mandates 750 minutes of classroom instruction per semester credit or at least 500 minutes of classroom instruction per quarter credit.
- (4) However, even if a school meets or exceeds the minimum number of classroom minutes required by 305, the school still must meet the minimum week standard imposed by 305.
- (5) Thus, a school on the semester system must offer at least 750 minutes of classroom instruction over a 15 week period per semester credit to meet 305. A school on the quarter system must offer at least 500 minutes of classroom instruction over a 10 week period per quarter credit to meet 305. August, 1977.

INTERPRETATIONS

Page 5

Standard 305

Interpretation of 305(c): It is the interpretation of the American Bar Association that regular and punctual class attendance is an important part of the learning process. The implementation of the rule is left to the good judgment of the various faculty and the administration of each law school. The law school has the burden to show that it has adopted and enforces policies relating to class attendance. August, 1980.

Interpretation 1 of 305 and 306: A law school has the burden to show that it has adopted and enforces policies insuring that full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance requirements, and performance standards. November, 1980.

Interpretation 2 of 305 and 306: In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1,200 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 300 hours required to make up the minimum of 1,200 hours of study, may be in studies or courses outside the law school and may be used to satisfy requirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school. February, 1974.

Standard 306

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.

INTERPRETATIONS

Standard 306

Interpretation of 306: The establishment of credit granting programs by approved law schools at off-campus locations, including overseas programs, requires that no such program will be undertaken without notice to the Accreditation Committee and its prior approval by application of all appropriate Standards. August, 1979.

Interpretation 2 of 306: Regarding Field Placement Programs.

(a) A law school which has a program that permits or requires student participation in studies or activities away from the law school (except foreign programs) shall develop and publish a statement which defines the educational objectives of the program. Among educational objectives of such programs may be instruction in professional skills, legal writing, professional responsibilities, specific areas of the law, and legal process. The educational objectives shall be communicated to the students and field instructors.

(b) Such programs shall be approved by the same procedures established by the law school for the approval of other parts of its academic program and shall be reviewed periodically in accordance with those procedures and in light of the educational objectives of the program.

(c) The field instructor or a faculty member must engage the student on a regular basis throughout the term in a critical evaluation of the student's field experience.

(d) A member of the faculty must periodically review any program conducted by a field instructor to ensure that the program meets its educational objectives. In conducting such review, the

INTERPRETATIONS

Page 2

Standard 306

faculty member should consider the time devoted by the student to the field placement, the tasks assigned to the student, selected work products of the student, and the field instructor's engagement of the student on a regular basis in a detailed evaluation of the student's field experience.

(e) In evaluating whether such a program, in light of the educational objectives of the program, complies with the requirements of Standard 306, the Accreditation Committee shall consider the following factors:

- / Prerequisites for student participation
 - / Extent of student participation
 - / Method of evaluation of student performance
 - / Qualification and training of field
- instructors
- / Method of evaluation of field instructors
 - / Classroom component
 - / Student writings
 - / Adequacy of instructional resources
 - / Involvement of full-time faculty
 - / Amount of academic credit awarded
- December, 1986.

Interpretation of 306(a): Student participants in a law school externship program may not receive compensation for a program for which they receive academic credit. November, December, 1979.

Interpretation of 306(c): Lack of substantial supervision given by a law school faculty to law students working with practicing lawyers throughout a state does not conform with Standard 306(c). November, 1977.

Interpretation 1 of 305 and 306: A law school has the burden to show that it has adopted and enforces policies insuring that full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance requirements, and performance standards. November, 1980.

INTERPRETATIONS

Page 3

Standard 306

Interpretation 2 of 305 and 306: In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1,200 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 300 hours required to make up the minimum of 1,200 hours of study, may be in studies or courses outside the law school and may be used to satisfy requirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school. February, 1974.

Standard 307

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.

INTERPRETATIONS

Standard 307

Interpretation 1 of 307: The Accreditation Committee and Council in denying previous applications with regard to the proposed establishment of an LL.M. program gave as reasons for denial:

- (1) Inadequate full-time faculty sufficient to conduct the J.D. program of the School of Law.
- (2) Lack of sufficient full-time faculty to direct and conduct a full-time LL.M. program.
- (3) Lack of a fully adequate physical plant.
- (4) Lack of an adequate law library to support both a J.D. and LL.M. program.
- (5) A J.D. curriculum lacking sufficient diversity and richness in course offerings.

August, 1977.

Interpretation 2 of 307: The quality of the first-degree-in-law program of a law school must exceed the requirements of the Standards, in order for the law school to establish a graduate law program in compliance with Standard 307. June, 1978.

Interpretation 3 of 307: Admission to candidacy for an advanced degree shall be conditioned upon (i) graduation from a law school approved by the American Bar Association, or (ii) graduation from a faculty of law in a foreign country whose educational authority has authorized that faculty to issue degrees in law. August, 1979.

Standard 308

The law school may admit with advanced standing and allow credit for studies at a law school outside the United States if the studies

- (i) either were "in residence" as provided in Section 305, or qualify for credit under Section 306, and
- (ii) the content of the studies was such that credit therefor would have been allowed towards satisfaction of degree requirements at the admitting school, and
- (iii) the admitting school is satisfied that the quality of the educational program at the prior school was at least equal to that required for an approved school.

Advanced standing and credit allowed for foreign study shall not exceed one-third of the total required by the Standards for the first professional degree unless the foreign study related chiefly to a system of law basically followed in the jurisdiction in which the admitting school is located; and in no event shall the maximum advanced standing and credit allowed exceed two-thirds of the total required by the Standards for the first professional degree.

INTERPRETATIONS

Standard 308

Interpretation 1 of 308: Section 308 states the only circumstances under which an approved school may admit with advanced standing and allow credit for studies at a law school that is not on the list of law schools approved by the American Bar Association. Credit may not be allowed for studies at a law school in the United States that is not on the list of law schools approved by the American Bar Association. Credit may be allowed for studies at a law school in the United States that is on the list of law schools approved by the American Bar Association in the discretion of the admitting school. Credit may be allowed for studies at a law school outside the United States only to the extent authorized by Section 308. February, 1977.

Interpretation 2 of 308: A candidate school for provisional approval may accept student transfer credit from an approved law school, but may not accept student transfer credit from unapproved law schools. December, 1977.

Standard 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.

INTERPRETATIONS

Standard 401

Interpretation: A law school teaching effectiveness committee demonstrates a law school program designed to improve teaching effectiveness, a necessary requirement of a competent faculty. July, 1980.

Standard 402

(a) The law school shall have not fewer than six full-time faculty members, in addition to a full-time dean and a full-time law librarian. It shall have such additional members as are necessary to fulfill the requirements of this Chapter and the needs for 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 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 major academic interests or enrich the faculty member's capacity as scholar and teacher, or are of service to the public generally, and do not unduly interfere with one's responsibilities as a faculty member.

INTERPRETATIONS

Standard 402

Interpretation of 402: The historic interpretation of Standard 402 by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and its Accreditation Committee has been that the count of full-time faculty, under the provisions of Standard 402, does not include the dean, librarian, associate or assistant deans or other administrators holding academic appointment. The interpretation of Standard 402 by the Council and its Accreditation Committee continues to be that of not including the dean, librarian, associate or assistant deans or other administrators holding academic appointment, in any computation of full-time faculty, under the provisions of Standard 402. August, 1976.

Interpretation 1 of 402(a): The intent of Standard 402(a) is that a single division law school in its first year of operation should have a minimum of six full-time faculty, in addition to a full-time dean and law librarian. A dual division law school or a law school offering instruction in more than one year must have additional full-time faculty in a satisfactory proportional ratio. August, 1976.

Interpretation 2 of 402(a): An FTE student to full-time faculty ratio of 29:1 is not adequate for a dual division school. February, 1980.

Interpretation 3 of 402(a): A law school needs experienced core faculty to fulfill the needs of its educational program, to reduce teaching obligations and to provide reasonable opportunity for scholarly research and writing. August, 1977.

Interpretation 4 of 402(a): A high student/faculty ratio and the consequent need for additional full-time faculty or the reduction of admissions are necessary to fulfill the requirements of the Standards and the needs of the law school's educational program. November, 1977; December, 1977.

INTERPRETATIONS

Page 2

Standard 402

Interpretation 1 of 402(b): A full-time faculty member of an ABA approved law school who is teaching an additional full-time load at another ABA approved law school cannot be considered as full-time faculty for either institution. February, 1977.

Interpretation 2 of 402(b): Faculty who are "of counsel" to a law firm, have a permanent and ongoing relationship to a law firm, having their names on a law firm letterhead, maintaining a separate law office or having a professional telephone listing may not be considered as full-time faculty within the definition of 402(b). July, 1977; May, 1980.

Standard 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.

INTERPRETATIONS

Standard 403

Interpretation 1 of 403: In the usual course of events, a prospective appointee as dean or a person serving as dean who has failed to acquire or has lost the confidence of the substantial majority of the faculty should not be appointed or have his appointment as dean continued. The appointment of a law school dean must be in both the spirit and the letter of ABA Standards and Regulations. June, 1978.

Interpretation of 403 and 405:

(1) The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.

(2) Standard 405, in requiring "conditions adequate to attract and retain a competent faculty" includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.

(3) Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school's university or governing board. December, 1979; February, 1980.

Interpretation 2 of 403: Each law school should have established policies with respect to faculty members' responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The purpose of this interpretation is not to develop uniformity among faculty members, but to assure that the faculty as a whole meets its academic and professional responsibilities by maximizing the talents and interests of each of its members. The established policies may be in any form the institution deems appropriate, either written or by established tradition. Such policies might appropriately address themselves to:

INTERPRETATIONS

Page 2

Standard 403

- (a) Faculty teaching responsibilities, such as carrying a fair share of the law school's course offerings, preparation for classes, availability for student consultation, and creation of an atmosphere in which students and faculty may voice opinions and exchange ideas;
- (b) Research and publication, and integrity in the conduct of scholarship, such as appropriate use of student research assistants, acknowledgement of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;
- (c) Obligations to the law school or university community, such as participation in the governance of the law school; and
- (d) Conduct of professional activities outside the law school university community and their relationship to teaching responsibilities.

In the absence of other provision, the dean is responsible for enforcement of this interpretation. May, 1980.

Interpretation 3 of 403: The procedures, used by a law school not affiliated with a college or university in considering and deciding on appointment, termination, promotion and tenure of faculty members should be in accordance with the same principles of fairness and due process that should be employed by an affiliated law school. Where the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or Governing Board. May, 1980.

Standard 404

(a) To the extent that a faculty member is teaching only regularly scheduled class sessions over fixed periods of time, the faculty member 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, the 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.

Standard 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.

(e) The law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program a form of security of position reasonably similar to tenure and perquisites reasonably similar to those provided other full-time faculty members by Standards 401, 402(b), 403 and 405. The law school should require these faculty members to meet standards and obligations reasonably similar to those required of full-time faculty members by Standards 401, 402(b), 403 and 405.

INTERPRETATIONS

Standard 405

Interpretation 1 of 405: Any fixed limit on the percent of a law faculty that may hold tenure under any circumstances is in violation of the Standards, especially Standard 405. February, 1973.

Interpretation 2 of 405: Subsection (a) of Standard 405 must be read as one of the things to consider when determining whether the requirements of Section 405 "to establish and maintain conditions adequate to attract and retain a competent faculty" are met. The word "similar" does not exclude state supported schools, nor exclude national, as opposed to "regional" schools. June, 1976.

Interpretation 3 of 405: The Council adopted the position in 1971 and reaffirmed it in July of 1975 and May of 1980 that "a law faculty as a professional faculty should not be required to be a part of the general university bargaining unit." July, 1975; May, 1980.

Interpretation 4 of 405: If law school merit salary raises are precluded and if "across-the-board" salary increases are limited to an amount substantially less than the annual increase in the cost of living a law school may not comply with Standard 405. August, 1977.

Interpretation 5 of 405: When faculty salaries are too low, there is an unfavorable FTE student/full-time faculty ratio; there is no paid research assistant support for faculty research; and faculty tenure is limited by a percentage quota; the conditions with respect to the faculty do not conform to the requirements of Standard 405(a), (b) and (c). May, 1978; June, 1978.

Interpretation 6 of 405: Adequate research, travel and secretarial support must be available to a faculty in order to enable it to develop academically and professionally. May, 1978; June, 1978.

Interpretation 7 of 405: A law school which appears to have no comprehensive system for evaluation for and granting of tenure is not in compliance with Standard 405. August, 1978.

INTERPRETATIONS

Page 2
Standard 405

Interpretation 8 of 405: A university copyright policy which provides that the benefits of copyright accrue to the university and not to the individual faculty member may discourage and inhibit the production of scholarly material by the law faculty in violation of Standard 405. July, 1978; August, 1978.

Interpretation 9 of 405: The procedures, used by a law school not affiliated with a college or university in considering and deciding on appointment, termination, promotion and tenure of faculty members should be in accordance with the same principles of fairness and due process that should be employed by an affiliated law school. Where the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or Governing Board. May, 1980.

Interpretation of 201 and 405: A statutorily imposed faculty and decanal salary maximum may place a school in non-compliance with the Standards. January, 1980; February, 1980.

Interpretation of 205, 207 and 405(d): Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

INTERPRETATIONS

Page 3

Standard 405

Interpretation of 403 and 405:

(1) The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.

(2) Standard 405, in requiring "conditions adequate to attract and retain a competent faculty" includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.

(3) Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school's university or governing board. December, 1979; February, 1980.

Interpretation 1 of 405(a): A law school's faculty salaries, especially of full and associate professors, which remain unfavorable in comparison with the national median and with faculty salaries at approved law schools in the same geographical area may not be sufficient to attract and maintain a competent faculty. May, 1980.

Interpretation 2 of 405(a): A faculty salary structure which ranks at the very bottom of salaries at ABA approved law schools is non-competitive and presumptively in non-compliance with the Standards. November, 1980; December, 1980.

Interpretation of Standard 405(b): An approved law school should make reasonable provisions for faculty access to automated information systems suitable for scholarly research. May, 1986.

INTERPRETATIONS

Page 4

Standard 405

Interpretation 1 of 405(d): Promotion and tenure criteria must be clearly defined and made available to the faculty. July, 1980.

Interpretation of Standards 201 and 401-405:

Background and Discussion of Educational Effect

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

Every approved school is required by Standard 105 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

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

(1) Effect on Teaching Load. Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with Standard 404, a school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms

INTERPRETATIONS

Page 5

Standard 405

of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

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

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

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

INTERPRETATIONS

Page 6

Standard 405

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

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

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

(4) Effect on Student/Faculty Contact. The dominant model in law teaching is an academic model. The model of the academy assures personal contact between teachers and

INTERPRETATIONS

Page 7

Standard 405

students. Standards 401-405 contemplate that a full-time teacher on a law faculty be able to spend time with each of his students in each of his courses. Heavy student-hour loads, and assignments which make significant student-teacher consultation difficult, tend to a law school climate in which only the occasional student, or the exceptional student, seeks the benefit of personal conference with his teachers.

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teachers. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing--because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law

INTERPRETATIONS

Page 8
Standard 405

school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

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

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time-equivalent student body.

INTERPRETATIONS

Page 9

Standard 405

A. Basic Computation of Ratio

(1) In computing student/faculty ratio, the Committee will consider as full-time those teachers who are employed as full-time teachers on tenure track, or its equivalent under Standard 405(e), and do not hold administrative office or perform administrative duties beyond those normally performed by a full-time teacher. Students who are registered in a part-time program [see Standard 305(a)] are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

(2) The Accreditation Committee will take into account neither graduate students nor graduate faculty (teachers who devote substantially all of their time to the graduate program) in computing FTE student/full-time faculty ratio. In those instances where there is a co-mingling of graduate and J.D. teachers and students which might result in a dilution of J.D. teaching resources, the Committee will consider the circumstances of the individual school in order to determine the teaching resources available to the J.D. program.

B. Statement and Effect of Ratio. Ratios are indicative and useful and, in the experience of the Committee and Council, provide an effective guide to compliance with Standards 201 and 401-405.

(1) A ratio of 20:1 or less is presumably in compliance with Standards 201 and 401-405, but the Committee and Council may inquire into the educational effects of faculty size, to make certain that the size and duties of the full-time faculty meet those Standards.

INTERPRETATIONS

Page 10

Standard 405

(2) A ratio of 30:1 or more is presumably not in compliance with Standards 201 and 401-405.

(3) The fact that a school has a ratio of under 30:1 does not preclude examination by the Committee and Council to determine whether the School is in compliance with Standards 201 and 401-405. In such an examination by the Committee, the Committee will consider, in light of the school's educational program, the administrators and librarians who teach, writing instructors and other full-time instructors, part-time adjunct faculty and other instructional resources not counted in the basic ratio computation.

Interpretation 1 of Standard 405(e): A form of security of position reasonably similar to tenure includes a separate tenure track or a renewable long-term contract. Under a separate tenure track, a full-time faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure as a faculty member in a professional skills program. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the professional skills program.

A program of renewable long-term contracts should provide that, after a probationary period reasonably similar to that for other full-time faculty, the services of a faculty member in a professional skills program may be either terminated or continued by the granting of a long-term contract that shall thereafter be renewable. During the initial long term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the professional skills program. (August, 1984)

INTERPRETATIONSPage 11
Standard 405

Interpretation 2 of Standard 405(e): In determining if the members of the full-time faculty of a professional skills program meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of faculty members in the professional skills program. Each school should develop criteria for retention, promotion and security of employment of full-time faculty members in its professional skills program. (August, 1984)

Interpretation 3 of Standard 405(e): Standard 405(e) does not preclude a limited number of fixed, short-term appointments in a professional skills program predominantly staffed by full-time faculty members within the meaning of this Standard, or in an experimental program of limited duration. (August, 1984)

Standard 501

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.

INTERPRETATIONS

Standard 501

Interpretation of 501: In an effort to assist students in making informed judgments regarding law school programs, and in recognition of significant investment by students and institutions arising from such judgments, a school's bulletin of information, and other materials which are made available to students considering a course of study at the law school, should fairly and adequately reflect: the educational objectives of the school; its admission and financial aid policies; the nature of the curriculum; the composition and size of the faculty and library; and curricular placement opportunities.

Interpretation of 209 and 501: A law school which denies almost no one admission for academic reasons and which is experiencing consistently declining average LSAT scores combined with low GPA's for admitted students and which has operating deficits and heavy dependence on tuition income, does not comply with Standards 209(a) and 501. August, 1980.

Interpretation of 304(c) and 501: A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work and may be inconsistent with the requirement of faculty control in the admissions process. July, August, 1978.

Standard 502

(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 admittee's file a statement of the consideration that led to the decision to admit the applicant.

1. The first part of the document is a list of the names of the persons who have been appointed to the various offices of the city of New York.

2. The second part of the document is a list of the names of the persons who have been appointed to the various offices of the city of New York.

3. The third part of the document is a list of the names of the persons who have been appointed to the various offices of the city of New York.

4. The fourth part of the document is a list of the names of the persons who have been appointed to the various offices of the city of New York.

INTERPRETATION

Standard 502

Interpretation of 502: An official transcript means a transcript certified by the issuing school to the admitting school or delivered to the admitting school in a sealed envelope with seal intact. Copies supplied by LSDAS are not official transcripts and while adequate for preliminary determination as to eligibility for admission do not constitute official transcripts. An official transcript showing the receipt of a degree or degrees, if any, and all academic work undertaken prior to the date of registration of the applicant shall be on file at the time a student registers in the law school or within a reasonable time thereafter. February, 1974.

Standard 503

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 sponsored by Law School Admission Council should establish that it is using an acceptable test.

7

Standard 504

The law school shall advise each applicant to secure information regarding the character and other qualifications for admission to the bar in the state in which the applicant 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 of political, social, or economic views which might be considered unorthodox.

Standard 505

Admission or re-admission may be granted a law student who has been previously disqualified for academic reasons, upon an affirmative showing that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete the course of study at the admitting school. In the case of 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 that disqualification and the nature of interim work, activity, or studies indicates 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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INTERPRETATIONS

Standard 505

Interpretation 1 of 505: The two year period would begin on the date of determination that the student was disqualified for academic reasons. Any review, appeals or requests for reconsideration of that decision are in the nature of post-decision remedies.

Interpretation 2 of 505: Law school credit for work taken in pre-admission is in violation of the Standards for Approval of Law Schools by the American Bar Association.

Students enrolled in special pre-admission programs may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion to the pre-admission program. Credit for law school course work is only given after the law student has matriculated in the school.

Students not selected to enroll in the next semester/quarter of the law school should not be considered as having suffered academic disqualification under Standard 505. February, 1973; June, 1979.

Standard 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, as non-degree candidates, or as 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

(ii) members of the bar, graduates of other approved law schools, and other persons satisfying the requirements for admission set forth in section 502.

Standard 601

The law school shall maintain and administer a library adequate for its program.

(a) In order to inform applicants for accreditation of procedures and important facets of law library operations relating to adequacy, the Consultant may prepare appropriate memoranda.

(b) The Dean and the Law Librarian shall maintain a current written plan for implementation of law library support for the law school program as developed in its self-study.

INTERPRETATIONS

Standard 601

Interpretation 1 of 601: Scantiness of a library collection, the nature of its arrangement, deficiencies in shelf and seating space, the relative physical isolation from students and faculty, the hours of operation, the low salary levels of current library staff, the minimal size of the staff and a totally inadequate library budget violates Standard 601. December, 1977.

Interpretation 2 of 601: A weakness of a law library collection must be addressed with the degree of financial support commensurate with the need, as required by Standard 601. May, 1978; June, 1978.

Interpretation 3 of 601: Where a law school library collection is inadequate in terms of total volumes and the depth and breadth of the collection, Standard 601 cannot be satisfied by stating that the students have access to other law libraries within the region. February, 1980.

Standard 602

(a) The law school library shall contain the Core Collection Library Schedule, attached as Annex II.

(b) The law school library shall contain or provide appropriate access to additional publications and information services reasonably necessary for the proper conduct of the school's educational and research programs. Any arrangements for sharing of these publications and information services shall be in writing and adequate to ensure ease of access and availability of materials when and where needed.

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

Standard 603

(a) All sets of materials necessary to the programs of the law school shall be complete and current except when volumes of a set are either unavailable or are available only at an excessive price. A set is not complete unless it includes supporting materials required for its use, such as indices, desk books, digests, finding tools, and citators published as a part of the set or generally available for use with the set.

(b) All printed materials of long term value shall be permanently bound or converted to permanent non-print format as soon as reasonable.

(c) The library shall provide adequate access to commonly used materials by additional copies or nonprint means for use by the faculty and students.

(d) If the library contains any materials in microform, tape, or similar form, it shall provide the necessary viewing and listening equipment in an area suitable for its use. If items in Annex II are held exclusively in microform, adequate equipment shall be provided to make hard-copy printouts readily available.

Standard 604

The law school library must be a responsive and active force within the educational life of the law school. Its effective support of the school's teaching and research programs requires a direct, continuing and informed relationship with the faculty and administration of the law school. The law school library shall have sufficient administrative autonomy to direct its growth, development and utilization to afford the best possible service to the law school.

(a) The dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection and retention of personnel, the selection of acquisitions, arrangement of materials and provision of reader services.

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

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

INTERPRETATIONS

Standard 604

Interpretation 1 of 604: The intent of this Standard is to recognize that substantial operating autonomy rests with the dean and faculty of a school of law with regard to the operation of the law school library. The accreditation standards do not preclude administration of the law library as part of the university library system. Rather, the Standards require that decisions with regard to the law library be enlightened by the interests and demands of the law school educational program and not simply made on the basis of rules governing uniform administration of the university library. While the preferred structure for administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, law librarian, and faculty are responsible for the determination of basic law library policies. June, 1979.

Interpretation 2 of 604: Inefficiencies created by centralized university library supervision of the law school library may place a law school in violation of Standard 604. May, 1978; June, 1978.

Interpretation 3 of 604: A law school in which the dean of the law school and the law librarian are not granted adequate administrative autonomy from the university library system, particularly with respect to budgeting, salaries, acquisitions and the employment of library personnel is in violation of Standard 604. August, 1978.

Interpretation 4 of 604: A law library must have adequate staffing and physical housing of all of the collections of the library to permit its continued development and conformity with Standard 604. July, 1978; August, 1978.

Interpretation of 604(c): Appointment of a law librarian is to be "by the dean and faculty of the law school." (emphasis added) This standard contemplates that faculty participation include formal faculty approval of appointment of a law librarian. November, December, 1980.

Standard 605

The law library shall be administered by a full-time law 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 degree in law or library science and shall have a sound knowledge of library administration and of the particular problems of a law library.

(b) The law library shall have a competent staff, adequate to maintain library services, under the supervision of the law librarian.

Standard 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.

INTERPRETATIONS

Standard 701

Interpretation 1 of 701: Full approval will not be considered by the Council or its Accreditation Committee until a law school is conducting its operations in permanent and adequate facilities. The Accreditation Committee will not act on plans presented for building construction or if construction or remodeling is in process. This Standard does not contemplate leased or rented facilities for permanent facilities owned by the law school or its parent educational institution. This Standard requires that the adequate physical facilities must be completed and occupied before a law school can be granted full approval. May, 1977; July, 1977; August, 1977.

Interpretation 2 of 701: If satisfactory steps are not taken by an approved law school to correct the inadequacies of an existing physical plant, then the law school is not in compliance with Standard 701 and a proceeding for removal of approval should be begun. August, 1977.

Interpretation 3 of 701: Where the issue of physical facilities has been before the Accreditation Committee and Council for more than two years, without progress toward compliance, a law school is not making appropriate progress toward meeting Standard 701 and may be grounds for removal of accreditation. June, 1978.

Standard 702

There shall be 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.

Standard 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.

INTERPRETATIONS

Standard 703

Interpretation of 703: An approved law school must provide appropriate office space for use of its part-time faculty. August, 1976.

Standard 704

(a) Space shall be provided for the law school library, sufficient in size, location and design in relation to the school's program and enrollment, to accommodate the library's users, collections, staff, equipment and services.

(b) Space for study purposes shall be provided in the law school library that is sufficient to accommodate at least the following percentage of the total enrollment: if the school has exclusively a full-time program, 50 percent; if the school has exclusively a part-time program, 35 percent; if the school has both full-time and part-time programs, 50 percent of whichever program is the larger. In addition to the regular study area, there shall be one or more suitable conference rooms under the control of the law school library in which students may gather in small groups for discussion.

S705

Standard 705

There shall be adequate areas for secretarial, and administrative and library personnel and for the maintenance of all necessary records. These areas shall be in proximity to the persons and offices served.

Standard 801

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.

INTERPRETATIONS

Standard 801

Interpretation of 801(iii): Routine reinspection of fully approved law schools shall be held in the academic year in which they were scheduled. The Consultant may, in his discretion, postpone a routine reinspection of a fully approved law school until the next academic year if the law school will occupy new physical facilities during the coming academic year. July, 1977; August, 1977.

Standard 802

A law school proposing to offer a program of legal education 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.

Standard 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 to the House of Delegates as described in the Rules of Procedure of the House of Delegates.

Standard 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.

Standard 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.

Standard 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 provisional approval and a provisionally approved law school will not be granted full approval unless it complies with these Standards.

INTERPRETATIONS

Standard 901

Interpretation of 901: In an action by the Committee on Standards, which was adopted by the Council of the Section of Legal Education and Admissions to the Bar on August 13, 1974, the following interpretation was proposed:

"Schools that were approved at the time the Standards were adopted are allowed until the start of the academic year commencing after February 1, 1975, to comply with the new Standards."

Therefore, Standard 901(b) and, by implication, Standard 901(c) are interpreted to provide that the two year period should not run from February, 1973 to February, 1975, but that schools should be required to be in compliance commencing with the start of the first academic year commencing after February 1, 1975, in other words, after the 1975-76 academic year.

Standard 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 the Council, the Section, and the Board of Governors have been given a reasonable opportunity to consider the proposed amendment and report thereon to the House of Delegates.

(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 purpose 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. The Council shall submit to the Section at the next annual meeting such proposed amendments of the Standards as it, by majority vote, 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.

INTERPRETATIONS

Standard 902

Interpretation of 902: Standard 902(a) now provides that the House will not consider an amendment to the Standards until the Council of the Section of Legal Education and Admissions to the Bar, the Section of Legal Education and Admissions to the Bar, and the Board of Governors have been given a reasonable opportunity to consider any proposed amendment. In compliance with this change, the Consultant will notify deans of ABA approved law schools and other appropriate parties of any proposed changes in the ABA Standards in order to permit comment on any proposed change. The Council will then make a recommendation, based upon such comments, to the Board of Governors of the American Bar Association. September, 1975.

Annex I*

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 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 text of the statement follows the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors.

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

Annex I
Page 2

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 services 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.

Annex I
Page 3

(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 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

Core Collection Library Schedule

I. National Materials (States)

American Digest system
Comprehensive legal encyclopedia
Comprehensive collection of annotated
reporters
Restatements
Annotated uniform laws and model acts
Collection of annotated state codes
National Reporter System
Collection of Pre-National Reporter
System Reports
Specialized reporters appropriate to
the program of the school
Generally recognized texts, treatises
and loose-leaf services appropriate
to the program of the school
Collection of significant legal
periodicals
Legal periodical indices
Specialized periodicals appropriate to
the program of the school
General legal bibliographies and
specialized bibliographies
appropriate to the program of the
school
Citators appropriate to the program of
the school
Computer assisted legal research
service of national scope and broad
subject coverage

Annex II
Page 2

II. Federal Materials (U.S. Government)

Collections of reports of the United
States Supreme Court
Reports of the lower federal courts
Digests of the decisions of the United
States Supreme Court and lower
federal court cases

Statutes at Large and United States
Treaties and Other International
Agreements (UST)
Annotated edition of the United States
Code

Official United States Code
Code of Federal Regulations
Congressional indexing and reporting
service

Administrative agency reports
appropriate to the program of the
school

Government documents appropriate to the
program of the school

Citators appropriate to the program of
the school

III. State In Which The Law School Is Located

Collections of court reports, session laws,
codes, administrative regulations and
reports, digests, encyclopedias,
significant form and practice books and
citators

Significant Continuing Legal Education
materials

Significant publications of the state and
local bar associations

Significant publications of approved law
schools in the state

Key Word Index to the
American Bar Association
Standards for Approval of Law Schools

	<u>Standard</u>	<u>Interpretation</u>
emic Freedom	S405(d)	I205, I207, I405(d)
emic Standards	S205, S209, S304, S305	I201, I209, I210, I304(c) I305(a)(iii), I305, I306, I501, I4-205
nistration of the Library	S601(b), S604	I1-601, I2-601, I1-604, I2-604
nistration and Organiza- of the Law School	S201(b), S203, S204, S205, S206, S207, S208, S210	I1-201, I203, I204, I2-205, I4-205, I5-205, I6-205, I205, I206, I207, I209, I210, I405(d)
nistrators	S703	I201, I401, I405 (ratios B)
ssion Policies	S205, S209, S211, S212, S304(c), S501, S504, S505, S506	I2-201, I201, I205, I206, I209, I210, I304(c) I501, I1-505, I2-505
ssion Requirements	S502, S503, S504, S506	I502
otion of Standards	S901	
nce Standing	S306(d), S308	I1-305(b), I1-308, I2-308
isory Committees	S208	I6-205
ocacy Training	S302(a)(ii), S304(b), S702(b)	I1-302(a)(ii), I2-302(a) (ii), I302, I303
iliated Law Schools	S210, S506(i)	I105, I1-201, I1-205, I209, I210, I210(c), I1-604, I2-604, I3-604
irmative Action	S212	
ndments to Standards	S902	I902
. Code of Professional ponsibility	S302	I2-302(a)(ii)
ual Questionnaires		I103

Key Word Index - 2

	<u>Standard</u>	<u>Interpretation</u>
Associate Level Faculty		I1-405(a)
Auditing Classes	S506	
Authority for Law School Approval Decisions	S104, S803	
Bachelor of Laws	S106(d), S307, S308	I2-307
Bar Review Courses	S302	I301
Board of Governors for the ABA	S902	I902
Borrowing Funds		I1-201, I209(2)(3)
Budget	S206, S209, S604(b)	I105, I1-201, I2-201, I209, I210, I501
Career Development Office	S211(c), S213	I1-211, I213, I501
Class Attendance	S305	I1-305, I1-305(a)(iii), I305(c), I305, I306
Class Hours	S305, S306	I1-305, I1-305(a)(ii), I2-305(a)(ii), I2-305, I305(a), I305(b), I6-
Class Size	S303(a)(ii)	I201, I303(a), I401, I402, I403, I404, I40(B2)
Clinical Programs	S304, S306	I1-305, I1-305(a)
Community Service (Faculty)	S402(b), S404(c)	I201, 401, 405(B5), I2-403
Consultant on Legal Education to the ABA	S601	I1-211, I801(iii)
Contracts of the Law School		I105, I210
Correspondence Courses	S303(b)	

Key Word Index-3

	<u>Standard</u>	<u>Interpretation</u>
cil to the Section egal Education	S106(c), S602(b), S801, S802, S803, S804, S805, S902	I202, I901, I902
riculum (Educational Prog.)		
sign	S205, S301, S302	I201, I401, I402, I403, I404, I405 (A & Bkgr.)
stance of Program	S303	I2-302(a)(ii), I2-302 (a)(iii), I303(a)
ariance	S306(b), S306(c), S802	I302, I303
e also "Doctorate of Jurisprudence," "Master of Laws," and her specific courses and programs.		
School Division	S704	
of a Law School		
ief Academic Officer		I2-205, I3-402
ief Executive Officer		I6-205, I205, I206
efinition of Position	S206, S207, S402	I203, I205, I207, I2-211 I1-402, I405(d)
eneral Duties	S205, S208	I205, I206, I2-403
ibrary Responsibilities	S601(b), S604	I1-604, I3-604, I-604(c)
election Process		I5-205, I1-403, I403, I405
ree Programs ditional Programs)	S307	I1-307, I2-307, I3-307
torate of Jurisprudence	S106(d), S307, S308	I2-307
loyment Policies	S211	I2-211
owments		I105, I210
ollment	S205, S209	I2-201, I201, I205, I206 I209(a), I209(4), I209, I210, I304(a), I501

Key Word Index - 4

	<u>Standard</u>	<u>Interpretation</u>
Equal Opportunity	S211, S212	I1-211, I2-211
Evening School Division	S704	
Examinations	S304(b), S305	I201, I205, I207, I304(c), I1-305(a), I1-305(a)(ii), I2-305(a) (ii), I5-305(a), I401, I402, I403, I404, I405 (B8)
Executory Accord		I209, I210
Extension of Approval Time	S104(c), S901	I901
Faculty Administrative Responsibilities	S205, S206, S207, S208, S402, S404, S604	I201, I205, I1-205, I2- I4-205, I5-205, I6-205 I206, I207, I401, I402 I403, I404, I405(d), I405(B7)(Bkgrd), I1-60 I-604(c)
Faculty Assistance Bench and Bar Members	S302	I2-402(b)
Faculty Education Respon- sibilities	S401, S402(b), S403, S404	I2-403
Faculty Firing		I204, I7-205, I9-405
Faculty Hiring	S205, S211	I204, I7-205, I9-405
Faculty Improvement		I201, I401, I402, I40: I404, I405(B6)
Faculty Offices	S703	I703
Faculty Qualifications	S401, S402	I402
Faculty Research	S402(b), S404(c), S405(b)	I201, I2-201, I209, I I401, I402, I403, I2- I404, I405(Bkgrd), I5-405, I6-405, I8-40
Faculty Salaries	S210(c), S405	I104(a), I201, I2-201 I1-205, I209, I210, I2-211, I405, I1-405(I2-405, I2-405(a), I3-405, I4-405, I5-40

Key Word Index-5

	<u>Standard</u>	<u>Interpretation</u>
ty Size	S402	I201, I401, I402, I403, I404, I405, I501
cial Aid	S212	I501
cial Resources	S201(b), S209	I105, I2-201, I209, I210
cial Statements	S202, S601(b)	I1-104(a), I2-104(a), I4-104(a), I1-201, I2-201 I209
Professional Law e (J.D.) (L.L.B.)	S106(d), S307, S308	I2-307
gn Study	S308	
Approval		
Authority to determine	S104, S901	I901
Financial position		I209, I210
Reinspection		I3-205
Requirements	S104(b)	I104(c)
Self-study		I3-205
Compliance	S104(a), S104(b)	I104, I104(c), I3-104(a), I202
time Faculty	S211, S402, S404, S703	I201, I3-201, I401, I402, I1-402, I1-402(b), I2-402, I2-402(b), I3-402, I403, I404, I405, (Bkgrd.), I2-405(d)
time Students	S305	I305, I305(a)(iii), I2-305, I2-305(b), I3-305(a), I4-305(a), I306
of the ABA	S101	
arning Board of a School	S106(c), S203, S204, S206	I203, I204, I205, I5-205, I206
e Point Averages (GPA)		I201, I209, I210, I304(c), I501
uation from Law School		
Admission to the Bar	S102	
Other policies	S205, S213, S301(a)	
Pre-requisites for	S305, S302(b)	I2-302(a)(ii)
Graduation		
Provisionally Approved	S104(e)	
School Graduates		
Withdrawal of ABA	S104(f)	
Approval		

Key Word Index - 6

	<u>Standard</u>	<u>Interpretation</u>
Grants		I105, I210
Handicapped Persons	S213	I213
House of Delegates	S104, S106(a), S803, S804, S901, S902	I902
Individual School Policies		
1. Distribution of Power	S207, S208	I205, I207, I405(d)
2. Educational Policies	S205	I2-205, I4-205
3. Employment Policies		I204, I5-205, I6-205
4. Faculty Policies	S205	I7-205
5. Governing Board Policies	S204	I205, I206
6. Other Individual School Decisions	S210, S212	
Internships & Special Programs	S304, S306	I1-305, I1-305(a)
Interpretation of Standards	S801	
Joint Degree Programs		I2-305, I306
Law Librarian	S402, S601(b), S604, S605	I201, I7-205, I401, I402, I403, I404, I4 (Bkgrd.), I1-601, I6 I604(c)
Law Library Budget	S604(b)	I1-601, I3-604
Law Library Support	S601(b)	I2-601
Law School Admissions Tests (L.S.A.T.)	S503	I201, I209, I210, I304(c), I501
Law School Data Assembly Service Reports (LSDAS)		I502
Law School Facilities-- "Physical Plant"		
Actual Cost		I2-104(a)
Adequate Facilities	S701, S702, S703	I1-701
Branch Campus		I3-201
Classrooms	S702	
Construction	S701	I4-104(a)
Correcting Inadequacies		I2-701, I3-701
Future Plant		I4-104(a), I1-701
Loans		I1-201, I209(2), I20
Office Space-Faculty	S703	I703
Reinspection		I801(iii)
Size of Facility	S701	
Leave of Absence (Faculty)	S405(b)	

Key Word Index-7

	<u>Standard</u>	<u>Interpretation</u>
Library Administration	S604, S605	I1-604, I2-604, I3-604, I604(b)
Library Collection	S210(b)(a), S601, S602, S603	I4-104(a), I2-201, I209, I210, I501, I1-601, I2-601, I3-601, I3-604
Library Employees	S211, S601, S604, S605(b), S705	I4-104-(a), I2-201, I209, I210, I1-601, I3-604, I4-604
Library Equipment	S603(d)	
Library Facility	S601, S603(d), S704, S705	I4-104(a), I3-201, I501, I1-601, I4-604
Local Bar Associations		I1-102, I103
Master of Laws (L.L.M.)		I1-307, I2-307, I3-307
Priorities	S211, S212	
Non-Affiliated Law Schools	S210	I203, I3-403
Non-Degree Candidates	S506	
Non-Proprietary Law Schools	S202, S203	I1-201, I202, I209, I210
Non-University Affiliated Schools	S210	I203, I3-403, I9-405
Organization of A.B.A.	S106, S902	I902
Part-time Employment for Students		I305(a)(iii)
Part-time Faculty	S403(b), S703	I201, I401, I402, I403, I404, I405, I703
Part-time Students	S305	I2-305(b), I4-305(a)
Private Institutions		I1-104(a), I2-104(a)
Procedural Rules	S801	
Professional Skills Faculty	S405(e)	I1-405(e), I2-405(e), I3-405(e)
Promotion	S205, S210(c)	I204, I6-205, I7-205, I210(c), I2-211, I1-405(d), I9-405

Key Word Index -8

	<u>Standard</u>	<u>Interpretation</u>
Property Interests		I105, I210
Proprietary Law Schools	S202, S203	I202
Provisional Approval		
1. Advancing to Full Approval	S104(b)	I104, I3-104(a)
2. Authority to Determine	S104, S401(c), S901	I901
3. Extension of Full Approval Time	S401(c)	
4. Financial Statement Requirements		I1-104(a), I2-104(a), I202
5. Graduates	S104(c)	
6. Requirements for Provisional Approval	S104(a)	I4-104(a), I1-201, I1-209(3), I3-205
7. Self-study and Re-inspection		I3-205
8. Transfer Students		I2-308
9. Withdrawn Provisional Approval	S104(c), S901	I104(c), I901
Publications of the Council	S801, S805	
Quarter Hours		I305(a) (4 & 5) I305(b) (4 & 5)
Questionnaires		I3-102, I103
Reading Periods		I1-305(a) (ii), I2-305(a) (ii), I3-305(a)
Re-admission Policies	S505	I1-505
Recommendations to House of Delegates	S803	I202
Recruitment Policies	S212	I501
Religious Discrimination	S211	I2-211
Reinspection of Approved Schools		I103, I3-205, I803(i)
Research and Writing Training	S303(a) (i), S304(b), S604, S605	I302, I303

Key Word Index-9

	<u>Standard</u>	<u>Interpretation</u>
idence Requirements	S305, S306, S308	I305(a), I305(b), I1-305, I2-305(a), I2-305(b), I3-305(a), I5-305(a), I306
olutions of the Council		I202
ention Policies	S209, S304(c), S505	I1-505, I3-505
ool Goals and Objectives	S201(a), S201(b)	I1-105, I1-201, I2-201, I2-205, I3-205, I209, I304(c), I501
ool Staff	S209(b), S211, S213, S405(c), S705	I3-201
retarial and Clerical istance	S405(c)	I6-405
tion of Legal Education Admissions to the Bar the ABA	S106(b), S902	I902
f-Studies	S201(a), S601(b)	I3-102, I103, I2-201, I3-205, I209
ester Hours		I305(a) (4 & 5) I305(b) (4 & 5)
inars	S303(a)(i), S304(b), S702	I302, I303, I303(a), I304(c), I305(a)
ndards for Legal Educa- n and the Factors ring on the Approval Law Schools (repealed)	S901	
te Bar Associations		I102
dent Discipline ademic Dishonesty)		I4-205
dent Disqualification	S209, S304(c), S505	I1-505, I3-505
dent-Faculty Ratio		I201, I1-402(a), I2-402, I2-402(a), I3-402, I3-402(a), I401, I402, I403, I404, I405 (Bkgrd), I5-405

Key Word Index - 10

	<u>Standard</u>	<u>Interpretation</u>
Student Government	S208	
Student-Hour Loads		I201, I401, I402, I404, I405(B1)
Substantial Compliance		
Definition		I3-104(a)
Impact of Organizational Changes		I1-201, I209, I210
Provisional Approval	S104(a), S104(c)	I4-104(a), I202
Withdrawal of Approval	S104(c)	
Summer School		I305(a)(iii)
Teaching Administrators		I201, I401, I402, I404, I405 (Ratios B)
Teaching Effectiveness Committee		I201, I401, I402, I404, I405(B6)
Tenure	S205, S210(c), S405(d)	I204, I6-205, I7-205, I210(c), I2-211, I1-405(d), I5-405, I9-405
Transfer Students	S306(d), S308	I1-305(b), I1-308, I2-308
Tuition	S209(a)	I105, I201, I1-201, I2-201, I209, I1-209, I1-209(4), I210, I304, I501
Undergraduate Requirements	S502	I502
Variances	S802	I202
Withdrawal of Law School Approval		
1. Authority to Withdraw Approval	S104, S804, S901	I901
2. Full Approval	S104(d), S3-701, S804	I2-701
3. Graduates, Impact on	S104(f)	
4. Provisional Approval	S104(c), S804	I2-701, I3-701

**RULES OF PROCEDURE
FOR
APPROVAL OF LAW SCHOOLS
BY THE
AMERICAN BAR ASSOCIATION**

Preamble

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

TABLE OF CONTENTS

	<u>Page</u>
RULE 1 - Definitions As Used in These Rules	1
RULE 2 - Accreditation Committee	2
RULE 3 - Council	3
RULE 4 - Association Services to Institutions Considering Creating a Law School or Applying for Approval	4
RULE 5 - Institutional Procedures in Establishing a Law School	5
RULE 6 - Preparation for Application for Provisional Approval	6
RULE 7 - Application for Provisional Approval	7
RULE 8 - Site Evaluation of a Law School Applying for Provisional Approval	8
RULE 9 - Committee Consideration of Application for Provisional Approval	9
RULE 10 - Council Consideration of Committee Recommendation that Application for Provisional Approval be Denied	10
RULE 11 - House of Delegates Consideration of Council Recommendation that Application for Provisional Approval be Granted	11
RULE 12 - Reconsideration of or Appeal from Committee Action on Application for Provisional Approval	12
RULE 13 - Council Consideration of Appeal from Committee Action on Application for Provisional Approval	13
RULE 14 - Denial of Application for Provisional Approval	14
RULE 15 - Withdrawal of Application and Reapplication for Provisional Approval	15
RULE 16 - Annual Evaluation of Provisionally Approved Law Schools	16
RULE 17 - Application for Full Approval	18

TABLE OF CONTENTS
Page 2

	<u>Page</u>
RULE 18 - Site Evaluation of a Law School Applying for Full Approval	19
RULE 19 - Committee Consideration of Application for Full Approval	20
RULE 20 - Council Consideration of Committee Recommendation that Application for Full Approval be Granted	21
RULE 21 - House of Delegates Consideration of Council Recommendation that Application for Full Approval be Granted	22
RULE 22 - Reconsideration of or Appeal from Committee Action on Application for Full Approval	23
RULE 23 - Council Consideration of Appeal from Committee Action for Full Approval	24
RULE 24 - House of Delegates Consideration of Appeal from Denial of Application for Full Approval	25
RULE 25 - Withdrawal of Application and Application for Full Approval	26
RULE 26 - Periodic Evaluation of Fully Approved Law School	27
RULE 27 - Action Concerning Law School in Apparent Non-Compliance with Standards	29
RULE 28 - Investigator	30
RULE 29 - Committee Hearing on Show Cause Order	31
RULE 30 - Council Consideration of Committee Recommendation that Approval be Withdrawn	32
RULE 31 - House of Delegates Consideration of Council Recommendation that Approval be Withdrawn	33
RULE 32 - Status of Law School Pending Appeal	34
RULE 33 - Major Change in Structure or Operation of Approved School	35

Page 3

	<u>Page</u>
RULE 34 - Complaints Concerning Actions of Approved Law Schools	39
RULE 35 - Credit-Granting Foreign Programs	41
RULE 36 - Access to Site Evaluation Reports and Committee and Council Action	42
RULE 37 - Fees	43
RULE 38 - Information to be Furnished by Approved Schools	44
RULE 39 - Publication of List of Approved and Unapproved Schools	45
RULE 40 - Reinstatement as an Approved School	46

RULE 1

Definitions As Used in These Rules

- (a) "Action letter" means a letter transmitted by the Consultant to the president and dean of a law school reporting Committee or Council action.
- (b) "Association" means the American Bar Association.
- (c) "Committee" means the Accreditation Committee of the Council.
- (d) "Consultant" means the Consultant on Legal Education to the American Bar Association.
- (e) "Council" means Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (f) "House of Delegates" means the House of Delegates of the American Bar Association.
- (g) "President" means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.
- (h) "Rules" means the Rules of Procedure for Approval of Law Schools by the American Bar Association.
- (i) "Section" means the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (j) "Standards" means the Standards for Approval of Law Schools by the American Bar Association, as interpreted by the Council.

RULE 2

Accreditation Committee

(a) The Council shall establish an Accreditation Committee that shall act on all matters relating to the accreditation of law schools.

(b) The members of the Committee shall be appointed for staggered terms by the Chairperson of the Section. The Committee shall include two or more non-lawyer public members.

(c) To be eligible for appointment as a lawyer member of the Committee, an individual must be knowledgeable and experienced in law and legal education.

(d) To be eligible for appointment as a non-lawyer public member, an individual must be knowledgeable and concerned about professional education and training and must not have a current employment or other relationship with the Association.

(e) Committee members must be guided by the interest of the public and by the standards of the legal profession.

RULE 3

Council

The Council shall act on all accreditation matters upon which the Standards or Rules require it to act.

RULE 4

Association Services to Institutions Considering Creating a Law School or Applying for Approval

An institution considering the establishment of a law school or a law school considering applying for provisional approval may obtain information and advice from the Association upon request. Inquiries may be addressed to the Association, the Chairperson of the Section, or the Consultant. The Consultant shall supply a copy of the Standards, Council Interpretations, Rules of Procedure, other pertinent data, and a copy of the site evaluation questionnaire. Requests for additional information and advice should be addressed to the Consultant.

RULE 5

Institutional Procedures in Establishing a Law School

a) Before establishing or acquiring a law school, an institution should complete a comprehensive feasibility study. This study should be designed to enable the institution to make a realistic and informed assessment of the viability of the proposed school and should include considerations of the nature of the educational program and goals of the proposed school, the characteristics and interests of the students who are likely to apply, and the resources necessary to create and sustain the proposed school, including relation to the resources of a parent institution.

b) In conducting the feasibility study, the institution should obtain the advice and assistance of a qualified advisor with experience in legal education and knowledge of the Standards and the Rules.

RULE 6

Preparation for Application for Provisional Approval

Before applying for provisional approval:

(a) The law school should obtain the advice and assistance of a qualified advisor with experience in legal education and knowledge of the Standards and Rules; and

(b) The dean and faculty of the school shall complete a self-study of the nature of the educational program and goals of the law school.

RULE 7

Application for Provisional Approval

- a) The applicant law school shall submit its application for provisional approval to the Consultant.
- b) The application shall contain the following:
 - (1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the school complies with the requirements of the Standards for provisional approval;
 - (2) A completed site evaluation questionnaire;
 - (3) A completed annual questionnaire;
 - (4) A copy of the feasibility study;
 - (5) A copy of the self-study;
 - (6) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;
 - (7) Appropriate supporting documents detailing the fair market value and the interests of the law school and its parent institution in all facilities used solely by the school.
 - (8) Payment to the Association of the application fee;
and
 - (9) A request that the Consultant schedule a site evaluation at the school's expense.
- (c) A law school may not apply for provisional approval until it has completed the first academic year of its program.

RULE 8

Site Evaluation of a Law School Applying for Provisional Approval

- (a) When a law school submits a completed application for provisional approval, the Consultant shall arrange for a site evaluation by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant who shall invite the agency or official to observe the site evaluation.
- (b) The Consultant should schedule the site evaluation of the law school to take place within three months after receipt of the completed application, and shall schedule it during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community.
- (c) Following a site evaluation, the team shall promptly prepare a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.
- (d) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

RULE 9

Committee Consideration of Application for Provisional Approval

(a) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(b) The Consultant shall furnish to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school. These materials shall constitute the record.

(c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Committee meeting.

(d) Representatives of the law school may appear and make a presentation at the meeting of the Committee at which the school's application is considered.

(e) After the meeting of the Committee at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the applicant law school, the action letter shall contain the Committee's specific reasons therefor.

RULE 10

Council Consideration of Committee Recommendation that Application for Provisional Approval be Granted

(a) After the meeting of the Committee at which the application was considered and the Committee determined to recommend to the Council that provisional approval be granted, the Consultant shall place the Committee recommendation on the agenda of a Council meeting.

(b) The Consultant shall furnish to the Council the law school's application, the site evaluation report, written material submitted timely by the school, and a written statement of the Committee action. These materials shall constitute the record.

(c) The Chairperson of the site evaluation team, or a member of the team designated by the Consultant, may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Council meeting.

(d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's application is considered.

(e) If the Council determines that the law school complies with the requirements of the Standards for provisional approval, it shall recommend to the House of Delegates that the school be granted provisional approval.

(f) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Council action. If the action is adverse to the applicant law school, the action letter shall contain the Council's specific reasons therefor.

RULE 11

House of Delegates Consideration of Council Recommendation that Application for Provisional Approval be Granted

- (a) After the meeting of the Council at which it determined to recommend to the House of Delegates that provisional approval be granted, the Chairperson of the Council shall submit to the House of Delegates the recommendation of the Council that the law school's application for provisional approval be granted, and a written statement of the Council action.
- (b) If the House of Delegates determines that the law school complies with the requirements of the Standards for provisional approval, it shall grant provisional approval.
- (c) After the meeting of the House of Delegates at which the application is considered, the Consultant shall inform the president and dean of the applicant law school in writing of the action of the House of Delegates.

RULE 12

Reconsideration of or Appeal from Committee Action on Application for Provisional Approval

(a) A law school applying for provisional approval that is adversely affected by a Committee action may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the action. The petition shall demonstrate that on reconsideration the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made, and if so, grant the petition.

(b) If the Committee determines to not recommend that provisional approval be granted, the law school may appeal the Committee action to the Council. The school must file with the Consultant its written notice of appeal within one month after the Consultant mailed to the school notice of the Committee action.

RULE 13

Council Consideration of Appeal from Committee Action on Application for Provisional Approval

- a) After the Consultant has received a timely notice of appeal of the Council from a law school not recommended for provisional approval by the Committee, the Consultant shall place the school's appeal on the agenda of a Council meeting.
- b) The Consultant shall furnish to the Council all documents that were before the Committee when it considered the law school's application for provisional approval, a written statement of the application for provisional approval, and a written statement of the Committee action and the school's written notice of appeal. These materials shall constitute the record.
- c) The Council may not consider any evidence that has not first been presented to the Committee, unless the Council, by a two-thirds vote of members present, decides that the best interests of the accreditation process would be served by consideration of the evidence.
- d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's appeal is considered.
- e) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action. If the action is adverse to the applicant law school, the letter shall contain the Council's specific reasons therefor.

RULE 14

Denial of Application for Provisional Approval

(a) A law school that is not recommended for provisional approval by the Council may appeal to the House of Delegates. The appeal shall be conducted in accordance with the Rules of Procedure of the House.

(b) The Chairperson of the Council shall furnish to the Secretary of the Association a copy of the site evaluation report and the Consultant's action letters to the law school written subsequent to the most recent site evaluation report.

RULE 15

Withdrawal of Application and Reapplication for Provisional Approval

(a) If an application for provisional approval is withdrawn by a law school after the site evaluation, the school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

(b) If the Committee recommends that provisional approval not be granted, the applicant law school may not reapply for provisional approval until at least ten months after the Committee recommendation is made. If the school petitions for Committee reconsideration or appeals to the Council or House of Delegates, the ten month period runs from the date of the Committee or Council or House of Delegates final action on the school's petition or appeal. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

RULE 16

Annual Evaluation of Provisionally Approved Law Schools

- (a) A site evaluation of a provisionally approved law school shall be conducted each year. The school shall pay to the Association a site evaluation fee and shall reimburse the site evaluators for their expenses.
- (b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty.
- (c) The Consultant shall arrange for an annual site evaluation of each provisionally approved law school by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the inspection.
- (d) The Consultant shall schedule the annual site evaluation of the law school during the academic year at a time when regular classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students and other interested persons of the legal community.
- (e) Following a site evaluation, the team shall promptly prepare a written report based on the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.
- (f) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the

Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(g) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(h) The Consultant shall submit to the Committee the site evaluation questionnaire, the most recent annual questionnaire, the current self-study, site evaluation report and any written material submitted timely by the law school.

(i) After the meeting of the Committee at which the report is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action.

RULE 17

Application for Full Approval

(a) A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted by the House of Delegates.

(b) The law school shall submit its application for full approval to the Consultant.

(c) The application shall contain the following:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the law school fully complies with each of the Standards.

(2) A completed site evaluation questionnaire;

(3) A completed annual questionnaire;

(4) A copy of the current self-study;

(5) Financial operating statements and balance sheets for the last three fiscal years. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;

(6) Appropriate supporting documents detailing the fair market value and the interests of the law school and its parent institution in all facilities used solely by the law school;

(7) Payment to the Association of the application fee; and

(8) A request that the Consultant schedule a site evaluation at the school's expense.

RULE 18

Site Evaluation of a Law School Applying for Full Approval

(a) When a law school submits a completed application for full approval, including supporting materials, and pays the fee, the Consultant shall arrange for site evaluations by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.

(b) The Consultant should schedule the site evaluation of the applicant law school to take place within three months after the receipt of the completed application and shall schedule it during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students, and other interested persons.

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

(d) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

RULE 19

Committee Consideration of Application for Full Approval

- (a) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.
- (b) The Consultant shall furnish to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school. These materials shall constitute the record.
- (c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Committee meeting.
- (d) Representatives of the law school may appear at the meeting of the Committee at which the school's application is considered.
- (e) After the meeting of the Committee at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the applicant law school, the action letter shall contain the Committee's specific reasons therefor.

RULE 20

Council Consideration of Committee Recommendation that
Application for Full Approval be Granted

- (a) After the meeting of the Committee at which the application was considered and the Committee determined to recommend to the Council that full approval be granted, the Consultant shall place the Committee recommendation on the agenda of a Council meeting.
- (b) The Consultant shall furnish to the Council the law school's application, the site evaluation report, the written material submitted timely by the school, and a written statement of the Committee action. These materials shall constitute the record.
- (c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Council meeting.
- (d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's application is considered.
- (e) If the Council determines that the law school complies with the requirements of the Standards for full approval, it shall recommend to the House of Delegates that the school be granted full approval.
- (f) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action and the Council's reasons therefor.

RULE 21

House of Delegates Consideration of Council Recommendation that Application for Full Approval be Granted

- (a) After the meeting of the Council at which the Council determined to recommend to the House of Delegates that full approval be granted, the Chairperson of the Council shall submit to the House of Delegates the recommendation of the Council that the law school's application for full approval be granted, and a written statement of the Council action.
- (b) If the House of Delegates determines that the law school complies with the requirements of the Standards for full approval, it shall grant full approval.
- (c) After the meeting of the House of Delegates at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the action of the House of Delegates.

RULE 22

Reconsideration of or Appeal from Committee Action on Application for Full Approval

(a) A law school applying for full approval that is adversely affected by Committee action may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the Committee action. The petition shall demonstrate that on reconsideration the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made and, if so, grant the petition.

(b) If the Committee determines to not recommend that full approval be granted, the law school may appeal that determination to the Council. The written notice of appeal must be filed with the Consultant within one month after the Consultant mailed to the school notice of the Committee action.

RULE 23

Council Consideration of Appeal from Committee Action for Full Approval

(a) After the Consultant has received a timely notice of appeal to the Council from a law school not recommended for full approval by the Committee, the Consultant shall place the school's appeal on the agenda of a Council meeting.

(b) The Consultant shall furnish to the Council all documents that were before the Committee when it considered the law school's application for full approval, a written statement of the Committee action, and the school's written notice of appeal. These materials shall constitute the record.

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

(d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's appeal is considered.

(e) After the meeting of the Council at which the application is considered, the Consultant shall inform the president and dean of the law school in writing of the Council action. If the action is adverse to the applicant law school, the action letter shall contain the Council's specific reasons therefor.

RULE 24

House of Delegates Consideration of Appeal from Denial of Application for Full Approval

(a) A law school that is not recommended for full approval by the Council may appeal to the House of Delegates. The appeal shall be conducted in accordance with the Rules of Procedure of the House.

(b) The Chairperson of the Council shall furnish to the Secretary of the Association a copy of the site evaluation report and the Consultant's action letters to the law school written subsequent to the most recent site evaluation report.

RULE 25

Withdrawal of Application and Application for Full Approval

(a) If an application for full approval is withdrawn by a law school after the site evaluation, the law school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

(b) If the Committee recommends that full approval be not granted, the applicant law school may not reapply for full approval until at least ten months after the Committee recommendation is made. If the school petitions for Committee reconsideration or appeal to the Council or House of Delegates, the ten month period runs from the date of the Committee or Council or House of Delegates final action on the school's petition or appeal. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

RULE 26

Periodic Evaluation of Fully Approved Law School

(a) A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and in the seventh year following the granting of full approval. Thereafter, each fully approved school shall be subject to a site evaluation on a regular basis as determined by the Council. The Council or Committee may order additional site evaluations of a school when special circumstances warrant. The school shall pay to the Association a site evaluation fee and shall reimburse the site evaluators for their expenses.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty.

(c) The Consultant shall arrange for a site evaluation of each fully approved law school by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.

(d) The Consultant shall schedule the site evaluation of the law school during the academic year at a time when regular classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students and members of the legal community.

(e) Following a site evaluation, the team shall promptly prepare a written report based on the site evaluation. The

team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.

(f) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(g) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(h) The Consultant shall submit to the Committee the site evaluation questionnaire, most recent annual questionnaire, current self-study, site evaluation report, and any written material submitted timely by the law school.

(i) After the meeting of the Committee at which the report is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action.

RULE 27

Action Concerning Law School in Apparent Non-Compliance With Standards

- (a) If the Committee has reason to believe that a law school does not comply with the Standards, the Committee shall inform the school of its apparent non-compliance and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the Standards. The school shall furnish the requested information to the Committee.
- (b) If, upon a review of the information furnished by the law school in response to the Committee's request and other relevant information, the Committee finds that the school has not given adequate assurance of compliance with the Standards, the Committee may notify the school to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be removed from the list of law schools approved by the Association.
- (c) If the Committee finds that a law school has failed to comply with the Standards by refusing to furnish information or by refusing to cooperate in a site evaluation, the Committee may notify the school to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be removed from the list of law schools approved by the Association.
- (d) The Consultant shall give the law school at least one month notice of the Committee hearing. The notice shall specify the apparent non-compliance with the Standards and state the time and place of the hearing. For good cause shown, the Chairperson of the Committee may grant the school additional time, not to exceed one month. Both the notice and the request for extension of time must be in writing. The Consultant shall send the notice of hearing to the president and the dean of the school by certified or registered United States mail.

RULE 28

Investigator

(a) The Chairperson of the Committee may appoint an investigator to elicit facts relevant to the matter before the Committee. The law school shall reimburse the investigator for expenses incurred in the investigation.

(b) The Consultant shall furnish the investigator with a copy of the most recent site evaluation report, annual questionnaire, Consultant's action letters written subsequent to the most recent site evaluation report, notice of Committee hearing and other relevant written information.

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

(d) The investigator shall promptly submit the report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

RULE 29

Committee Hearing on Show Cause Order

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

The written information furnished by the Consultant is evidence.

(b) Representatives of the law school may appear at the hearing and submit evidence relevant to the matter.

(c) The Committee may invite the investigator, if any, and the Chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the investigator and site evaluation team member for expenses incurred in attending the hearing.

(d) After the hearing, the Committee shall determine whether the law school is in compliance with the Standards and, if not, what remedial action or sanction is appropriate, including removal of the school from the Association list of approved law schools. In this event, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action and the Committee's specific reasons therefor.

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

RULE 30

Council Consideration of Committee Recommendation that Approval be Withdrawn

- (a) If the Committee determines that the law school is not in compliance with the Standards and recommends that the school be removed from the Association list of approved law schools, the Consultant shall place the Committee recommendation on the agenda of a Council meeting. The Consultant shall notify the president and dean of the school of the time and place of the Council meeting.
- (b) The Consultant shall furnish to the Council the Committee's written recommendation, the investigator's report, if any, the most recent site evaluation report and the Consultant's action letters to the school written subsequent to the most recent site evaluation report.
- (c) Representatives of the law school may appear at the Council meeting at which the Committee recommendation is considered. The Chairperson of the Committee or his designee shall present the Committee recommendation.
- (d) The Council shall determine whether to adopt the Committee recommendation. If it decides to recommend that the House of Delegates impose a remedial action or sanction which may include removal of the law school from the Association's list of approved law schools, the recommendation shall be placed on the agenda of a meeting of the House of Delegates. In this event, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action, and the Council's specific reasons therefor.
- (e) The Consultant shall send a copy of the Council resolution to the president and dean of the law school.

RULE 31

House of Delegates Consideration of Council Recommendation
that Approval be Withdrawn

When the Council recommends that a law school's approval be withdrawn, the Chairperson of the Council shall submit to the House of Delegates the Council's recommendation and its report in the form and manner prescribed by the House of Delegates.

RULE 32

Status of Law School Pending Appeal

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

RULE 33

Major Change in Structure or Operation of Approved School

(a) A major change in structure or operation of a law school raises questions as to the school's continued compliance with the Standards. Before making a major change, a provisionally approved or fully approved school shall apply for and obtain Council acquiescence to the proposed change.

(b) Examples of major changes that require Council acquiescence are:

- (1) Instituting a new full-time or part-time division;
- (2) Changing from a full-time to a part-time program, or from a part-time to a full-time program;
- (3) Establishing the law school or a branch thereof in a new location;
- (4) Establishing a two-year undergraduate/four-year law school or similar program;
- (5) Merging with or acquiring another law school, whether approved or unapproved;
- (6) Establishing a new or different program leading to any degree in addition to the first degree in law;
- (7) Modifying the law school's institutional relationship with its parent institution; and
- (8) Establishing affiliation with a college or university.

(c) A law school seeking acquiescence by the Council shall submit its application to the Consultant. The Accreditation Committee or Council shall require a site evaluation of the school.

(d) The application shall contain:

- (1) A letter from the president and dean of the law school stating that they have read and carefully considered the

Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire, and do certify that, in their respective opinions, the school fully complies with each of the Standards.

(2) A copy of the school's most recent annual questionnaire.

(3) A completed site evaluation questionnaire.

(4) A description of the proposed change, and an analysis of the effect of the proposed change on the law school's compliance with the Standards.

(5) A copy of the law school's current self-study.

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

(7) A request that the Consultant schedule a site evaluation at the school's expense.

(e) When a law school submits a completed application, the Consultant shall arrange for the site evaluation by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.

(f) The Consultant should schedule the site evaluation of the law school at a time during the academic year when regular classes are being conducted. The site evaluation shall inquire into the effect the proposed change may have on the school's continuing compliance with the Standards.

(g) Following a site evaluation, the site evaluators shall prepare a written report based upon the site evaluation. The site evaluators shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and the Council to determine the effect of the proposed change on the law school's continuing compliance. The report should give as much pertinent information as feasible.

(h) The chairperson of the site evaluation team shall promptly submit the report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall submit the report to the president and the

dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the school's application for acquiescence. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(i) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(j) The Consultant shall submit to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school.

(k) The chairperson of the site evaluation team, or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the evaluator for expenses incurred in attending the Committee meeting.

(l) Representatives of the law school may appear at the meeting of the Committee at which the application is considered.

(m) After the meeting of the Committee at which the application is considered, the Consultant shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the law school, the action letter shall contain the Committee's specific reasons therefor.

(n) If the Committee recommends that acquiescence not be granted, a law school may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the action. The petition shall demonstrate that on reconsideration, the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made, and if so, grant the petition.

(o) If the Committee recommends that acquiescence not be granted, whether or not the school has applied for reconsideration, the applicant law school may not submit a new application for acquiescence until at least ten months after the date that the Committee's most recent recommendation is made.

(p) The Consultant shall furnish to the Council the Committee's recommendation, whether affirmative or negative, and the site evaluation report, if any. The Consultant shall place the Committee's recommendation on the agenda of a Council meeting.

(q) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. There is no appeal from the Council action.

(r) Following Council acquiescence in a major change, the Consultant shall arrange for a limited site evaluation of the school no later than two years from the date of the acquiescence to determine whether the anticipated benefits to the law school have been realized.

RULE 34

Complaints Concerning Actions of Approved Law Schools

(a) A current or former faculty member, applicant for faculty appointment, current or former student, applicant for admission, or any other person may file with the Consultant a written complaint alleging non-compliance with the Standards by an approved law school. A complaint may be filed only within 120 days of the complainant's learning of the basis for the complaint.

(b) When the complaint is filed, the Consultant shall acknowledge its receipt and inform the complainant of the Association complaint procedures. If the Consultant determines that the complaint does not allege facts constituting non-compliance with the Standards, the Consultant shall dismiss the complaint and so inform the complainant. A complaint alleging only a violation of a school's rule not amounting to non-compliance with the Standards shall not be considered. Neither the American Bar Association nor any of its components determines the rights or remedies of individual complainants. The complainant shall not be afforded individual relief.

(c) If the Consultant determines that the complaint alleges facts that indicate that a law school is in non-compliance with the Standards, the Consultant shall inquire whether the complainant consents to the disclosure of the complaint and the identity of the complainant to the school. If the complainant fails to consent in writing which is received by the Consultant within 30 days after the consent for disclosure document is mailed to the complainant, the Consultant shall dismiss the complaint and so inform the complainant. If the complainant agrees to the disclosure, the Consultant shall send a copy of the complaint to the dean of the law school and request the dean to respond to the allegations in the complaint and to provide any additional information requested by the Consultant.

(d) Upon receipt of the response of the dean of the law school, the Consultant shall:

(1) Dismiss the complaint if the Consultant determines that the complaint and the dean's response considered together do not support a claim that the

school is in non-compliance with the Standards. The Consultant shall notify the complainant and the dean of the school of this determination; or

(2) Place the complaint on the agenda for the next site evaluation of the law school if the Consultant determines that the complaint and the dean's response considered together indicate conditions or practices that raise a question concerning the school's compliance with the Standards. The Consultant shall notify the complainant and the dean of the school of the action taken; or

(3) Place the complaint on the agenda of a Committee meeting if the Consultant determines that the complaint and the dean's response considered together indicate a need for more complete investigation. The Consultant shall notify the complainant and the dean of the school of the action taken.

(e) If the Committee determines that the complaint and the dean's response referred to it by the Consultant considered together indicate a need for further investigation, the Committee shall order a special site evaluation under Rule 26(a). If the Committee determines that the complaint, the dean's response, and any special report considered together do not support a claim that the school is in non-compliance with the Standards, the Committee shall dismiss the complaint. If the Committee has reason to believe that the law school is in non-compliance with the Standards, the Committee shall proceed under Rule 27, et. seq. The Consultant shall inform the complainant and dean of the Committee action.

(f) A subcommittee of the Committee shall periodically review all written complaints and the Consultant's disposition of them and report annually to the Committee.

RULE 35

Credit-Granting Foreign Programs

(a) A law school may not undertake a credit-granting foreign program without first notifying the Consultant and obtaining Committee acquiescence in accordance with Rule 33.

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

RULE 36

Access to Site Evaluation Reports and Committee and Council Action

(a) The reports of site evaluations are received in confidence by the site evaluation team, the Consultant and the Committee and Council and may be disclosed only with the approval of the Chairperson of the Council or the Consultant. The president or dean may discuss the contents of the report with the faculty, the university administration and the governing board and may make the report available to them. The report may not be publicly distributed. After notification to the school of the Committee action or the Council action, the school may disclose to others the Consultant's action letter. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.

(b) The school is free to make use of the recommendations and decisions as contained in the Consultant's action letter addressed to the president and dean. However, any release must be a full release, and not selected excerpts.

(c) One year from the date of the initial transmission of the determinations of the Accreditation Committee, including specific findings of compliance or non-compliance with the Standards, resulting from a regular, special or sabbatical site evaluation of a provisionally or fully approved school, the Consultant shall, at the request of any person, make available the remaining specific findings of non-compliance.

RULE 37

Fees

The Council shall fix fees for:

- (1) Filing an application for site evaluation for provisional approval.
- (2) Annual site evaluation of a provisionally approved law school.
- (3) Regular or special site evaluation of a fully approved law school, and
- (4) Application for acquiescence in a major change in structure or operation of an approved school as provided in Rule 33.

RULE 38

Information to be Furnished by Approved Schools

An approved law school shall provide the Committee and Council information concerning legal education in the form required and at the times required by the Committee and the Council, to insure that the Standards are being maintained and to provide the Council with information relating to the state of legal education generally.

RULE 39

Publication of List of Approved and Unapproved Schools

The Council shall publish from time to time a complete list of all approved law schools and as many unapproved law schools as are known to the Consultant. The list shall be published annually in the Review of Legal Education, a publication which is published by the Section and single copies of which are distributed by the Consultant upon request, without charge.

RULE 40

Reinstatement as an Approved School

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

**POLICIES OF THE COUNCIL
OF THE SECTION OF LEGAL EDUCATION
AND ADMISSIONS TO THE BAR
AND OF THE
ACCREDITATION COMMITTEE**

Council of the Section of Legal Education
and Admissions to the Bar

Adopted Policies of Statement and Procedures

Table of Contents

	<u>Page</u>
1. Selection of Members of the Council	1
2. Selection of Members of the Accreditation Committee	1
3. Statement of Good Practice on Impartiality and Propriety in the Process of Law School Accreditation	2
4. Pass/Fail Grading	5
5. Unapproved Law Schools Intending to Seek ABA Approval	8
6. Proprietary Schools	9
7. Correspondence Study	10
8. Postponement of Graduation	11
9. Provisionally Approved Law Schools	11
10. Site Evaluations of Fully Approved Law Schools Following Full Approval	12
11. Release of Information Concerning Applications for Provisional or Full Approval of Law Schools	13
12. Confidentiality of Site Evaluation Reports and Letter Reporting Action	14
13. Law School Admission Fees	15

14.	Diversity in Admission and Employment	15
15.	Admission of Students Who Wish to Transfer Credit	15
16.	Period of Retention of Examination Materials	16
17.	Retention of Records	16
18.	Statement of Council Policy Regarding Interference in Law School Clinical Activities	16
19.	Written Plans for Affirmative Action	16
20.	Rating of Law Schools	17
21.	Courses Conducted for the Purpose of Improving Student Performance on Bar Examination	17
22.	Collective Bargaining	17
23.	J. D. Program	17
24.	J. D. Degree - Ph.D. Degree Equivalency	18
25.	Propriety of Examination by Public Authority Before Admission to Practice	18
26.	Period of Time for Completion of Requirements to Obtain J. D. Degree	20
27.	Fair Treatment in Providing Notice of Termination of Employment of Professional Skills Teachers Subsequent to Adoption of Amendment of Standard 405(e)	20

Accreditation Committee Policies

1.	Minutes of Meetings	21
2.	Granting of Degrees to Graduates of Predecessor Institutions	21
3.	Postponement of Site Evaluation	21
4.	Right of Appearance and Written Submissions	21
5.	Special Site Evaluations of J. D. or Post-J. D. Programs	22

COUNCIL OF THE SECTION OF LEGAL EDUCATION
AND ADMISSIONS TO THE BAR

ADOPTED POLICIES OF STATEMENT AND PROCEDURES

The following is a summary of policy statements and procedures which have been adopted by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

1. Selection of Members of the Council

Members of the Council of the Section of Legal Education and Admissions to the Bar shall be chosen without reference to their race, color, creed, sex, or national origin.

Members of the Council shall be persons of integrity and intelligence who have evidenced interest in legal education and whose participation is likely to be guided by the interests of the public and by the high standards of the legal profession, rather than any personal interest.

2. Selection of Members of the Accreditation Committee

The members of the Committee shall be appointed for staggered terms by the Chairperson of the Section. The Committee shall include two or more non-lawyer public members.

To be eligible for appointment as a lawyer member of the Committee, an individual must be knowledgeable and experienced in law and legal education.

To be eligible for appointment as a non-lawyer public member, an individual must be knowledgeable and concerned about professional education and training and must not have a current employment or other relationship with the Association.

Committee members must be guided by the interest of the public and by the standards of the legal profession.

3. Statement of Good Practice on Impartiality and Propriety in the Process of Law School Accreditation

- (A) Those who have significant responsibility in the process leading to accreditation of law schools serve a vital and quasi-judicial function in the legal system of the United States. It is important to the fair and effective functioning of the system of law school accreditation and to the maintenance of public and professional respect for that system that those who act in it act impartially and avoid even the appearance of impropriety.
- (B) One who has significant responsibility in this system or who has had significant responsibility in this system within a period of two years past, as enumerated in paragraph "D" below should not serve as a consultant to a law school in any matter relating to:
 - (1) accreditation the the American Bar Association;
 - (2) membership in the Association of American Law Schools; or
 - (3) re-evaluation and continuation of American Bar Association accreditation or membership in the Association of American Law Schools.
- (C) This restriction applies to service as consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor

renders (1) without fee; (2) informally and (3) which he or she discloses fully to the other members of the accreditation or membership body on which he or she serves or has served; nor does it apply to the routine or official advice and assistance which is rendered by members of a site evaluation team or hearing commission, by the Consultant on Legal Education to the American Bar Association, by the Executive Director of the Association of American Law Schools, or by persons acting on behalf of the Consultant or Executive Director, (4) or by a person acting in the normal course of his or her employment.

This restriction applies to:

- (1) members of the Accreditation Committee of the Council on Legal Education and Admissions to the Bar of the American Bar Association;
- (2) the President, other Officers, members of the Board of Governors, and members of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;
- (3) members of the Accreditation and Academic Freedom Committees of the Association of American Law Schools;
- (4) the President and members of the Executive Committee of the Association of American Law Schools;

- (5) members of the professional staff of the American Bar Association or the Association of American Law Schools, except as provided in paragraph "C" above;
 - (6) a member of a site evaluation team or hearing commission for either Association accepting appointment as a consultant to a law school that he or she has evaluated or conducted hearings on, in behalf of either Association within two years after the site evaluation or while either Association still has under consideration matters developed by the site evaluation, whichever is longer;
 - (7) the Executive Director of the Association of American Law Schools or other person acting on behalf of the Association of American Law Schools may not acquiesce in the appointment as consultant on readiness of any person who by this Statement should not accept appointment as a school's consultant.
- (E) Service as a consultant for a law school does not disqualify a person from any of the offices or committees in paragraph "D." However, the officer or committee member should excuse himself or herself from participation in discussion, formal or informal, of the affairs of a school which he or she has served as consultant or employee and from taking part in any vote with respect to its status.

- (F) A person who has served as a consultant or employee of a law school within two years prior to assuming a significant responsibility in the accreditation process should decline to participate in the determination of the accreditation status of the school with which he or she previously served.
- (G) The Consultant on Legal Education to the American Bar Association, Executive Director of the Association of American Law Schools or either of them if they are acting cooperatively shall bring this regulation to the attention of persons who are nominated for or appointed to any of the positions enumerated in paragraph "D" above and to all persons who are holding these positions or who have held them within two years past, at the time the regulation becomes effective.

Adopted by the Council of the Section of Legal Education and Admissions to the Bar--December 10, 1977.

Adopted by the AALS Executive Committee--December 27, 1977.

4. Pass/Fail Grading

At its August, 1970 meeting the Council of the Section of Legal Education and Admissions to the Bar decided to endorse the following statement issued earlier by the Law School Admission Council on the impact of pass/fail grading by undergraduate colleges upon the law school admission process. This statement has also been endorsed by the Executive Committee of the Association of American Law Schools.

The adoption by an increasing number of colleges and universities of pass/fail or similar grading systems for some or all of their students' work has implications for the law school admissions process. When a student with a transcript bearing such grades seeks to enter law school, law school admissions committees will be deprived of data that have served them well in the past in making the admissions decision. In the belief that college and university faculties and administrations who are considering conversion of a conventional grading system to a pass/fail or some variant system may be interested in the possible effect of such grading systems upon their graduates who seek admission to law school, the Law School Admission Council issues this statement.

The Law School Admission Test (LSAT) was developed more than twenty years ago in response to an expressed need of law schools for additional data upon which to base their admissions decisions. Validity studies conducted over the years demonstrate that the LSAT score contributes significantly to the prediction of an applicant's grades in law school and thus aids in the making of the admissions decision. These studies show that the LSAT score and the undergraduate grade-point average are the two best quantitative predictors, and that when they are used together they are better than either used separately. College grades represent both academic competence and achievement; the LSAT score largely indicates academic competence--the kind relevant to the study of law. The academic achievement of an applicant to law school indicates the extent of his preparation and motivation for the study of law. It is apparent, then, that college grades make a significant contribution to prediction of law school grades that is not supplied by the LSAT score.

Where an applicant for admission to law school submits a transcript in which all or virtually all of his grades are on pass/fail basis, and submits no other indication of his level of achievement in college, the admissions committee can make little specific use of his college work in predicting his law school grades. This means that this prediction must be based on the LSAT score, even though the committee would much prefer not to place sole reliance on the test scores in making this prediction. Even when such a transcript is supplemented by a narrative evaluation of the applicant by several of his teachers and deans, the committee can make only limited use of the college work in predicting performance in law school. Like interviews, these evaluations give the committee some help in making the admissions judgment, but they are largely helpful in deciding which risks to take and which to reject.

Where the applicant for admission to law school submits a transcript containing some conventional grades and some pass/fail grades, the admissions committee can develop a grade-point average for that portion of the student's college work bearing the conventional grades. However, many admissions officers will not feel justified in assigning to that average the conventional weight. They may well assume that the student chose to receive a conventional grade in those courses in which he gauged his probabilities for a premium grade to be good. This indicates that his grade-point average so developed will overstate his academic competence and achievement as compared with the average of a student whose grades are all conventional. Furthermore, the committee may reasonably assume that the applicant did not make the same effort in the courses graded on a pass/fail basis as he did in those graded on the conventional basis. In short, a grade-point average based only upon the limited part of a student's work in which conventional grades were assigned seems to overstate in a compound way the student's general academic ability and

achievement. Therefore, it is understandable that many admissions officers are already discounting such a grade-point average, and discounting it more if there is a large proportion of pass/fail grades.

The Council recognizes that the increased use of the pass/fail grading system--or some variant thereof--will mean that law school admissions committees and officers will place an increased reliance upon the LSAT score, a greater reliance than either the Council or law school admissions committee would like. The Council recognizes that there are many educational considerations to be taken into account by the faculty and administration in determining the appropriate grading system for that college or university. The Council, of course, respects the authority and judgment of the college and university faculty and administration in making that decision. The Law School Admission Council offers this statement concerning the effect of pass/fail grades upon the proper evaluation of a college graduate's application for admission to law school only in the hope that it may be useful to college faculties and administrations in determining what grading system to use.

5. Unapproved Law Schools Intending to Seek ABA Approval

The American Bar Association requests that an unapproved law school intending to seek provisional approval include the following language in its bulletin:

The Dean has informed himself fully as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The College Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association.

The Council of the Section of Legal Education and Admissions to the Bar requires that an unapproved law school intending to seek ABA approval include the additional language in its bulletin:

The _____ Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student.

6. Proprietary Schools

WHEREAS, the Council of the Section of Legal Education and Admissions to the Bar adopted the following resolutions on February 12, 1977:

- (1) "That at this time no change or modification of Standard 202 of the Standards for Approval of Law Schools by the American Bar Association be recommended."
- (2) "That the Council declares its willingness for a period of two years following the adoption of this resolution to grant a Standard 802 variance of Standard 202 and the last clause of Standard 203 and the interpretations placed upon it, in connection with an application for provisional approval from any proprietary law school which believes it can show that it is in substantial compliance with all of the other Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203."

In February, 1979, the Council adopted the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Section of Legal Education and Admissions to the Bar, in modification and clarification of the above resolutions, hereby determines that until the date of July 1, 1988, it will accept application for provisional approval from any proprietary law school which can show that it substantially complies with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 and giving assurance that it will be in full compliance with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 within three years after receiving provisional approval.

BE IT FURTHER RESOLVED, that if the Council of the Section of Legal Education and Admissions to the Bar recommends to the House of Delegates of the American Bar Association that any proprietary law school be granted provisional approval, at that time, the Council will also recommend to the House of Delegates of the American Bar Association the repeal of Standard 202 and the last clause of Standard 203 from the Standards for Approval of Law Schools by the American Bar Association.

7. Correspondence Study

The American Bar Association expressly disapproves of correspondence law courses as a means of preparation for bar examination and for practice. Before one pursues a correspondence law course, it is suggested that he first familiarize himself with the rules and regulations of the state in which he intends to practice and inquire whether correspondence law courses are acceptable under the applicable rules and regulations of the state and any governmental agency with which one expects to secure employment. Correspondence law school graduates may take the bar examinations only in California and even there only under special conditions.

8. Postponement of Graduation

WHEREAS, most state supreme courts require graduation from an ABA approved law school as a requisite for bar admissions in order to assure the public that persons representing them in legal matters have received a quality legal education, and

WHEREAS, some individuals begin and complete substantially all of their legal education at unapproved law schools, which law schools have been inspected for possible ABA provisional approval but are found not to meet the ABA Standards during the time of such attendance; and these individuals may then delay their formal graduation until after the law school received ABA provisional approval, and

WHEREAS, some law schools receiving ABA provisional approval have permitted students to delay their graduation until such approval was received by the school and have then awarded degrees dated subsequent to receipt of ABA provisional approval to such students,

THEREFORE, the Council of the Section of Legal Education and Admissions to the Bar hereby adopts a policy disapproving this practice, and requests that all provisionally approved law schools, all other schools seeking provisional approval, all law school site team members and all state bar admitting authorities be notified of this policy.

9. Provisionally Approved Law Schools

A provisionally approved law school shall state in its bulletin, catalog, publicity releases and in communications with all students, applicants or other interested parties that it is a provisionally approved law school.

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.

A site evaluation shall take place each year at each provisionally approved school during the period of provisional approval.

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

A provisionally approved school will be considered for full approval by the House of Delegates when the Council finds, after the site evaluation, 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.

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.

10. Site Evaluations of Fully Approved Law Schools Following Full Approval

A site evaluation will be conducted at each fully approved law school during the third year following the granting of full approval by the House of Delegates.

The next site evaluation shall be conducted no later than the seventh year following the granting of full approval by the House of Delegates. Thereafter, regular sabbatical site evaluations of the school shall be conducted.

1. Release of Information Concerning Applications
for Provisional or Full Approval of Law Schools

In the case of schools seeking provisional or full approval, the staff persons of the American Bar Association are hereby authorized by the Council of the Section of Legal Education and Admissions to the Bar to state:

- (1) Whether or not a specific school has submitted an application to the American Bar Association for provisional approval.
- (2) The procedural steps for consideration of an application.
 - a. Consideration of an application by the Accreditation Committee.
 - b. Action by the Council upon the Accreditation Committee's recommendation and an explanation that action of the Council may not follow that of the recommendation made by the Accreditation Committee.
 - c. Action by the House of Delegates
- (3) After notification of the Accreditation Committee's action or the Council action, as the case may be, to the school, the staff may release the status of the school to the public, with the explanation of the procedural steps for consideration of an application as outlined in Subparagraph (2) of this policy.

12. Confidentiality of Site Evaluation Reports and
Letter Reporting Action

The reports of site evaluations are received in confidence by the site evaluation team, the Consultant and the Committee and Council and may be disclosed only with the approval of the Chairperson of the Council or the Consultant. The president or dean may discuss the contents of the report with the faculty, the university administration and the governing board and may make the report available to them. The report may not be publicly distributed. After notification to the school of the Committee action or the Council action, the school may disclose to others the Consultant's action letter. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.

The school is free to make use of the recommendations and decisions as contained in the Consultant's action letter addressed to the president and dean. However, any release must be a full release, and not selected excerpts.

One year from the date of the initial transmission of the determinations of the Accreditation Committee, including specific findings of compliance or non-compliance with the Standards, resulting from a regular, special or sabbatical site evaluation of a provisionally or fully approved school, the Consultant shall, at the request of any person, make available the remaining specific findings of non-compliance.

The dean of the evaluated school shall review the site report to determine whether it contains criticism of the professional performance or competence or the behavior of a member of the school's full-time faculty or professional staff. If the report contains this criticism, the dean shall make available to the person concerned the germane extract of the report and shall send the

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

3. Law School Admission Fees

The American Bar Association Section of Legal Education and Admissions to the Bar condemns the practice of requiring persons seeking admission to a law school to pay a fee, in addition to the regular application fee, to be placed on a list of persons who will be admitted if additional places become available, commonly known as a "waiting list".

4. Diversity in Admission and Employment

It is the policy of the Council that diversity is valuable to educational quality. There are educational values to be derived from diversity in admission and employment and the Council supports the use of admission standards and employment criteria which promote diversity in law schools.

5. Admission of Students Who Wish to Transfer Credit

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.

16. Period of Retention of Examination Materials

Law schools approved by the American Bar Association should practice the policy of retaining examination booklets for a period of one year. This policy applies only if the examination booklet has not been returned to the student.

17. Retention of Records

Law schools approved by the American Bar Association should retain admission, financial aid and placement records for a one-year period.

18. Statement of Council Policy Regarding Interference in Law School Clinical Activities

The Council has received several reports of inappropriate interference in law school clinical activities. Improper attempts by persons or institutions outside law schools to interfere in the ongoing activities of law school clinical programs and courses have an adverse impact on the quality of the educational mission of affected law schools and jeopardize principles of law school self-governance, academic freedom, and ethical independence under the ABA Code of Professional Responsibility. In appropriate ways, the Council shall assist law schools in preserving the independence of law school clinical programs and courses.

19. Written Plans for Affirmative Action

It is the policy of the Council that each ABA approved law school have a written plan describing its program for achieving compliance with Standard 212.

The Council, in accordance with Rule 38 of the Rules of Procedure for Approval of Law Schools and not as an adopted interpretation of Standard 212, directs the Consultant to have each ABA approved law school (1) prepare a written plan by June 1, 1984, describing its current program and

the efforts it intends to undertake relating to compliance with Standard 212, and (2) maintain a current file which will include the specific action which has been taken by the school to comply with its stated plan. July, 1983.

20. Rating of Law Schools

No rating of law schools beyond the simple statement of their accreditation status is attempted or advocated by the official organizations in legal education. Qualities that make one kind of school good for one student may not be as important to another. The American Bar Association and its Section of Legal Education and Admissions to the Bar have issued disclaimers of any law school rating system. Prospective law students should consider a variety of factors in making their choice among schools.

21. Courses Conducted for the Purpose of Improving Student Performance on Bar Examinations

Law school courses conducted for the purpose of improving student performance on bar examinations may not be offered for credit, although such courses may be offered as non-credit courses.

22. Collective Bargaining

A law school faculty as a professional faculty should not be required to be part of the general university bargaining unit.

23. J.D. Degree

It is the Council's position that no graduate degree in law is or should be a substitute for the first professional degree in law (J.D.) and should not serve as the same basis as the J.D. degree does for bar admission purposes.

24. J.D. Degree - Ph.D. Degree Equivalency

WHEREAS, the acquisition of a Doctor of Jurisprudence degree requires from 84 to 90 semester hours of post baccalaureate study and the Doctor of Philosophy degree usually requires 60 semester hours of post baccalaureate study along with the writing of a dissertation, the two degrees shall be considered as equivalent degrees for educational employment purposes;

THEREFORE, BE IT RESOLVED, that all appropriate persons be requested to eliminate any policy, or practice, existing within their jurisdiction which disparages legal education or promotes discriminatory employment practices against J.D. degreeholders who hold academic appointment in education institutions.

25. Propriety of Examination by Public Authority before Admission to Practice

A half century ago the American Bar Association adopted standards for legal education, the second of which is as follows:

"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 subject to an examination by public authority to determine his fitness."

The criticism of bar examinations, which is daily becoming more prevalent, makes it most appropriate for the Council of the Section of Legal Education and Admissions to the Bar and the Board of Managers of the National Conference of Bar Examiners to state their opinion on the matter of the so-called Diploma Privilege.

It is the position of the Council and Board that the above-quoted standard, adopted in 1921, is as valid today--perhaps more so with the mobility of law graduates--as it was at the time and that every applicant for admission to the bar should be subject to examination by public authority.

Very great progress has taken place in the caliber of legal education in the fifty years intervening since 1921. In part the improvement in legal education has been the result of experimentation in teaching techniques. Not all such experiments have proved successful. Public authority should not dictate teaching techniques but it should make sure that all applicants have the training necessary to adequately serve the public upon their admission.

Not only are law schools quite properly experimenting in teaching techniques but they are experimenting in curriculum content. Again, public authority should not dictate curriculum content but by examination should determine that the content of the applicant's education is such that upon admission he will be able to adequately serve the public. In one of the jurisdictions where graduates of certain law schools are admitted without examination, the Court found it necessary to a certain extent to dictate the curriculum content of those schools--an unfortunate limitation on the educational freedom of these schools.

Bar examinations themselves serve additional functions. They encourage law graduates to study subjects not taken in law school. They require the applicant to review all he has learned in law school with a result that he is made to realize the interrelation of the various divisions of the law--to view the separate subject courses which he took in law school as a related whole. This the curriculum of most law schools does not achieve. Also, it is the first time many of the applicants will have been examined by persons other than those who taught them, a valuable experience in preparation for appearing before a completely strange judge.

To reiterate, it is the position of the Council and the Board of Managers that there must be examination by public authority. This is not to say that public authority must not be very careful

in its examination procedure to make sure that it is fulfilling its responsibilities. It should continually strive to make its methods of examination more effective so that the results will be the nondiscriminatory admission of none not qualified and the exclusion of none qualified, even though this requires the use of innovative examining techniques and constant consideration of the ever changing needs of our society. The necessity to train lawyers to represent all members of society is a continual challenge to teachers of law and legal education. To test this properly the examining authority can perform effectively and satisfactorily only if it makes responsive changes in its techniques.

26. Period of Time for Completion of Requirements to Obtain J. D. Degree

The normal maximum period for a full-time law student to complete requirements for a J.D. degree is five years. The normal maximum completion time for a part-time law student to complete requirements for a J.D. degree is six years.

27. Fair Treatment in Providing Notice of Termination of Employment of Professional Skills Teachers Subsequent to Adoption of Amendment of Standard 405(e)

The Council is informed that, during the process generated by the August, 1984 amendment of Standard 405(e) of the ABA Standards for Approval of Law Schools, certain law schools may have replaced or otherwise terminated the employment of professional skills teachers who were hired prior to the adoption of amended Standard 405(e) with little notice.

The Council encourages any school that decides not to continue in service a professional skills teacher hired prior to the adoption of amended Standard 405(e) to provide sufficient notice to the teacher to allow a fair opportunity to seek another position.

18. Compliance with Standard 212 of the ABA Standards
for Approval of Law Schools

The Council of the Section of Legal Education and Admissions to the Bar, at its August, 1986 meeting, upon recommendation of its Affirmative Action Committee, adopted the following policy:

WHEREAS:

1. Standard 212 provides:

Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admissions process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students.

2. The Council, at its February, 1986 meeting, approved the recommendations of the ABA Task Force on Minorities in the Legal Profession;

3. The Actions suggested in this Resolution are based upon the recommendations contained in the Task Force's Report or are among the "concrete actions[s]" that a school should take in order to "... demonstrate a commitment to providing full opportunities for the study of law and entry into the profession ..." by members of minority groups.

THEREFORE:

1. The Council, acting on the recommendation of its Affirmative Action Committee, suggests to the law schools that the following are the kinds of concrete actions that will demonstrate a school's commitment to providing equal opportunities for the study of law and entry into the profession by qualified members of groups that have been the victims of discrimination in various forms:

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

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

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

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

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

f. Creating a more favorable law school environment for minority

students by providing academic support services, supporting minority student organizations, promoting contacts with minority lawyers, and hiring minority administrators.

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

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

i. Developing programs that assist in meeting the unusual financial needs of many minority students, as provided in Standard 212.

2. Law schools should be advised that Standard 212 does not specify the forms of "concrete action" that a school should undertake to "... demonstrate a commitment to providing full opportunities for the study of law and entry into the profession ..." by members of minority groups; nor is the Council suggesting that all of the above actions are required in order to demonstrate compliance with Standard 212. It is contemplated that the Accreditation Committee, and the Council, will review the totality of concrete actions of the school in order to determine whether, on the basis of its total performance, it is in compliance with Standard 212 and the recommendations of the Task Force.

29. Guidelines for Reimbursement of Site Evaluators

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

1. Transportation - All necessary transportation on the basis of coach class air fares and ground transportation expenses. Site evaluators are urged to secure the most reasonable air ticket. If the visited institution wishes to avail site evaluators of special air fares, such as 30 day advance purchase, it is suggested that the visited law school secure and supply the air ticket in advance of the visit.
2. Lodging and Meals - Hotel or motel sleeping rooms at a reasonable cost, including a parlor when necessary for the work of the site evaluation team. Meals shall be reimbursed on a reasonable basis. It is recommended that the visited law school make reservations for suitable accommodations for members of the site evaluation team at a hotel/motel of the school's choice.
3. Incidentals - Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.

ACCREDITATION COMMITTEE POLICIES

1. Minutes of Meetings

Meetings of the Accreditation Committee are held in executive session. Minutes of the meetings are confidential. (May, 1980)

2. Granting of Degrees to Graduates of Predecessor Institutions

It is the policy of the Accreditation Committee that a law school currently approved by the American Bar Association cannot retroactively grant a J.D. degree to a graduate of a predecessor institution. (May, 1980)

3. Postponement of Site Evaluation

It is a policy of the Accreditation Committee and the Council of the Section of Legal Education and Admissions to the Bar that a request for postponement of a site evaluation will only be granted if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year.

It is the policy of the Accreditation Committee and Council that the pending resignation of a dean, the appointment of an acting dean or the appointment of a permanent dean are not grounds for the postponement of a scheduled site evaluation. (November, 1977; December, 1977)

4. Right of Appearance and Written Submissions

The right of appearance and the procedures regarding written submissions to the Accreditation Committee are contained in Rules 9, 19, 29, and 33 of the Rules of Procedure for Approval of Law Schools. (Revised August, 1983)

5. Special Site Evaluations of J.D. or Post-J.D. Programs

A law school petitioning for acquiescence in a proposed J.D. or post-J.D. program must submit a request for a site evaluation to the Consultant's office at least 100 days prior to a scheduled meeting of the Accreditation Committee in order for the proposal and report to be considered by the Committee at that meeting. (November, 1982; revised January, 1986)

6. Permanent Criteria for Approval of Foreign Summer Programs of ABA-Approved Law Schools

I. Faculty and Staff

- A. Faculty members shall have equivalent academic credentials to the faculty engaged in teaching in on-campus programs.
- B. Full-time faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.
- C. At least one full-time member of the faculty or on-site staff must be fluent in both English and the language of the host country. At least one full-time member of the faculty or on-site staff must have experience with both American legal education and the country in which the program is offered.
- D. The director or other responsible person should have had some experience with the same or a similar program.

II. Educational Program

- A. The academic content of the summer program must be approved by the faculty of the home institution in the same

manner as the curriculum of the home school's on-campus program is approved.

- B. The academic content of the summer program must meet the same standards, including evaluation of student performance as the on-campus program of the home school.
- C. A significant portion of the academic program must be substantially related to the socio-legal environment of the host country or have an international or comparative focus.
- D. If credit is given for externship placements (e.g., in a law firm, government office, corporate office), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is in fact commensurate with the educational benefits to the participating student and the program must meet other requirements of Standard 306(c).
- E. The program should include visits to legal institutions in the host country.
- F. Credit shall be stated in terms of credit hours according to the following formula: 1 semester hour for each 750 minutes of class time or equivalent or 1 quarter hour for each 500 minutes of class time or equivalent. Time spent in examinations may count up to 10% of the total for each course.
- G. Course materials should be self-contained, including all case, statutory, and text material needed for full understanding of the course and completion of assignments: if materials are not self-contained, then adequate library resources are necessary.

III. Administration and Facilities

- A. An administrative office or other fixed site must be provided through which students can effectively communicate with staff and faculty.
- B. A program should have a staffed administrative office.
- C. Classroom facilities must be well lighted, adequate for seating all students with writing surfaces, and provide equipment necessary for the teaching of courses scheduled.
- D. If coursework depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.
- E. If a program is subject to cancellation for insufficient enrollment or any other reason, the following conditions must be met:
 - 1. The circumstances under which cancellation will occur must be disclosed in application materials sent to each prospective student.
 - 2. If cancellation occurs after March 1, the program director must use best efforts to make arrangements for students to attend a similar program and, if the student wishes, refund all money advanced by the student.
- F. A program using more than one site must show that movement between sites does not detract from the overall educational impact of the program.

IV. Disclosure

A. The following information must be provided to each prospective registrant in a timely fashion:

1. Dates and location of the program
2. Description of each course and specification of number of credit hours
3. Schedule of classes, indicating days and times for each class
4. Descriptive biography of program director and each teacher
5. Name, address, and telephone number of an informed contact person
6. Complete statement of all tuition, fees, and other anticipated expenses
7. Description and location of classrooms and administrative offices
8. Circumstances, if any, under which the program is subject to cancellation, what arrangements will be made in the event of cancellation, and prior cancellations if any

B. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than would normally be used by law students in the U.S., then the housing must be described and information about costs of better quality housing in the same area provided.

- C. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any person who has paid a deposit or registered for the program.

V. Procedures for Approval

- A. Established programs previously reviewed and approved by the Committee will be re-evaluated with a site visit approximately every five years. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire.
- B. A school seeking to establish a new program will submit an application in the form provided by the Consultant's Office. The Committee will acquiesce, or not, in the first year of operation on the basis of the written submission. The program, if the Committee acquiesces, will then be evaluated with a site visit during its first year of operation. The Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.
- C. Approval is effective until terminated through the procedures of Rule 27. (January, 1987)

Attached are various amendments to the Standards for Approval of Law Schools and Interpretations, Rules of Procedure for Approval of Law Schools and Policies of the Council of the Section of Legal Education and Admissions to the Bar and of the Accreditation Committee.

October 1, 1987

INTERPRETATIONS

Standard 202

Interpretation of 202:

WHEREAS, the Council of the Section of Legal Education and Admissions to the Bar adopted the following resolutions on February, 12, 1977:

- (1) "That at this time no change or material modification of Standard 202 of the Standards for Approval of Law Schools by the American Bar Association be recommended to the House of Delegates."
- (2) "That the Council declares its willingness for a period of two years following the adoption of this resolution to grant a Standard 802 variance of Standard 202 and the last clause of Standard 203 and the interpretations placed upon it, in connection with an application for provisional approval from any proprietary law school which believes it can show that it is in substantial compliance with all of the other Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Section of Legal Education and Admissions to the Bar, in modification and clarification of the above resolutions, hereby determines that until the date of July 1, 1990, it will accept an application for provisional approval from any proprietary law school which can show that it substantially complies with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 and gives assurance that it will be in full compliance with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 within three years after receiving provisional approval;

INTERPRETATIONS

Page 2

Standard 202

BE IT FURTHER RESOLVED, that if the Council of the Section of Legal Education and Admissions to the Bar recommends to the House of Delegates of the American Bar Association that any proprietary law school be granted provisional approval, at that time, the Council will also recommend to the House of Delegates of the American Bar Association the repeal of Standard 202 and the last clause of Standard 203 from the Standards for Approval of Law Schools by the American Bar Association. June, 1977; Revised February, 1979; May, 1981; May, 1983 and August, 1987.

INTERPRETATIONS

Standard 305

Interpretation 1 of 305: This Standard "requires that at least 900 hours (60 semester hours) must be in actual attendance in regularly scheduled class sessions in the law school. The remaining hours may be in studies or activities away from the law school provided such study or activity is conducted or periodically reviewed by a member of the faculty of the law school." November, 1974.

Interpretation 2 of 305: A law school must undertake to enforce appropriate rules in order to assure that full-time division students satisfy requirements for full-time study. June, 1978.

Interpretation 1 of 305(a): Where students are enrolled in courses which do not have final examinations, including seminars and some clinical courses, those students who are subject to examinations in other law school courses during the same period of instruction, continue to be "in residence" during that period of instruction, including the examination period. August, 1979.

Interpretation 2 of 305(a): In computing the weeks of residence study, the time devoted to class instruction and examination is counted. The period devoted to vacation and registration is not counted. No more than one week of examinations may be included in computing semester weeks for residence. "Reading periods" may not be included in residence computation. If a school has fifteen weeks in each semester, then it meets the ABA requirement of at least 90 weeks for a three-year, full-time program. June, 1976.

Interpretation 3 of 305(a): Time spent in regularly scheduled class sessions does not include the time allotted to reading periods. "Reading periods"--a

INTERPRETATIONS

Page 2

Standard 305

period of time usually designated prior to examinations has "free time"-- cannot be included within the required 1,200 class hours as defined in Standard 305. June, 1976.

Interpretation 4 of 305(a): Classes for full-time students should extend over not less than 90 weeks and classes for part-time students should extend over not less than 120 weeks; a week, as defined in 305(a), means a week in which classes are regularly scheduled to meet at least Monday through Friday; and that the 90 and 120 week requirement does not include the time allotted for reading periods. August, 1976.

Interpretation 5 of 305(a): Where students are enrolled in a fifteen week semester in courses which do not have final examinations, students so registered who have examinations in other courses continue to be in residence during the examination period. August, 1979.

Interpretation 6 of 305(a): A week as defined in Standard 305(a) means a week in which classes are regularly scheduled to meet Monday through Friday. If a holiday occurs during a week, it may still be considered as a full week if classes are suspended for no more than one day. If classes are suspended for more than one day, the week is less than a full week and only proportional credit may be given under 305(a).

Interpretation 1 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not exceeding 10 percent of the total number of class session hours and not including time allotted for reading periods and not exceeding one week of examinations. June, 1976.

Interpretation 2 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations. For computation purposes, the examination period may not exceed 10 percent of the total class sessions. A maximum of one week (5 days) may be counted for examinations. Time allotted for reading periods may not be counted in computing class hours. June, 1976.

INTERPRETATIONS

Page 3

Standard 305

Interpretation of 305(a)(iii): A student may not work in excess of 20 hours per week while attending a school on a full-time basis. The law school has the burden to show that it has adopted and enforces policies relating to class scheduling, attendance requirements, and performance standards. These restrictions also apply during the summer in the same manner as they do during the normal year if the student is enrolled for summer session. August, 1980.

Interpretation 2 of Standard 305(a)(iii) was deleted as of August, 1987. The language was amended and it was moved and renumbered as Interpretation A(3) of Standard 405.)

Interpretation 1 of 305(b): Transfer credit may be given for work taken only at another ABA approved school. Credit may not be given for work taken at a non-ABA approved school or work taken at an approved school prior to ABA approval. November, 1975.

Interpretation 2 of 305(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 in 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. Residence credit for summer sessions is to be computed on the same proportional basis. If a student is not enrolled in or fails to receive credit for the minimum number of hours specified in the subsection, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified. May, 1980.

Interpretation of 305(a) and (b):

- (1) It is the interpretation of the Council of the Section of Legal Education and Admissions to the Bar that a "class hour" as stated in Section 305 of the Standards for Approval of Law Schools is to be defined as a unit of

INTERPRETATIONS

Page 4

Standard 305

classroom instruction of 50 to 60 minutes in duration. An additional fraction of a class hour may only be computed in increments of 10 minutes or more. Examples of acceptable units of instruction are 50, 60, 70, 80 and 90 minutes in duration.

- (2) The Council, at its August 6, 1977 meeting, also approved a 75 minute teaching unit (one and one-half 50 minute units) as an acceptable teaching unit for compliance with this aspect of 305. In all other instances a 5 minute increment would be counted to the lower ten, e.g., 55 minutes would be counted as 50 minutes, etc.
- (3) In addition, Section 305 mandates 750 minutes of classroom instruction per semester credit or at least 500 minutes of classroom instruction per quarter credit.
- (4) However, even if a school meets or exceeds the minimum number of classroom minutes required by 305, the school still must meet the minimum week standard imposed by 305.
- (5) Thus, a school on the semester system must offer at least 750 minutes of classroom instruction over a 15 week period per semester credit to meet 305. A school on the quarter system must offer at least 500 minutes of classroom instruction over a 10 week period per quarter credit to meet 305. August, 1977.

Interpretation of 305(c): It is the interpretation of the American Bar Association that regular and punctual class attendance is an important part of the learning process. The implementation of the rule is left to the good judgment of the various faculty and the administration of each law school. The law school has the burden to show that it has adopted and enforces policies relating to class attendance. August, 1980.

INTERPRETATIONS

Page 5

Standard 305

Interpretation 1 of 305 and 306: A law school has the burden to show that it has adopted and enforces policies insuring that full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance requirements, and performance standards. November, 1980.

Interpretation 2 of 305 and 306: In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1,200 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 300 hours required to make up the minimum of 1,200 hours of study, may be in studies or courses outside the law school and may be used to satisfy requirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school. February, 1974.

INTERPRETATIONS

Standard 308

Interpretation 1 of 308: Section 308 states the only circumstances under which an approved school may admit with advanced standing and allow credit for studies at a law school that is not on the list of law schools approved by the American Bar Association. Credit may be allowed for studies at a law school in the United States that is on the list of law schools approved by the American Bar Association that is on the list of law schools approved by the American Bar Association in the discretion of the admitting school. Credit may be allowed for studies at a law school outside the United States only to the extent authorized by Section 308. February, 1977.

Interpretation 2 of 308: A candidate school for provisional approval may accept student transfer credit from an approved law school, but may not accept student transfer credit from unapproved law schools. December, 1977.

Interpretation 3 of Standard 308: This Standard applies only to graduates of foreign law schools or foreign students enrolled in a first degree granting law program in a foreign educational institution.

INTERPRETATIONS

Standard 402

Interpretation of 402: The historic interpretation of Standard 402 by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and its Accreditation Committee has been that the count of full-time faculty, under the provisions of Standard 402, does not include the dean, librarian, associate or assistant deans or other administrators holding academic appointment. The interpretation of Standard 402 by the Council and its Accreditation Committee continues to be that of not including the dean, librarian, associate or assistant deans or other administrators holding academic appointment, in any computation of full-time faculty, under the provisions of Standard 402. August, 1976.

Interpretation 1 of 402(a): The intent of Standard 402(a) is that a single division law school in its first year of operation should have a minimum of six full-time faculty, in addition to a full-time dean and law librarian. A dual division law school or a law school offering instruction in more than one year must have additional full-time faculty in a satisfactory proportional ratio. August, 1976.

Interpretation 2 of 402(a): A law school needs experienced core faculty to fulfill the needs of its educational program, to reduce teaching obligations and to provide reasonable opportunity for scholarly research and writing. August, 1977.

Interpretation 3 of 402(a): A high student/faculty ratio and the consequent need for additional full-time faculty or the reduction of admissions are necessary to fulfill the requirements of the Standards and the needs of the law school's educational program. November, 1977; December, 1977.

Interpretation 1 of 402(b): A full-time faculty member of an ABA approved law school who is teaching an additional full-time load at another ABA approved law school cannot be considered as full-time faculty for either institution. February, 1977.

INTERPRETATIONS

Page 2

Standard 402

Interpretation 2 of 402(b): Faculty who are "of counsel" to a law firm, have a permanent and ongoing relationship to a law firm, having their names on a law firm letterhead, maintaining a separate law office or having a professional telephone listing may not be considered as full-time faculty within the definition of 402(b). July, 1977; May, 1980.

INTERPRETATIONS

Standard 405

Interpretation 1 of 405: Any fixed limit on the percent of a law faculty that may hold tenure under any circumstances is in violation of the Standards, especially Standard 405. February, 1973.

Interpretation 2 of 405: Subsection (a) of Standard 405 must be read as one of the things to consider when determining whether the requirements of Section 405 "to establish and maintain conditions adequate to attract and retain a competent faculty" are met. The word "similar" does not exclude state supported schools, nor exclude national, as opposed to "regional" schools. June, 1976.

Interpretation 3 of 405: The Council adopted the position in 1971 and reaffirmed it in July of 1975 and May of 1980 that "a law faculty as a professional faculty should not be required to be a part of the general university bargaining unit." July, 1975; May, 1980.

Interpretation 4 of 405: If law school merit salary raises are precluded and if "across-the-board" salary increases are limited to an amount substantially less than the annual increase in the cost of living a law school may not comply with Standard 405. August, 1977.

Interpretation 5 of 405: When faculty salaries are too low, there is an unfavorable FTE student/full-time faculty ratio; there is no paid research assistant support for faculty research; and faculty tenure is limited by a percentage quota; the conditions with respect to the faculty do not conform to the requirements of Standard 405(a), (b) and (c). May, 1978; June, 1978.

INTERPRETATIONS

Page 2

Standard 405

Interpretation 6 of 405: Adequate research, travel and secretarial support must be available to a faculty in order to enable it to develop academically and professionally. May, 1978; June, 1978.

Interpretation 7 of 405: A law school which appears to have no comprehensive system for evaluation for and granting of tenure is not in compliance with Standard 405. August, 1978.

Interpretation 8 of 405: A university copyright policy which provides that the benefits of copyright accrue to the university and not to the individual faculty member may discourage and inhibit the production of scholarly material by the law faculty in violation of Standard 405. July, 1978; August, 1978.

Interpretation 9 of 405: The procedures, used by a law school not affiliated with a college or university in considering and deciding on appointment, termination, promotion and tenure of faculty members should be in accordance with the same principles of fairness and due process that should be employed by an affiliated law school. Where the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or Governing Board. May, 1980.

Interpretation of 201 and 405: A statutorily imposed faculty and decanal salary maximum may place a school in non-compliance with the Standards. January, 1980; February, 1980.

Interpretation of 205, 207 and 405(d): Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

INTERPRETATIONS

Page 3

Standard 405

Interpretation of 403 and 405:

(1) The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.

(2) Standard 405, in requiring "conditions adequate to attract and retain a competent faculty" includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.

(3) Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school's university or governing board. December, 1979; February, 1980.

Interpretation 1 of 405(a): A law school's faculty salaries, especially of full and associate professors, which remain unfavorable in comparison with the national median and with faculty salaries at approved law schools in the same geographical area may not be sufficient to attract and maintain a competent faculty. May, 1980.

Interpretation 2 of 405(a): A faculty salary structure which ranks at the very bottom of salaries at ABA approved law schools is non-competitive and presumptively in non-compliance with the Standards. November, 1980; December, 1980.

Interpretation of Standard 405(b): An approved law school should make reasonable provisions for faculty access to automated information systems suitable for scholarly research. May, 1986.

Interpretation 1 of 405(d): Promotion and tenure criteria must be clearly defined and made available to the faculty. July, 1980.

INTERPRETATIONS

Page 4

Standard 405

Interpretation of Standards 201 and 401-405:

A. Background and Discussion of Educational Effect

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

(2) Every approved school is required by Standard 105 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

(3) Only for the purpose of computing full-time equivalent student/faculty ratio any student who is registered for fourteen or more class hours per week during any term (semester or quarter), shall be classified as a full-time student during that term. (August, 1987)

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

(1) Effect on Teaching Load. Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with Standard 404, a school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students

INTERPRETATIONS

Page 5

Standard 405

times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

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

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

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

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

INTERPRETATIONS

Page 6

Standard 405

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

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

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

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the

INTERPRETATIONS

Page 7

Standard 405

community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teaches. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing--because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

(8) Effect on Examinations. Most law school programs tend to depend on stiff, end-of-course examinations. An inquiry into the adequacy of the size of a full-time faculty should consider that it probably requires half an hour to grade a student in a three-hour course. This burden may become so great that a teacher

INTERPRETATIONS

Page 8

Standard 405

is not likely to have time to reorganize, redraft, and, most importantly, re-think what is done in the preparation of an examination. An unreasonable grading burden on teachers is certain to accelerate entropy in the examination process. Teachers who are required to spend an unreasonable amount of time in grading cannot fail to reduce the attention they pay to teaching and scholarship.

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time-equivalent student body.

A. Basic Computation of Ratio

(1) In computing student/faculty ratio, the Committee will consider as full-time those teachers who are employed as full-time teachers on tenure track, or its equivalent under Standard 405(e), and do not hold administrative office or perform administrative duties beyond those normally performed by a full-time teacher. Students who are registered in a part-time program [see Standard 305(a)] are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

(2) The Accreditation Committee will take into account neither graduate students nor graduate faculty (teachers who devote substantially all of their time to the graduate program) in computing

INTERPRETATIONS

Page 9

Standard 405

FTE student/full-time faculty ratio. In those instances where there is a co-mingling of graduate and J.D. teachers and students which might result in a dilution of J.D. teaching resources, the Committee will consider the circumstances of the individual school in order to determine the teaching resources available to the J.D. program.

B. Statement and Effect of Ratio. Ratios are indicative and useful and, in the experience of the Committee and Council, provide an effective guide to compliance with Standards 201 and 401-405.

(1) A ratio of 20:1 or less is presumably in compliance with Standards 201 and 401-405, but the Committee and Council may inquire into the educational effects of faculty size, to make certain that the size and duties of the full-time faculty meet those Standards.

(2) A ratio of 30:1 or more is presumably not in compliance with Standards 201 and 401-405.

(3) The fact that a school has a ratio of under 30:1 does not preclude examination by the Committee and Council to determine whether the School is in compliance with Standards 201 and 401-405. In such an examination by the Committee, the Committee will consider, in light of the school's educational program, the administrators and librarians who teach, writing instructors and other full-time instructors, part-time adjunct faculty and other instructional resources not counted in the basic ratio computation.

Interpretation of Standard 405(e)

Interpretation 1 of Standard 405(e): A form of security of position reasonably similar to tenure includes a separate tenure track or a renewable long-term contract. Under a separate tenure track, a full-time faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure as a faculty member in a professional skills program. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the professional skills program.

INTERPRETATIONS

Page 10

Standard 405

A program of renewable long-term contracts should provide that, after a probationary period reasonably similar to that for other full-time faculty, the services of a faculty member in a professional skills program may be either terminated or continued by the granting of a long-term contract that shall thereafter be renewable. During the initial long term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the professional skills program. (August, 1984)

Interpretation 2 of Standard 405(e): In determining if the members of the full-time faculty of a professional skills program meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of faculty members in the professional skills program. Each school should develop criteria for retention, promotion and security of employment of full-time faculty members in its professional skills program. (August, 1984)

Interpretation 3 of Standard 405(e): Standard 405(e) does not preclude a limited number of fixed, short-term appointments in a professional skills program predominantly staffed by full-time faculty members within the meaning of this Standard, or in an experimental program of limited duration. (August, 1984)

Policy #6 of the Policies of the Council of the Section of Legal Education and Admissions to the Bar

WHEREAS, the Council of the Section of Legal Education and Admissions to the Bar adopted the following resolutions on February, 12, 1977:

- (1) "That at this time no change or material modification of Standard 202 of the Standards for Approval of Law Schools by the American Bar Association be recommended to the House of Delegates."
- (2) "That the Council declares its willingness for a period of two years following the adoption of this resolution to grant a Standard 802 variance of Standard 202 and the last clause of Standard 203 and the interpretations placed upon it, in connection with an application for provisional approval from any proprietary law school which believes it can show that it is in substantial compliance with all of the other Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Section of Legal Education and Admissions to the Bar, in modification and clarification of the above resolutions, hereby determines that until the date of July 1, 1990, it will accept an application for provisional approval from any proprietary law school which can show that it substantially complies with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 and gives assurance that it will be in full compliance with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 within three years after receiving provisional approval;

BE IT FURTHER RESOLVED, that if the Council of the Section of Legal Education and Admissions to the Bar recommends to the House of Delegates of the American Bar Association that any proprietary law school be granted provisional approval, at that time, the Council will also recommend to the House of Delegates of the American

Bar Association the repeal of Standard 202 and the last clause of Standard 203 from the Standards for Approval of Law Schools by the American Bar Association. June, 1977; Revised February, 1979; May, 1981; May, 1983 and August, 1987.



AMERICAN BAR ASSOCIATION

**STANDARDS
FOR APPROVAL OF LAW SCHOOLS
AND
INTERPRETATIONS**

**RULES OF PROCEDURE
FOR
APPROVAL OF LAW SCHOOLS**

**POLICIES OF THE COUNCIL
OF THE SECTION OF LEGAL EDUCATION
AND ADMISSIONS TO THE BAR
AND OF THE
ACCREDITATION COMMITTEE**

**CRITERIA
FOR APPROVAL OF SEMESTER ABROAD
PROGRAMS FOR CREDIT GRANTING
FOREIGN SEGMENT OF APPROVED
J. D. PROGRAM
AND
FOR APPROVAL OF FOREIGN SUMMER
PROGRAMS OF ABA-APPROVED LAW SCHOOLS**

November, 1988

**COMPILED AND DISTRIBUTED
BY**

**THE OFFICE OF THE CONSULTANT
ON LEGAL EDUCATION TO THE
AMERICAN BAR ASSOCIATION**

**735 West New York Street
Indianapolis, Indiana 46202**

**AMERICAN BAR ASSOCIATION
STANDARDS
FOR APPROVAL
OF LAW SCHOOLS
AND
INTERPRETATIONS**

Table of Contents

Standards for the Approval of Law Schools

Foreword.....	
General Purposes and Procedures: Definitions	
Standards 101-106.....	
Organization and Administration	
Standards 201-213.....	
Educational Program	
Standards 301-308.....	
Faculty	
Standards 401-406.....	
Admissions	
Standards 501-506.....	
Library	
Standards 601-605.....	
Physical Plant	
Standards 701-705.....	
Authority	
Standards 801-805.....	
Adoption and Amendment	
Standards 901-902.....	
Principles of Academic Freedom and Tenure	
Annex I.....	
Core Collection Library Schedule	
Annex II.....	
Key Word Index to Standards	
and Interpretations.....	

Foreword

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 the law schools for approval, or retention of approval, either provisional or full, by the Association.

¹ See, Harno Legal Education in the United States (1951); Sullivan, The Professional Association and Legal Education, 4 Journal of Legal Education 401 (1952).

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

(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; and to make recommendations thereon to the House of Delegates;

(d) 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;

(e) 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;

(f) 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 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 others 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 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 Delegates approved and adopted the Standards and Rules of Procedure on February 12, 1973.

The Standards recognize the diversity in quality legal education and represent an important step in advancing the cause of quality legal education and 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 United States Department of Education.

The Standards were amended by the House of Delegates in August, 1974 [Standard 302(a)(iii)], in August, 1975 [Standard 902(a)], in August, 1976 [addition of Standard 308], in February, 1977 [Standards 601, 602, 603, 604, 605, 704 and 705], in August, 1978 [addition of Standard 212, renumbered Standard 213 in August, 1980], in August, 1979 [style changes to remove references to male gender and amendments to Standards 105, 303(a) and 308], in August, 1981 [Standards 211, new section (b) and (c), old (b) and (c) renumbered (c) and (e), and Standard 302 (a)], in August, 1982 [amendment to Standard 211(d)], in February, 1983 [amendment to Standard 503], in August, 1983 [amendment to Standard 803], August 4, 1984 [added new Standard 405(e), and August, 1986 [amendment to Standards 602, 603, 704, 705 and Annex II]. Various interpretations to the Standards have been adopted and others amended by the Council from time to time.

The Rules of Procedure were rewritten and so adopted in February, 1975, with further amendments adopted from time to time thereafter.

During 1982-83 a sub-committee of the Standards Review Committee drafted a set of revised Rules. These were adopted by the Council of the Section of Legal Education and Admissions to the Bar in May, 1983. Certain technical changes suggested by the Board of Governors and ABA Counsel were proposed and adopted by the Council in August, 1983; December, 1983; August, 1984; December, 1984; and December, 1985. The Rules were further revised in 1986, 1987 and 1988.

In January, 1987, Permanent Criteria for Approval of Foreign Summer Programs were adopted. Semester Abroad Criteria were adopted in June, 1988.

The Policies are statements formally adopted from time to time by the Council of the Section of Legal Education and Admissions to the Bar and its Accreditation Committee.

Standard 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.

INTERPRETATIONS

Standard 101

Interpretation of Standard 101: The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association approves law schools located in the United States, its territories and possessions, including summer programs conducted by ABA approved law schools outside the United States; Semester Abroad Programs conducted by ABA approved law schools outside the United States, and post J.D. Graduate Programs conducted by ABA approved law schools outside the United States. (June, 1988)

Standard 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 fitness for admission.

INTERPRETATIONS

Standard 102

Interpretation of 102 and 103: Support from the State Bar Association is not necessary in order for a school to be approved by the ABA, and a school which meets the Standards may be approved even though the local bar is opposed. However, actions and judgments by the bar or by individual members of the bar are not irrelevant. July, 1974.

Interpretation 2 of 102 and 103: It is the responsibility of a law school approved by the American Bar Association or seeking ABA approval to demonstrate compliance with the Standards. The Council cannot determine if a school is being operated in accordance with the Standards if the school refuses to submit information requested by the Council. Refusal to supply information could be determined a violation of the Standards. August, 1977.

Interpretation 3 of 102 and 103: It is the intent of the Standards that each approved law school or law school seeking provisional approval provide appropriate information to the Council and Accreditation Committee, including the completion of appropriate questionnaires and self-studies. July, 1977; August, 1977.

Standard 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.

INTERPRETATIONS

Standard 103

Interpretation 1 of 102 and 103: Support from the State Bar Association is not necessary in order for a school to be approved by the ABA, and a school which meets the Standards may be approved even though the local bar is opposed. However, actions and judgments by the bar or by individual members of the bar are not irrelevant. July, 1974.

Interpretation 2 of 102 and 103: It is the responsibility of a law school approved by the American Bar Association or seeking ABA approval to demonstrate compliance with the Standards. The Council cannot determine if a school is being operated in accordance with the Standards if the school refuses to submit information requested by the Council. Refusal to supply information could be determined a violation of the Standards. August, 1977.

Interpretation 3 of 102 and 103: It is the intent of the Standards that each approved law school or law school seeking provisional approval provide appropriate information to the Council and Accreditation Committee, including the completion of appropriate questionnaires and self-studies. July, 1977; August, 1977.

Interpretation of 103: The intent of Standard 103, in part, is to put the obligation on the school to demonstrate that its program is consistent with sound educational policy and to establish that it is being operated in accordance with the Standards. Each law school, to retain approval, shall, in accordance with Rule III(1) [Rule 38 in the 1983 Revised Rules], furnish the Council with such information as is requested by the Council. The reinspection and annual questionnaires distributed by the Consultant on behalf of the Council provide the means through which each school demonstrates continuing compliance with the Standards. The annual questionnaire not only furnishes the Council with

INTERPRETATIONS

Page 2

Standard 103

information regarding the status of each school, but, in meeting its concern with legal education as a whole, furnishes the Council with information regarding American law schools generally, so that the Council can determine the areas in which improvements are being made and the areas in which appropriate action should be taken and to provide the Council with information which reflects the norms of legal education. The annual questionnaire provides a uniform and regular method for the Council to meet its responsibilities, and, accordingly, each school shall furnish all the information requested on the annual questionnaire. August, 1978.

Standard 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 through the school's approval was withdrawn while that person was enrolled therein.

INTERPRETATIONS

Standard 104

Interpretation of 104: Events since the granting of provisional approval may raise doubts as to the ability of an institution to fulfill commitments made in connection with the application for provisional approval and may nullify previously given assurance that a law school will be in full compliance with the Standards within three years of the initial granting of provisional approval. July, 1980.

Interpretation 1 of 104(a): A law school seeking provisional approval by the American Bar Association must furnish separate financial operating statements for the last three fiscal years. If the applicant institution is a private institution, the statements shall be certified. August, 1977.

Interpretation 2 of 104(a): A law school seeking provisional approval by the ABA shall provide appropriate supporting documents detailing the actual cost of all facilities used solely for the support of the law school.

If the applicant institution is a private institution, the institution shall state the MAI appraised fair market value of facilities used solely for support of the law school. August, 1977.

Interpretation 3 of 104(a): Substantial compliance means appropriate and substantial compliance with each of the Standards for Approval of Law Schools and further, that a law school gives assurance that it will be in full compliance within three years after receiving provisional approval. June, 1978.

Interpretation 4 of 104(a): Plans for construction, financing, library improvement, salary increases and employment of faculty which are presented by a law school seeking provisional approval are not, in themselves, matters of substantial compliance with the Standards. Substantial compliance means substantial compliance at the time a law school seeks provisional approval and not future realization of existing plans. June, 1978.

INTERPRETATIONS

Page 2

Standard 104

Interpretation of 104(c): Provisional approval may be withdrawn if more than five years have elapsed since a law school was provisionally approved if the law school has not qualified for full approval by placing itself in full compliance with each and every Standard. June, 1978.

Interpretation of Standard 104(e): A currently approved law school cannot retroactively grant a J.D. degree to a graduate of its predecessor institution. May, 1980.

Standard 105

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

Standard 201

(a) Through development and periodic reevaluation of a written self-study, the law school shall articulate the objectives of the school's educational program consistent with the Standards.

(b) 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.

INTERPRETATIONS

Standard 105

Interpretation 1 of 105: A law school whose academic program does not meet its own stated goals and objectives does not comply with the Standards for Approval of Law Schools by the American Bar Association. August, 1977.

Interpretation 2 of 105: If an institution takes the view that the choice is between a law school meeting only the minimum requirements of the Standards and making no effort to exceed minimum requirements, the law school appears to violate Standard 105. May, 1979.

Interpretation of 105 and 210: In part, the intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts, and property interests committed to the law school. Serious questions concerning the adequacy of a law school's financial support arise when resources generated by a university-affiliated law school are not made available to the school to maintain and enhance its educational program. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. December, 1978.

INTERPRETATIONS

Standard 201

Interpretation 1 of 201: Although a particular law school may satisfy minimal Standards, failure of a law school to achieve its own stated goals and objectives may place the school in violation of the Standards. August, 1977.

Interpretation 2 of 201: A law school which is almost totally dependent on tuition and fee income, has experienced operating deficits in recent years, and projects the necessity to more than double its entering class in order to meet projected budget deficits, is not in substantial compliance with the Standards. August, 1980.

Interpretation 3 of 201: The intent of the Standards is that the establishment of a branch campus of an approved law school would require the appointment of a permanent full-time faculty for the branch campus, the establishment of an adequate working library for the branch campus, an adequate physical facility, including plans for a permanent physical plant and adequate supporting staff for the program. February, 1979.

Interpretation 1 of 201 and 209: A law school, organized on a not-for-profit basis, does not meet the requirements of Standard 201 and of Standard 209 when:

- (1) A law school is almost entirely dependent upon tuition income;
- (2) Operational and building conversion costs have exceeded income and have necessitated the borrowing of considerable sums of money;
- (3) Acquisition of a permanent law school plant is dependent upon loan commitments which are themselves contingent upon the school's obtaining provisional accreditation by the American Bar Association; and

INTERPRETATIONS

Page 2

Standard 201

- (4) Budget projections designed to cover debt service and operational expenses over the years 1975-81 contemplate and are dependent on substantial increases in the size of the student body, together with substantial increases in student tuition.
June, 1978.

Interpretation 2 of 201 and 209: A law school must have sufficient resources specifically allocated to the school in order to sustain the school's sound educational program and to accomplish the objectives of its educational program as set forth in its self-study. May, June, 1978.

Interpretation 1 of 201, 209 and 210: A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of 201, 209 and 210: The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978.

INTERPRETATIONS

Page 3

Standard 201

Interpretation of Standards 201 and 401-405:

A. Background and Discussion of Educational Effect

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

(2) Every approved school is required by Standard 105 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

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

(1) Effect on Teaching Load. Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with Standard 404, a school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

INTERPRETATIONS

Page 4

Standard 201

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

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

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

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

INTERPRETATIONSPage 5

Standard 201

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

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

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

INTERPRETATIONS

Page 6

Standard 201

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teachers. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing--because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

INTERPRETATIONS

Page 7

Standard 201

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

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time-equivalent student body.

A. Basic Computation of Ratio

(1) In computing student/faculty ratio, the Committee will consider as full-time those teachers who are employed as full-time teachers on tenure track, or its equivalent under Standard 405(e), and do not hold administrative office or perform administrative duties beyond those normally performed

INTERPRETATIONS

Page 8

Standard 201

by a full-time teacher. Students who are registered in a part-time program [see Standard 305(a)] are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

(2) The Accreditation Committee will take into account neither graduate students nor graduate faculty (teachers who devote substantially all of their time to the graduate program) in computing FTE student/full-time faculty ratio. In those instances where there is a co-mingling of graduate and J.D. teachers and students which might result in a dilution of J.D. teaching resources, the Committee will consider the circumstances of the individual school in order to determine the teaching resources available to the J.D. program.

(3) Only for the purpose of computing full-time equivalent student/faculty ratio any part-time student who is registered for fourteen or more credit hours per week during any term (semester or quarter), shall be counted as a full-time student during that term. (December, 1987)

B. Statement and Effect of Ratio. Ratios are indicative and useful and, in the experience of the Committee and Council, provide an effective guide to compliance with Standards 201 and 401-405.

(1) A ratio of 20:1 or less is presumably in compliance with Standards 201 and 401-405, but the Committee and Council may inquire into the educational effects of faculty size, to make certain that the size and duties of the full-time faculty meet those Standards.

(2) A ratio of 30:1 or more is presumably not in compliance with Standards 201 and 401-405.

INTERPRETATIONS

Page 9

Standard 201

(3) The fact that a school has a ratio of under 30:1 does not preclude examination by the Committee and Council to determine whether the School is in compliance with Standards 201 and 401-405. In such an examination by the Committee, the Committee will consider, in light of the school's educational program, the administrators and librarians who teach, writing instructors and other full-time instructors, part-time adjunct faculty and other instructional resources not counted in the basic ratio computation.

Interpretation of 201 and 405: A statutorily imposed faculty and decanal salary maximum may place a school in non-compliance with the Standards. January, 1980; February, 1980.

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 202

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

INTERPRETATIONS

Standard 202

Interpretation of 202:

WHEREAS, the Council of the Section of Legal Education and Admissions to the Bar adopted the following resolutions on February, 12, 1977:

- (1) "That at this time no change or material modification of Standard 202 of the Standards for Approval of Law Schools by the American Bar Association be recommended to the House of Delegates."
- (2) "That the Council declares its willingness for a period of two years following the adoption of this resolution to grant a Standard 802 variance of Standard 202 and the last clause of Standard 203 and the interpretations placed upon it, in connection with an application for provisional approval from any proprietary law school which believes it can show that it is in substantial compliance with all of the other Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Section of Legal Education and Admissions to the Bar, in modification and clarification of the above resolutions, hereby determines that until the date of July 1, 1990, it will accept an application for provisional approval from any proprietary law school which can show that it substantially complies with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 and gives assurance that it will be in full compliance with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 within three years after receiving provisional approval;

INTERPRETATIONS

Page 2

Standard 202

BE IT FURTHER RESOLVED, that if the Council of the Section of Legal Education and Admissions to the Bar recommends to the House of Delegates of the American Bar Association that any proprietary law school be granted provisional approval, at that time, the Council will also recommend to the House of Delegates of the American Bar Association the repeal of Standard 202 and the last clause of Standard 203 from the Standards for Approval of Law Schools by the American Bar Association. June, 1977; Revised February, 1979; May, 1981; May, 1983 and August, 1987.

Standard 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.

INTERPRETATIONS

Standard 203

Interpretation of Standard 203: The Governing Board of a law school not affiliated with a college or university should empower the dean to serve as chief executive or chief academic officer of the law school and should define the scope of the dean's authority in accordance with the Standards, with particular reference to Standards 204, 205, 206, 207 and 403. The dean should be responsible to the Governing Board. The dean should not serve as president or chairman of the Governing Board. It is desirable that the dean be present at all meetings of the Governing Board.

Standard 204

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

INTERPRETATIONS

Standard 204

Interpretation of 204: The mere fact that the rules of a Board of Trustees regarding promotion and tenure vest in the Board final authority for all determinations of hiring, firing, promotion and tenure, and permit the Board to conduct its own investigation or hearings regarding tenure is not in itself violation of the Standards. June, 1980.

Standard 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.

INTERPRETATIONS

Standard 205

Interpretation 1 of 205: A law faculty as a professional faculty should not be required to be part of a general university bargaining unit. July, 1975.

Interpretation 2 of 205: The intent of Standard 205 is that there be full communication between the dean and faculty that the dean and faculty together join in the establishment of general educational policies and the development of the School's educational goals and objectives. July, 1977.

Interpretation 3 of 205: To facilitate the accomplishment of the objectives of the school, the dean and faculty must engage in and complete a self-study. This self-study, in its current form, is to be submitted by a school seeking provisional approval, by a provisionally approved law school having its annual inspection, and by a fully approved law school having a regular or special inspection. June, 1978.

Interpretation 4 of 205: A university policy which permits review and overriding of decisions of the law faculty as to sanctions imposed upon law students found guilty of academic dishonesty appears to violate the intent of Standard 205. July, 1978.

Interpretation 5 of 205: The law faculty shall have a substantial degree of involvement in the process by which a law dean is selected, appointed, or (as to terms over one year) reappointed. The process should entail a joint effort by the law faculty and the university administration or governing board. Except in rare cases and for compelling reasons, a law dean shall not be appointed or reappointed over the objections of a majority of the law faculty. December, 1978.

Interpretation 6 of 205: Actions of a University Advisory Committee may violate Standard 205 because they deprive the dean and faculty of the law school of responsibility for promotion and tenure decisions. July, August, 1980.

INTERPRETATIONS

Page 2

Standard 205

Interpretation 7 of 205: It is inconsistent with Standard 205 for a law school to deny to a law librarian who is a member of the faculty the rights and procedures respecting reappointment or termination which are accorded to faculty members generally. July, August, 1980.

Interpretation of 205 and 206: Action of the Board of Trustees of a university authorizing the president of a university to determine a fixed percentage of an entering class without the approval of the dean and faculty of the law school violates Standards 205 and 206 of the Standards and places a law school in a posture of violation of the Standards, which would result in the withdrawing of ABA accreditation. December, 1975.

Interpretation of 205, 207 and 405(d): Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

Standard 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.

INTERPRETATIONS

Standard 206 .

Interpretation of 205 and 206: Action of the Board of Trustees of a university authorizing the president of a university to determine a fixed percentage of an entering class without the approval of the dean and faculty of the law school violates Standards 205 and 206 of the Standards and places a law school in a posture of violation of the Standards, which would result in the withdrawing of ABA accreditation. December, 1975.

Standard 207

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

INTERPRETATIONS

Standard 207

Interpretation of 205, 207 and 405(d): Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

Standard 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.

Standard 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.

INTERPRETATIONS

Standard 209

Interpretation of 209(a): Where a law school has a present student body which is only marginally qualified for the study of law and where this student body is considered with the school's reported plans to increase the size of its student body, at a time when the number of applications for admission to law school is declining, provoke a serious concern with regard to Standard 209(a). May, June, 1977.

Interpretation 1 of 201 and 209: A law school, organized on a not-for-profit basis, does not meet the requirements of Standard 201 and of Standard 209 when:

- (1) A law school is almost entirely dependent upon tuition income;
 - (2) Operational and building conversion costs have exceeded income and have necessitated the borrowing of considerable sums of money;
 - (3) Acquisition of a permanent law school plant is dependent upon loan commitments which are themselves contingent upon the school's obtaining provisional accreditation by the American Bar Association; and
 - (4) Budget projections designed to cover debt service and operational expenses over the years 1975-81 contemplate and are dependent on substantial increases in the size of the student body, together with substantial increases in student tuition.
- June, 1978.

Interpretation 2 of 201 and 209: A law school must have sufficient resources specifically allocated to the school in order to sustain the school's sound educational program and to accomplish the objectives of its educational program as set forth in its self-study. May, June, 1978.

INTERPRETATIONS

Page 2

Standard 209

Interpretation 1 of 201, 209 and 210: A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and 210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of 201, 209 and 210: The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978.

Interpretation of 209 and 210: Where a university has entered into an executory accord on most of its debt, where such debt is substantial, and where no significant payments have yet been made under this accord, the university does not appear to have achieved the stability and normalcy which should characterize a fully approved school and is not on a financial footing which satisfies Standards 209 and 210. November, 1980.

Interpretation of 209 and 501: A law school which denies almost no one admission for academic reasons and which is experiencing consistently declining average LSAT scores, combined with low GPA's, for admitted students and which has operating deficits and heavy dependence on tuition income, does not comply with Standards 209(a) and 501. August, 1980.

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 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.

(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.

INTERPRETATIONS

Standard 210

Interpretation of 210: When a school of law has inadequate resources to fund its program and its parent university is concurrently withholding excessive portions of revenue which should be available to the school of law, the school of law is not in compliance with the Standards. July, August, 1980.

Interpretation of 210(c): University tenure and promotion policies which are dependent upon the fiscal stability of the parent university may inadequately provide for the recruitment and retention of qualified law faculty as required by Standard 210(c). November, 1977.

Interpretation of 105 and 210: In part, the intent of Standard 210, coupled with Standard 105, is that the resources generated by a university-affiliated law school should be fully available for the school to maintain and enhance its educational program. "Resources generated" includes tuition, endowment restricted to the law school, gifts to the law school, and resources such as grants, contracts, and property interests committed to the law school. Serious questions concerning the adequacy of a law school's financial support arise when resources generated by a university-affiliated law school are not made available to the school to maintain and enhance its educational program. The university should provide the law school with a satisfactory basis, in accordance with generally accepted accounting principles, for the use of such portion of the resources as may be employed to support non-law school activities and functions, such as central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. December, 1978.

Interpretation 1 of 201, 209 and 210: A not-for-profit law school's commitment to become affiliated with an established institution and a present definitive proposal for the sale of its property and its merger with another institution portend changes which must materially affect compliance with Standards 201, 209 and

INTERPRETATIONSPage 2

Standard 210

210, and accordingly, substantial compliance with these Standards can adequately be established only after consummation of these fundamental changes in the school's organization and administration. June, 1978.

Interpretation 2 of 201, 209 and 210: The financial resources of the law school may not be in conformance with Standards 201, 209 and 210 when particular concern is noted with regard to very high overhead costs assessed the law school by the university, especially in view of inadequate resources of the law school with regard to faculty salaries, support for faculty research, library staff and new acquisitions for the library collection. May, 1978; June, 1978.

Interpretation of 209 and 210: Where a university has entered into an executory accord on most of its debt, where such debt is substantial, and where no significant payments have yet been made under this accord, the university does not appear to have achieved the stability and normalcy which should characterize a fully approved school and is not on a financial footing which satisfies Standards 209 and 210. November, 1980.

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 211

The law school shall maintain equality of opportunity in legal education without discrimination or segregation on 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 law school shall not use admission policies that preclude a diverse student body in terms of race, color, religion, national origin or sex.

(c) 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.

(d) This Standard does not prevent a law school from having a religious affiliation and purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation and purpose so long as (1) notice of these policies has been given to applicants, students, faculty and staff before their affiliation with the law school, and (2) the religious affiliation, purpose and policies do not contravene any other Standard, including Standard 405(d) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation and purpose of the law school, but shall not be applied to preclude a diverse student

S211

body in terms of race, color, religion, national origin, or sex. This Standard permits religious policies as to admission and employment only to the extent that they are protected by the United States Constitution. It shall be administered as if the First Amendment of the United States Constitution governs its application.

(e) 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 will avoid objectionable practices such as

- (i) refusing to hire or promote members of 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; and

- (iv) disregarding personal capabilities by assigning, in a predetermined or mechanical manner, such individuals to certain kinds of work or departments.

INTERPRETATIONS

Standard 211

Interpretation 1 of 211: The Council has directed the Consultant on Legal Education to the American Bar Association to advise each approved law school that it is the opinion of the Council that, in those cases where a law firm (or lawyer professional corporation) holds out to prospective lawyer employees, expressly or by implication, the possibility or probability of eventual advancement in partnership (or equivalent status in a lawyer professional corporation) after a period of salaried employment, it is an improper practice for such law firm (or corporation) to discriminate in advancement of its employees to partnership (or such equivalent status) on ground of race, color, religion, national origin, or sex. June, 1976.

Standard 212

Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admission process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students.

Standard 213

The law school shall not discriminate against handicapped persons in its program of legal education. The law school shall provide full opportunities for the study of law and entry into the profession by qualified handicapped persons.

INTERPRETATIONS

Standard 213

Interpretation 1 of Standard 213: Handicapped, for the purpose of this Standard, is defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 706, as further defined by the regulations on postsecondary education, 45 C.F.R. Section 84.3(k)(3).

Interpretation 2 of Standard 213: As to those matters covered by Section 504 of the Rehabilitation Act of 1973, this Standard is not designed to impose obligations upon law schools beyond those provided by that statute.

Interpretation 3 of Standard 213: The essence of proper service to handicapped persons is individualization. Each person must be individually evaluated to determine if he or she meets the academic standards requisite to admission and participation in the law school program. The use of the term "qualified" in the Standard requires a careful and thorough consideration of each applicant and each student's qualifications.

Standard 214

The law school should provide adequate staff, space and resources, in view of the size and program of the school, to maintain an active placement service to assist its graduates to make sound career choices.

INTERPRETATIONS

Standard 214

Interpretation of 214: The Council does affirm that it encourages the establishment and effective operation of placement programs in all approved law schools. August, 1978.

Standard 301

(a) A 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.

INTERPRETATIONS

Standard 301

Interpretation of 301: Courses conducted specifically for improving student performance on bar examinations may be offered at law schools approved by the American Bar Association, but credit may not be given for courses conducted for this purpose. August, 1977.

Standard 302

(a) The law school shall:

- (i) offer to all students instruction in those subjects generally regarded as the core of the law school curriculum;
- (ii) offer to all students at least one rigorous writing experience;
- (iii) offer instruction in professional skills;
- (iv) require of all candidates for the first professional degree, instruction in the duties and responsibilities of the legal profession. Such required instruction need not be limited to any pedagogical method as long as the history, goals, structure and responsibilities of the legal profession and its members, including the ABA Model Rules of Professional Conduct, are all covered. Each law school is encouraged to involve members of the bench and bar in such instruction.

(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.

INTERPRETATIONS

Standard 302

Interpretation 1 of 302(a)(ii): There is no ABA ruling that a student requesting enrollment in an advocacy course must be admitted to that course. The Standard in question states merely that the law school shall offer training in professional skills. June, 1974.

Interpretation 2 of 302(a)(ii): This section requires training in professional skills. To which of the many professional skills the curriculum will give special attention is left to the individual schools. Therefore, it is incorrect to say that this Standard requires an approved school to offer a course in Trial Practice. The only subject matter in which approved law schools must provide instruction is in professional responsibility. August, 1975.

Interpretation 1 of 302(a)(iii): A law school's failure to offer adequate training in professional skills, whether through clinics or otherwise, violates Standard 302(a)(iii). May, 1980.

Interpretation 2 of 302(a)(iii): Such instruction need not be limited to any specific skill or list of skills. Each law school is encouraged to be creative in developing programs of instruction in skills related to the various responsibilities which lawyers are called upon to meet, utilizing the strengths and resources available to the law school.

Thoughtful professional studies have urged that trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, and drafting be included in such programs. August, 1981; June, 1988.

Interpretation of 302 and 303: The academic program of a law school violates Standards 302 and 303 when the program of study lacks fundamental core subjects, and provides inadequate training in writing, research, study techniques, and trial tactics and provides very few seminars and small class courses. August, 1978.

Standard 303

(a) The educational program of the law school shall provide adequate opportunity 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.

INTERPRETATIONS

Standard 303

Interpretation of 303(a): When a law school does not afford its students adequate opportunity for seminar and small class study, the school is in non-compliance with the Standards. July, August, 1980.

Interpretation of 302 and 303: The academic program of a law school violates Standards 302 and 303 when the program of study lacks fundamental core subjects, and provides inadequate training in writing, research, study techniques, and trial tactics and provides very few seminars and small class courses. August, 1978.

Standard 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.

(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 the person's continuation in school would inculcate false hopes, constitute economic exploitation, or deleteriously affect the education of other students.

INTERPRETATIONS

Standard 304

Interpretation of 304(b): The examination should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent of the Standard is to have a meaningful faculty assessment of the student's work product. February, 1975.

Interpretation of 304(c) and 501: A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work and may be inconsistent with the requirement of faculty control in the admissions process. July, August, 1978.

Interpretation of 201, 209, 210 and 304(c): Where a law school has a declining median LSAT score and a declining GPA for the entering class and where the school contemplates expansion in the size of the student body, further expansion of the entering class may threaten the quality of the school's student body and the school's capacity to comply with Standards 201, 209, 210 and 304(c). November, 1980.

Standard 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 1,200 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 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, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified.

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

INTERPRETATIONS

Standard 305

Interpretation 1 of 305: This Standard "requires that at least 900 hours (60 semester hours) must be in actual attendance in regularly scheduled class sessions in the law school. The remaining hours may be in studies or activities away from the law school provided such study or activity is conducted or periodically reviewed by a member of the faculty of the law school." November, 1974.

Interpretation 2 of 305: A law school must undertake to enforce appropriate rules in order to assure that full-time division students satisfy requirements for full-time study. June, 1978.

Interpretation 1 of 305(a): Where students are enrolled in courses which do not have final examinations, including seminars and some clinical courses, those students who are subject to examinations in other law school courses during the same period of instruction, continue to be "in residence" during that period of instruction, including the examination period. August, 1979.

Interpretation 2 of 305(a): In computing the weeks of residence study, the time devoted to class instruction and examination is counted. The period devoted to vacation and registration is not counted. No more than one week of examinations may be included in computing semester weeks for residence. "Reading periods" may not be included in residence computation. If a school has fifteen weeks in each semester, then it meets the ABA requirement of at least 90 weeks for a three-year, full-time program. June, 1976.

Interpretation 3 of 305(a): Time spent in regularly scheduled class sessions does not include the time allotted to reading periods. "Reading periods"--a period of time usually designated prior to examinations has "free time"-- cannot be included within the required 1,200 class hours as defined in Standard 305. June, 1976.

INTERPRETATIONS

Page 2

Standard 305

Interpretation 4 of 305(a): Classes for full-time students should extend over not less than 90 weeks and classes for part-time students should extend over not less than 120 weeks; a week, as defined in 305(a), means a week in which classes are regularly scheduled to meet at least Monday through Friday; and that the 90 and 120 week requirement does not include the time allotted for reading periods. August, 1976.

Interpretation 5 of 305(a): Where students are enrolled in a fifteen week semester in courses which do not have final examinations, students so registered who have examinations in other courses continue to be in residence during the examination period. August, 1979.

Interpretation 6 of 305(a): A week as defined in Standard 305(a) means a week in which classes are regularly scheduled to meet Monday through Friday. If a holiday occurs during a week, it may still be considered as a full week if classes are suspended for no more than one day. If classes are suspended for more than one day, the week is less than a full week and only proportional credit may be given under 305(a).

Interpretation 1 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations, not exceeding 10 percent of the total number of class session hours and not including time allotted for reading periods and not exceeding one week of examinations. June, 1976.

Interpretation 2 of 305(a)(ii): "Class hours" means time spent in regularly scheduled class sessions in the law school, including time allotted for final examinations. For computation purposes, the examination period may not exceed 10 percent of the total class sessions. A maximum of one week (5 days) may be counted for examinations. Time allotted for reading periods may not be counted in computing class hours. June, 1976.

INTERPRETATIONS

Page 3

Standard 305

Interpretation of 305(a)(iii): A student may not work in excess of 20 hours per week while attending a school on a full-time basis. The law school has the burden to show that it has adopted and enforces policies relating to class scheduling, attendance requirements, and performance standards. These restrictions also apply during the summer in the same manner as they do during the normal year if the student is enrolled for summer session. August, 1980.

Interpretation 1 of 305(b): Transfer credit may be given for work taken only at another ABA approved school. Credit may not be given for work taken at a non-ABA approved school or work taken at an approved school prior to ABA approval. November, 1975.

Interpretation 2 of 305(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 in 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. Residence credit for summer sessions is to be computed on the same proportional basis. If a student is not enrolled in or fails to receive credit for the minimum number of hours specified in the subsection, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified. May, 1980.

Interpretation of 305(a) and (b):

- (1) It is the interpretation of the Council of the Section of Legal Education and Admissions to the Bar that a "class hour" as stated in Section 305 of the Standards for Approval of Law Schools is to be defined as a unit of classroom instruction of 50 to 60 minutes in duration. An additional fraction of a class hour may only be computed in increments of 10 minutes or more. Examples of acceptable units of instruction are 50, 60, 70, 80 and 90 minutes in duration.

INTERPRETATIONS

Page 4

Standard 305

- (2) The Council, at its August 6, 1977 meeting, also approved a 75 minute teaching unit (one and one-half 50 minute units) as an acceptable teaching unit for compliance with this aspect of 305. In all other instances a 5 minute increment would be counted to the lower ten, e.g., 55 minutes would be counted as 50 minutes, etc.
- (3) In addition, Section 305 mandates 750 minutes of classroom instruction per semester credit or at least 500 minutes of classroom instruction per quarter credit.
- (4) However, even if a school meets or exceeds the minimum number of classroom minutes required by 305, the school still must meet the minimum week standard imposed by 305.
- (5) Thus, a school on the semester system must offer at least 750 minutes of classroom instruction over a 15 week period per semester credit to meet 305. A school on the quarter system must offer at least 500 minutes of classroom instruction over a 10 week period per quarter credit to meet 305. August, 1977.

Interpretation of 305(c): It is the interpretation of the American Bar Association that regular and punctual class attendance is an important part of the learning process. The implementation of the rule is left to the good judgment of the various faculty and the administration of each law school. The law school has the burden to show that it has adopted and enforces policies relating to class attendance. August, 1980.

Interpretation 1 of 305 and 306: A law school has the burden to show that it has adopted and enforces policies insuring that full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance requirements, and performance standards. November, 1980.

INTERPRETATIONS

Page 5

Standard 305

Interpretation 2 of 305 and 306: In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1,200 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 300 hours required to make up the minimum of 1,200 hours of study, may be in studies or courses outside the law school and may be used to satisfy requirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school.
February, 1974.

Standard 306

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 last school at which the credit was earned.

INTERPRETATIONS

Standard 306

Interpretation of 306: The establishment of credit granting programs by approved law schools at off-campus locations, including overseas programs, requires that no such program will be undertaken without notice to the Accreditation Committee and its prior approval by application of all appropriate Standards. August, 1979.

Interpretation 2 of 306: Regarding Field Placement Programs.

(a) A law school which has a program that permits or requires student participation in studies or activities away from the law school (except foreign programs) shall develop and publish a statement which defines the educational objectives of the program. Among educational objectives of such programs may be instruction in professional skills, legal writing, professional responsibilities, specific areas of the law, and legal process. The educational objectives shall be communicated to the students and field instructors.

(b) Such programs shall be approved by the same procedures established by the law school for the approval of other parts of its academic program and shall be reviewed periodically in accordance with those procedures and in light of the educational objectives of the program.

(c) The field instructor or a faculty member must engage the student on a regular basis throughout the term in a critical evaluation of the student's field experience.

(d) A member of the faculty must periodically review any program conducted by a field instructor to ensure that the program meets its educational objectives. In conducting such review, the faculty member should consider the time devoted by the student to the field placement, the tasks assigned to the student, selected work products of the student, and the field instructor's engagement of the student on a regular basis in a detailed evaluation of the student's field experience.

INTERPRETATIONS

Page 2

Standard 306

(e) In evaluating whether such a program, in light of the educational objectives of the program, complies with the requirements of Standard 306, the Accreditation Committee shall consider the following factors:

- / Prerequisites for student participation
- / Extent of student participation
- / Method of evaluation of student performance
- / Qualification and training of field instructors
- / Method of evaluation of field instructors
- / Classroom component
- / Student writings
- / Adequacy of instructional resources
- / Involvement of full-time faculty
- / Amount of academic credit awarded December, 1986.

Interpretation of 306(a): Student participants in a law school externship program may not receive compensation for a program for which they receive academic credit. November, December, 1979.

Interpretation of 306(c): Lack of substantial supervision given by a law school faculty to law students working with practicing lawyers throughout a state does not conform with Standard 306(c). November, 1977.

Interpretation 1 of 305 and 306: A law school has the burden to show that it has adopted and enforces policies insuring that full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance requirements, and performance standards. November, 1980.

INTERPRETATIONSPage 3

Standard 306

Interpretation 2 of 305 and 306: In any joint degree program between the law school and another school or college, (i) at least 900 hours out of the minimum of 1,200 hours of study required for the law degree must be in courses in residence in the law school; (ii) all, or any part, of the remaining 300 hours required to make up the minimum of 1,200 hours of study, may be in studies or courses outside the law school and may be used to satisfy requirements for each of the degrees in the joint degree program provided that all of such hours applied in satisfaction of the requirements for the law degree must be in studies or courses that satisfy the requirements of Section 305 or 306 and have been specifically approved by the law school as appropriate for the law school.
February, 1974.

Standard 307

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.

INTERPRETATIONS

Standard 307

Interpretation 1 of 307: The Accreditation Committee and Council in denying previous applications with regard to the proposed establishment of an LL.M. program gave as reasons for denial:

- (1) Inadequate full-time faculty sufficient to conduct the J.D. program of the School of Law.
- (2) Lack of sufficient full-time faculty to direct and conduct a full-time LL.M. program.
- (3) Lack of a fully adequate physical plant.
- (4) Lack of an adequate law library to support both a J.D. and LL.M. program.
- (5) A J.D. curriculum lacking sufficient diversity and richness in course offerings.

August, 1977.

Interpretation 2 of 307: The quality of the first-degree-in-law program of a law school must exceed the requirements of the Standards, in order for the law school to establish a graduate law program in compliance with Standard 307. June, 1978.

Interpretation 3 of 307: Admission to candidacy for an advanced degree shall be conditioned upon (i) graduation from a law school approved by the American Bar Association, or (ii) graduation from a faculty of law in a foreign country whose educational authority has authorized that faculty to issue degrees in law. August, 1979.

Standard 308

The law school may admit with advanced standing and allow credit for studies at a law school outside the United States if the studies

- (i) either were "in residence" as provided in Section 305, or qualify for credit under Section 306, and
- (ii) the content of the studies was such that credit therefor would have been allowed towards satisfaction of degree requirements at the admitting school, and
- (iii) the admitting school is satisfied that the quality of the educational program at the prior school was at least equal to that required for an approved school.

Advanced standing and credit allowed for foreign study shall not exceed one-third of the total required by the Standards for the first professional degree unless the foreign study related chiefly to a system of law basically followed in the jurisdiction in which the admitting school is located; and in no event shall the maximum advanced standing and credit allowed exceed two-thirds of the total required by the Standards for the first professional degree.

INTERPRETATIONS

Standard 308

Interpretation 1 of 308: Section 308 states the only circumstances under which an approved school may admit with advanced standing and allow credit for studies at a law school that is not on the list of law schools approved by the American Bar Association. Credit may be allowed for studies at a law school in the United States that is on the list of law schools approved by the American Bar Association that is on the list of law schools approved by the American Bar Association in the discretion of the admitting school. Credit may be allowed for studies at a law school outside the United States only to the extent authorized by Section 308. February, 1977.

Interpretation 2 of 308: A candidate school for provisional approval may accept student transfer credit from an approved law school, but may not accept student transfer credit from unapproved law schools. December, 1977.

Interpretation 3 of Standard 308: This Standard applies only to graduates of foreign law schools or foreign students enrolled in a first degree granting law program in a foreign educational institution. August, 1987.

Standard 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.

INTERPRETATIONS

Standard 401

Interpretation: A law school teaching effectiveness committee demonstrates a law school program designed to improve teaching effectiveness, a necessary requirement of a competent faculty. July, 1980.

Standard 402

(a) The law school shall have not fewer than six full-time faculty members, in addition to a full-time dean and a full-time law librarian. It shall have such additional members as are necessary to fulfill the requirements of this Chapter and the needs for 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 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 major academic interests or enrich the faculty member's capacity as scholar and teacher, or are of service to the public generally, and do not unduly interfere with one's responsibilities as a faculty member.

INTERPRETATIONS

Standard 402

Interpretation of 402: The historic interpretation of Standard 402 by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and its Accreditation Committee has been that the count of full-time faculty, under the provisions of Standard 402, does not include the dean, librarian, associate or assistant deans or other administrators holding academic appointment. The interpretation of Standard 402 by the Council and its Accreditation Committee continues to be that of not including the dean, librarian, associate or assistant deans or other administrators holding academic appointment, in any computation of full-time faculty, under the provisions of Standard 402. August, 1976.

Interpretation 1 of 402(a): The intent of Standard 402(a) is that a single division law school in its first year of operation should have a minimum of six full-time faculty, in addition to a full-time dean and law librarian. A dual division law school or a law school offering instruction in more than one year must have additional full-time faculty in a satisfactory proportional ratio. August, 1976.

Interpretation 2 of 402(a): A law school needs experienced core faculty to fulfill the needs of its educational program, to reduce teaching obligations and to provide reasonable opportunity for scholarly research and writing. August, 1977.

Interpretation 3 of 402(a): A high student/faculty ratio and the consequent need for additional full-time faculty or the reduction of admissions are necessary to fulfill the requirements of the Standards and the needs of the law school's educational program. November, 1977; December, 1977.

INTERPRETATIONS

Page 2

Standard 402

Interpretation 1 of 402(b): A full-time faculty member of an ABA approved law school who is teaching an additional full-time load at another ABA approved law school cannot be considered as full-time faculty for either institution. February, 1977.

Interpretation 2 of 402(b): Faculty who are "of counsel" to a law firm, have a permanent and ongoing relationship to a law firm, having their names on a law firm letterhead, maintaining a separate law office or having a professional telephone listing may not be considered as full-time faculty within the definition of 402(b). July, 1977; May, 1980. Temporarily Suspended August, 1984.

Standard 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.

INTERPRETATIONS

Standard 403

Interpretation 1 of 403: In the usual course of events, a prospective appointee as dean or a person serving as dean who has failed to acquire or has lost the confidence of the substantial majority of the faculty should not be appointed or have his appointment as dean continued. The appointment of a law school dean must be in both the spirit and the letter of ABA Standards and Regulations. June, 1978.

Interpretation of 403 and 405:

(1) The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.

(2) Standard 405, in requiring "conditions adequate to attract and retain a competent faculty" includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.

(3) Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school's university or governing board. December, 1979; February, 1980.

Interpretation 2 of 403: Each law school should have established policies with respect to faculty members' responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The purpose of this interpretation is not to develop uniformity among faculty members, but to assure that the faculty as a whole meets its academic and professional responsibilities by maximizing the talents and interests of each of its members. The established policies may be in any form the institution deems appropriate, either written or by established tradition. Such policies might appropriately address themselves to:

INTERPRETATIONS

Page 2

Standard 403

- (a) Faculty teaching responsibilities, such as carrying a fair share of the law school's course offerings, preparation for classes, availability for student consultation, and creation of an atmosphere in which students and faculty may voice opinions and exchange ideas;
- (b) Research and publication, and integrity in the conduct of scholarship, such as appropriate use of student research assistants, acknowledgement of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;
- (c) Obligations to the law school or university community, such as participation in the governance of the law school; and
- (d) Conduct of professional activities outside the law school university community and their relationship to teaching responsibilities.

In the absence of other provision, the dean is responsible for enforcement of this interpretation. May, 1980.

Interpretation 3 of 403: The procedures, used by a law school not affiliated with a college or university in considering and deciding on appointment, termination, promotion and tenure of faculty members should be in accordance with the same principles of fairness and due process that should be employed by an affiliated law school. Where the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or Governing Board. May, 1980.

Standard 404

(a) To the extent that a faculty member is teaching only regularly scheduled class sessions over fixed periods of time, the faculty member 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, the 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.

Standard 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.

(e) The law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program a form of security of position reasonably similar to tenure and perquisites reasonably similar to those provided other full-time faculty members by Standards 401, 402(b), 403 and 405. The law school should require these faculty members to meet standards and obligations reasonably similar to those required of full-time faculty members by Standards 401, 402(b), 403 and 405.

INTERPRETATIONS

Standard 405

Interpretation 1 of 405: Any fixed limit on the percent of a law faculty that may hold tenure under any circumstances is in violation of the Standards, especially Standard 405. February, 1973.

Interpretation 2 of 405: Subsection (a) of Standard 405 must be read as one of the things to consider when determining whether the requirements of Section 405 "to establish and maintain conditions adequate to attract and retain a competent faculty" are met. The word "similar" does not exclude state supported schools, nor exclude national, as opposed to "regional" schools. June, 1976.

Interpretation 3 of 405: The Council adopted the position in 1971 and reaffirmed it in July of 1975 and May of 1980 that "a law faculty as a professional faculty should not be required to be a part of the general university bargaining unit." July, 1975; May, 1980.

Interpretation 4 of 405: If law school merit salary raises are precluded and if "across-the-board" salary increases are limited to an amount substantially less than the annual increase in the cost of living a law school may not comply with Standard 405. August, 1977.

Interpretation 5 of 405: When faculty salaries are too low, there is an unfavorable FTE student/full-time faculty ratio; there is no paid research assistant support for faculty research; and faculty tenure is limited by a percentage quota; the conditions with respect to the faculty do not conform to the requirements of Standard 405(a), (b) and (c). May, 1978; June, 1978.

Interpretation 6 of 405: Adequate research, travel and secretarial support must be available to a faculty in order to enable it to develop academically and professionally. May, 1978; June, 1978.

INTERPRETATIONS

Page 2

Standard 405

Interpretation 7 of 405: A law school which appears to have no comprehensive system for evaluation for and granting of tenure is not in compliance with Standard 405. August, 1978.

Interpretation 8 of 405: A university copyright policy which provides that the benefits of copyright accrue to the university and not to the individual faculty member may discourage and inhibit the production of scholarly material by the law faculty in violation of Standard 405. July, 1978; August, 1978.

Interpretation 9 of 405: The procedures, used by a law school not affiliated with a college or university in considering and deciding on appointment, termination, promotion and tenure of faculty members should be in accordance with the same principles of fairness and due process that should be employed by an affiliated law school. Where the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or Governing Board. May, 1980.

Interpretation of 201 and 405: A statutorily imposed faculty and decanal salary maximum may place a school in non-compliance with the Standards. January, 1980; February, 1980.

Interpretation of 205, 207 and 405(d): Whether examination scheduling is a purely administrative matter, within the authority of the dean of the law school, or is for the faculty, is a matter for the dean and faculty to determine. (If the dean and faculty have made a determination on the question of responsibility for examination schedules, and the schedule has been announced by the authority consequently responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.) August, 1979.

INTERPRETATIONS

Page 3

Standard 405

Interpretation of 403 and 405:

(1) The dean of an approved school should be a tenured member of the full-time law faculty. This status is essential to the dean's carrying out his duties under Standard 403 and exercising the leadership which will result in the law faculty's assuming its responsibilities under the Standards.

(2) Standard 405, in requiring "conditions adequate to attract and retain a competent faculty" includes the dean who, in the history of American legal education, has almost always been a tenured member of the law faculty.

(3) Extraordinary circumstances may compel a departure from the principle stated in this interpretation. However, in no case shall a dean be appointed without tenure unless withholding tenure is the decision both of a majority of the full-time law faculty and the chief executive officer of the school's university or governing board. December, 1979; February, 1980.

Interpretation 1 of 405(a): A law school's faculty salaries, especially of full and associate professors, which remain unfavorable in comparison with the national median and with faculty salaries at approved law schools in the same geographical area may not be sufficient to attract and maintain a competent faculty. May, 1980.

Interpretation 2 of 405(a): A faculty salary structure which ranks at the very bottom of salaries at ABA approved law schools is non-competitive and presumptively in non-compliance with the Standards. November, 1980; December, 1980.

Interpretation of Standard 405(b): An approved law school should make reasonable provisions for faculty access to automated information systems suitable for scholarly research. May, 1986.

INTERPRETATIONS

Page 4

Standard 405

Interpretation 1 of 405(d): Promotion and tenure criteria must be clearly defined and made available to the faculty. July, 1980.

Interpretation of Standards 201 and 401-405:

A. Background and Discussion of Educational Effect

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

(2) Every approved school is required by Standard 105 to improve its educational program beyond the minimum requirements of Standards 201, 401-405. Under Standards 201, 401-405, this duty is subject to inquiry in terms of ratio and of the effect of faculty size.

(3) Only for the purpose of computing full-time equivalent student/faculty ratio any part-time student who is registered for fourteen or more credit hours per week during any term (semester or quarter), shall be counted as a full-time student during that term. (December, 1987)

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

INTERPRETATIONS

Page 5

Standard 405

(1) Effect on Teaching Load. Standard 404 sets maximums for teaching loads in terms of "regularly scheduled sessions...per week." In addition to demonstrating compliance with Standard 404, a school should be prepared to demonstrate an acceptable allocation of students to each member of the full-time faculty. One method of analyzing the allocation of students is in terms of student-hour loads (students times hours per week in class). In a less statistical perspective, a school should take into account that heavy student-hour loads have an adverse effect on scholarship and on time for the reflection which good teaching requires.

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

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

INTERPRETATIONS

Page 6

Standard 405

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

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

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

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

INTERPRETATIONS

Page 7

Standard 405

group which is small enough to invite collaboration is one of the principal reasons law schools try to provide small classes. Classes of more than 50 students tend to be taught with impersonal methods (lecture, largely) and relatively structured syllabi.

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

(5) Effect on Scholarship and Public Service. The presupposition in legal education is that a teacher needs time to think, to write, and to serve the community. Law schools provide time for these necessary activities by observing limits on (i) the number of weeks a year in which a teacher teaches; (ii) the number of students in each teacher's courses; and (iii) each teachers' course-hour load. Scholarship in non-legal areas is particularly important in a school which does not have a university affiliation (Standard 210).

(6) Effect on Improvement in Teaching. A teacher should have time to think about teaching, prepare teaching materials (or, at least, reorganize the syllabus for someone else's materials), and devise, carry out, and monitor experiments in the way he or she teachers. One benefit of a favorable student/faculty ratio is that a teacher has time for this sort of thing--because at least one assigned class is a small one, or because three months are available to work on courses in the summer, or because

INTERPRETATIONS

Page 8

Standard 405

the law school occasionally allows a light teaching load. Improvement in teaching is in part a function of numbers. Interest in improvement is in part a function of teaching temporarily in a novel field. A sound law school program assures teachers the space and encouragement for this sort of improvement.

(7) Effect on Governance. Inquiries about the size of the full-time faculty should determine whether there is enough personnel for the required faculty participation in the governance of the law school (Standard 403). All law school programs should be constantly open to re-evaluation by faculties. Full-time faculty, especially, must have personal resources for study and planning. A faculty must find the time for extensive self-study if it is to assume, in the language of Standard 403, "the major burden of the educational program and the major responsibility for faculty participation in the governance of the law school."

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

On the basis of the foregoing, the Accreditation Committee has concluded that the relationship of the size of the full-time law faculty to the size of the full-time

INTERPRETATIONS

Page 9

Standard 405

and full-time-equivalent student body of the school has a major effect, in the context of the other factors, upon the establishment and maintenance of a program consistent with sound educational policies (Standard 103) and therefore upon compliance with Standards 201 and 401-405.

Interpretation

Therefore, in determining whether a school has established or maintained compliance with the foregoing Standards, the Committee will consider the ratio of the size of the full-time faculty of the school to its full-time-equivalent student body.

A. Basic Computation of Ratio

(1) In computing student/faculty ratio, the Committee will consider as full-time those teachers who are employed as full-time teachers on tenure track, or its equivalent under Standard 405(e), and do not hold administrative office or perform administrative duties beyond those normally performed by a full-time teacher. Students who are registered in a part-time program [see Standard 305(a)] are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

(2) The Accreditation Committee will take into account neither graduate students nor graduate faculty (teachers who devote substantially all of their time to the graduate program) in computing FTE student/full-time faculty ratio. In those instances where there is a co-mingling of graduate and J.D. teachers and students which might result in a dilution of J.D. teaching resources, the Committee will consider the circumstances of the individual school in order to determine the teaching resources available to the J.D. program.

INTERPRETATIONS

Page 10

Standard 405

B. Statement and Effect of Ratio. Ratios are indicative and useful and, in the experience of the Committee and Council, provide an effective guide to compliance with Standards 201 and 401-405.

(1) A ratio of 20:1 or less is presumably in compliance with Standards 201 and 401-405, but the Committee and Council may inquire into the educational effects of faculty size, to make certain that the size and duties of the full-time faculty meet those Standards.

(2) A ratio of 30:1 or more is presumably not in compliance with Standards 201 and 401-405.

(3) The fact that a school has a ratio of under 30:1 does not preclude examination by the Committee and Council to determine whether the School is in compliance with Standards 201 and 401-405. In such an examination by the Committee, the Committee will consider, in light of the school's educational program, the administrators and librarians who teach, writing instructors and other full-time instructors, part-time adjunct faculty and other instructional resources not counted in the basic ratio computation.

Interpretation 1 of Standard 405(e): A form of security of position reasonably similar to tenure includes a separate tenure track or a renewable long-term contract. Under a separate tenure track, a full-time faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure as a faculty member in a professional skills program. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the professional skills program.

INTERPRETATIONSPage 11

Standard 405

A program of renewable long-term contracts should provide that, after a probationary period reasonably similar to that for other full-time faculty, the services of a faculty member in a professional skills program may be either terminated or continued by the granting of a long-term contract that shall thereafter be renewable. During the initial long term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the professional skills program. (August, 1984)

Interpretation 2 of Standard 405(e): In determining if the members of the full-time faculty of a professional skills program meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of faculty members in the professional skills program. Each school should develop criteria for retention, promotion and security of employment of full-time faculty members in its professional skills program. (August, 1984)

Interpretation 3 of Standard 405(e): Standard 405(e) does not preclude a limited number of fixed, short-term appointments in a professional skills program predominantly staffed by full-time faculty members within the meaning of this Standard, or in an experimental program of limited duration. (August, 1984)

Standard 501

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.

INTERPRETATIONS

Standard 501

Interpretation of 501: In an effort to assist students in making informed judgments regarding law school programs, and in recognition of significant investment by students and institutions arising from such judgments, a school's bulletin of information, and other materials which are made available to students considering a course of study at the law school, should fairly and adequately reflect: the educational objectives of the school; its admission and financial aid policies; the nature of the curriculum; the composition and size of the faculty and library; and curricular placement opportunities.

Interpretation of 209 and 501: A law school which denies almost no one admission for academic reasons and which is experiencing consistently declining average LSAT scores combined with low GPA's for admitted students and which has operating deficits and heavy dependence on tuition income, does not comply with Standards 209(a) and 501. August, 1980.

Interpretation of 304(c) and 501: A law school's admission standards and procedures may not fulfill the requirements of Standards 304(c) and 501 in that they may result in admissions inconsistent with the objectives of its educational program and the enrollment of persons unable to do satisfactory work and may be inconsistent with the requirement of faculty control in the admissions process. July, August, 1978.

Standard 502

(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 admittee's file a statement of the consideration that led to the decision to admit the applicant.

Standard 503

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 sponsored by Law School Admission Council should establish that it is using an acceptable test.

Standard 504

The law school shall advise each applicant to secure information regarding the character and other qualifications for admission to the bar in the state in which the applicant 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 of political, social, or economic views which might be considered unorthodox.

Standard 505

Admission or re-admission may be granted a law student who has been previously disqualified for academic reasons, upon an affirmative showing that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete the course of study at the admitting school. In the case of 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 that disqualification and the nature of interim work, activity, or studies indicates 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.

INTERPRETATIONS

Standard 505

Interpretation 1 of 505: The two year period would begin on the date of determination that the student was disqualified for academic reasons. Any review, appeals or requests for reconsideration of that decision are in the nature of post-decision remedies.

Interpretation 2 of 505: Law school credit for work taken in pre-admission is in violation of the Standards for Approval of Law Schools by the American Bar Association.

Students enrolled in special pre-admission programs may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion to the pre-admission program. Credit for law school course work is only given after the law student has matriculated in the school.

Students not selected to enroll in the next semester/quarter of the law school should not be considered as having suffered academic disqualification under Standard 505. February, 1978; June, 1979.

INTERPRETATIONS

Standard 502

Interpretation of 502: An official transcript means a transcript certified by the issuing school to the admitting school or delivered to the admitting school in a sealed envelope with seal intact. Copies supplied by LSDAS are not official transcripts and while adequate for preliminary determination as to eligibility for admission do not constitute official transcripts. An official transcript showing the receipt of a degree or degrees, if any, and all academic work undertaken prior to the date of registration of the applicant shall be on file at the time a student registers in the law school or within a reasonable time thereafter. February, 1974.

Standard 503

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 sponsored by Law School Admission Council should establish that it is using an acceptable test.

Standard 504

The law school shall advise each applicant to secure information regarding the character and other qualifications for admission to the bar in the state in which the applicant 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 of political, social, or economic views which might be considered unorthodox.

Standard 505

Admission or re-admission may be granted a law student who has been previously disqualified for academic reasons, upon an affirmative showing that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete the course of study at the admitting school. In the case of 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 that disqualification and the nature of interim work, activity, or studies indicates 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.

INTERPRETATIONS

Standard 505

Interpretation 1 of 505: The two year period would begin on the date of determination that the student was disqualified for academic reasons. Any review, appeals or requests for reconsideration of that decision are in the nature of post-decision remedies.

Interpretation 2 of 505: Law school credit for work taken in pre-admission is in violation of the Standards for Approval of Law Schools by the American Bar Association.

Students enrolled in special pre-admission programs may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion to the pre-admission program. Credit for law school course work is only given after the law student has matriculated in the school.

Students not selected to enroll in the next semester/quarter of the law school should not be considered as having suffered academic disqualification under Standard 505. February, 1978; June, 1979.

Standard 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, as non-degree candidates, or as 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
- (ii) members of the bar, graduates of other approved law schools, and other persons satisfying the requirements for admission set forth in section 502.

Standard 601

The law school shall maintain and administer a library adequate for its program.

(a) In order to inform applicants for accreditation of procedures and important facets of law library operations relating to adequacy, the Consultant may prepare appropriate memoranda.

(b) The Dean and the Law Librarian shall maintain a current written plan for implementation of law library support for the law school program as developed in its self-study.

INTERPRETATIONS

Standard 601

Interpretation 1 of 601: Scantiness of a library collection, the nature of its arrangement, deficiencies in shelf and seating space, the relative physical isolation from students and faculty, the hours of operation, the low salary levels of current library staff, the minimal size of the staff and a totally inadequate library budget violates Standard 601. December, 1977.

Interpretation 2 of 601: A weakness of a law library collection must be addressed with the degree of financial support commensurate with the need, as required by Standard 601. May, 1978; June, 1978.

Interpretation 3 of 601: Where a law school library collection is inadequate in terms of total volumes and the depth and breadth of the collection, Standard 601 cannot be satisfied by stating that the students have access to other law libraries within the region. February, 1980.

Standard 602

(a) The law school library shall contain the Core Collection Library Schedule, attached as Annex II.

(b) The law school library shall contain or provide appropriate access to additional publications and information services reasonably necessary for the proper conduct of the school's educational and research programs. Any arrangements for sharing of these publications and information services shall be in writing and adequate to ensure ease of access and availability of materials when and where needed.

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

Standard 603

(a) All sets of materials necessary to the programs of the law school shall be complete and current except when volumes of a set are either unavailable or are available only at an excessive price. A set is not complete unless it includes supporting materials required for its use, such as indices, desk books, digests, finding tools, and citators published as a part of the set or generally available for use with the set.

(b) All printed materials of long term value shall be permanently bound or converted to permanent non-print format as soon as reasonable.

(c) The library shall provide adequate access to commonly used materials by additional copies or nonprint means for use by the faculty and students.

(d) If the library contains any materials in microform, tape, or similar form, it shall provide the necessary viewing and listening equipment in an area suitable for its use. If items in Annex II are held exclusively in microform, adequate equipment shall be provided to make hard-copy printouts readily available.

Standard 604

The law school library must be a responsive and active force within the educational life of the law school. Its effective support of the school's teaching and research programs requires a direct, continuing and informed relationship with the faculty and administration of the law school. The law school library shall have sufficient administrative autonomy to direct its growth, development and utilization to afford the best possible service to the law school.

(a) The dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection and retention of personnel, the selection of acquisitions, arrangements of materials and provision of reader services.

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

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

INTERPRETATIONS

Standard 604

Interpretation 1 of 604: The intent of this Standard is to recognize that substantial operating autonomy rests with the dean and faculty of a school of law with regard to the operation of the law school library. The accreditation standards do not preclude administration of the law library as part of the university library system. Rather, the Standards require that decisions with regard to the law library be enlightened by the interests and demands of the law school educational program and not simply made on the basis of rules governing uniform administration of the university library. While the preferred structure for administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, law librarian and faculty are responsible for the determination of basic law library policies. June, 1979.

Interpretation 2 of 604: Inefficiencies created by centralized university library supervision of the law school library may place a law school in violation of Standard 604. May, 1978; June, 1978.

Interpretation 3 of 604: A law school in which the dean of the law school and the law librarian are not granted adequate administrative autonomy from the university library system, particularly with respect to budgeting, salaries, acquisitions and the employment of library personnel is in violation of Standard 604. August, 1978.

Interpretation 4 of 604: A law library must have adequate staffing and physical housing of all of the collections of the library to permit its continued development and conformity with Standard 604. July, 1978; August, 1978.

Interpretation of 604(c): Appointment of a law librarian is to be "by the dean and faculty of the law school." (emphasis added). This Standard contemplates that faculty participation include formal faculty approval of appointment of a law librarian. November, December, 1980.

Standard 605

The law library shall be administered by a full-time law 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 degree in law or library science and shall have a sound knowledge of library administration and of the particular problems of a law library.

(b) The law library shall have a competent staff, adequate to maintain library services, under the supervision of the law librarian.

Standard 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.

INTERPRETATIONS

Standard 701

Interpretation 1 of 701: Full approval will not be considered by the Council or its Accreditation Committee until a law school is conducting its operations in permanent and adequate facilities. The Accreditation Committee will not act on plans presented for building construction or if construction or remodeling is in process. This Standard does not contemplate leased or rented facilities for permanent facilities owned by the law school or its parent educational institution. This Standard requires that the adequate physical facilities must be completed and occupied before a law school can be granted full approval. May, 1977; July, 1977; August, 1977.

Interpretation 2 of 701: If satisfactory steps are not taken by an approved law school to correct the inadequacies of an existing physical plant, then the law school is not in compliance with Standard 701 and a proceeding for removal of approval should be begun. August, 1977.

Interpretation 3 of 701: Where the issue of physical facilities has been before the Accreditation Committee and Council for more than two years, without progress toward compliance, a law school is not making appropriate progress toward meeting Standard 701 and may be grounds for removal of accreditation. June, 1978.

Standard 702

There shall be 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.

Standard 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.

INTERPRETATIONS

Standard 703

Interpretation of 703: An approved law school must provide appropriate office space for use of its part-time faculty. August, 1976.

Standard 704

(a) Space shall be provided for the law school library, sufficient in size, location and design in relation to the school's program and enrollment, to accommodate the library's users, collections, staff, equipment and services.

(b) Space for study purposes shall be provided in the law school library that is sufficient to accommodate at least the following percentage of the total enrollment: if the school has exclusively a full-time program, 50 percent; if the school has exclusively a part-time program, 35 percent; if the school has both full-time and part-time programs, 50 percent of whichever program is the larger. In addition to the regular study area, there shall be one or more suitable conference rooms under the control of the law school library in which students may gather in small groups for discussion.

Standard 705

There shall be adequate areas for secretarial, and administrative and library personnel and for the maintenance of all necessary records. These areas shall be in proximity to the persons and offices served.

Standard 801

The Council shall have the 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.

INTERPRETATIONS

Standard 801

Interpretation of 801(iii): Routine inspection of fully approved law schools shall be held in the academic year in which they were scheduled. The Consultant may, in his discretion, postpone a routine reinspection of a fully approved law school until the next academic year if the law school will occupy new physical facilities during the coming academic year. July, 1977; August, 1977.

Standard 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 the Council, the Section, and the Board of Governors have been given a reasonable opportunity to consider the proposed amendment and report thereon to the House of Delegates.

(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 purpose 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. The Council shall submit to the Section at the next annual meeting such proposed amendments of the Standards as it, by majority vote, 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.

INTERPRETATIONS

Standard 902

Interpretation of 902: Standard 902(a) now provides that the House will not consider an amendment to the Standards until the Council of the Section of Legal Education and Admissions to the Bar, the Section of Legal Education and Admissions to the Bar, and the Board of Governors have been given a reasonable opportunity to consider any proposed amendment. In compliance with this change, the Consultant will notify deans of ABA approved law schools and other appropriate parties of any proposed changes in the ABA Standards in order to permit comment on any proposed change. The Council will then make a recommendation, based upon such comments, to the Board of Governors of the American Bar Association. September, 1975.

Annex I*

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 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 text of the statement follows the "1940 Statement of Principles on Academic Freedom and Tenure" of the American Association of University Professors.

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

Annex I

Annex I Page 2

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 services 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

Annex I
Page 3

more than three years in one or more institutions, a teacher is called to 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

Core Collection Library Schedule

I. National Materials (States)

American Digest system
Comprehensive legal encyclopedia
Comprehensive collection of annotated
reporters
Restatements
Annotated uniform laws and model acts
Collection of annotated state codes
National Reporter System
Collection of Pre-National Reporter
System Reports
Specialized reporters appropriate to
the program of the school
Generally recognized texts, treatises
and loose-leaf services appropriate
to the program of the school
Collection of significant legal
periodicals
Legal periodical indices
Specialized periodicals appropriate to
the program of the school
General legal bibliographies and
specialized bibliographies
appropriate to the program of the
school
Citators appropriate to the program of
the school
Computer assisted legal research
service of national scope and broad
subject coverage

Annex II

Annex II Page 2

II. Federal Materials (U.S. Government)

Collections of reports of the United States Supreme Court
Reports of the lower federal courts
Digests of the decisions of the United States Supreme Court and lower federal court cases

Statutes at Large and United States Treaties and Other International Agreements (UST)
Annotated edition of the United States Code

Official United States Code
Code of Federal Regulations
Congressional indexing and reporting service
Administrative agency reports appropriate to the program of the school

Government documents appropriate to the program of the school
Citators appropriate to the program of the school

III. State In Which The Law School Is Located

Collections of court reports, session laws, codes, administrative regulations and reports, digests, encyclopedias, significant form and practice books and citators

Significant Continuing Legal Education materials

Significant publications of the state and local bar associations

Significant publications of approved law schools in the state

**Key Word Index to the
American Bar Association
Standards for Approval of Law Schools**

	<u>Standard</u>	<u>Interpretation</u>
Academic Freedom	S405(d)	I205, I207, I405(d)
Academic Standards	S205, S209, S304, S305	I201, I209, I210, I304(c) I305(a)(iii), I305, I306, I501, I4-205
Administration of the Law Library	S601(b), S604	I1-601, I2-601, I1-604, I2-604
Administration and Organiza- tion of the Law School	S201(b), S203, S204, S205, S206, S207, S208, S210	I1-201, I203, I204, I2-205, I4-205, I5-205, I6-205, I205, I206, I207, I209, I210, I405(d)
Administrators	S703	I201, I401, I405 (ratios B)
Admission Policies	S205, S209, S211, S212, S304(c), S501, S504, S505, S506	I2-201, I201, I205, I206, I209, I210, I304(c), I501, I1-505, I2-505
Admission Requirements	S502, S503, S504, S506	I502
Adoption of Standards	S901	
Advantage Standing	S306(d), S308	I1-305(b), I1-308, I2-308
Advisory Committees	S208	I6-205
Advocacy Training	S302(a)(ii), S304(b), S702(b)	I1-302(a)(ii), I2-302(a) (ii), I302, I303
Affiliated Law Schools	S210, S506(i)	I105, I1-201, I1-205, I209, I210, I210(c), I1-604, I2-604, I3-604
Alternative Dispute Resolution	S302(a)(iii)	I2-302(a)(iii)
Affirmative Action	S212	
Amendments to Standards	S902	I902
ABA Code of Professional Responsibility	S302	I2-302(a)(ii)

Key Word Index - 2

	<u>Standard</u>	<u>Interpretation</u>
Annual Questionnaires		I103
Associate Level Faculty		I1-405(a)
Auditing Classes	S506	
Authority for Law School Approval Decisions	S104, S803	
Bachelor of Laws	S106(d), S307, S308	I2-307
Bar Examination	S102	
Bar Review Courses	S301	I301
Board of Governors for the ABA	S902	I902
Borrowing Funds		I1-201, I209(2)(3)
Budget	S206, S209, S604(b)	I105, I1-201, I2-201, I209, I210, I501
Career Development Office	S211(c), S213	I1-211, I213, I501
Class Attendance	S305	I1-305, I1-305(a)(iii), I305(c), I305, I306
Class Hours	S305, S306	I1-305, I1-305(a)(ii), I2-305(a)(ii), I2-305(b), I305(a), I305(b), I6-305
Class Size	S303(a)(ii)	I201, I303(a), I401, I402, I403, I404, I405(B2)
Clinical Programs	S304, S306	I1-305, I1-305(a)
Community Service (Faculty)	S402(b), S404(c)	I201, 401, 405(B5), I2-403
Consultant on Legal Education to the ABA	S601	I1-211, I801(iii)
Contracts of the Law School		I105, I210
Correspondence Courses	S303(b)	

Key Word Index - 3

	<u>Standard</u>	<u>Interpretation</u>
Council of the Section of Legal Education	S106(c), S602(b), S801, S802, S803, S804, S805, S902	I202, I901, I902
Curriculum (Educational Prog.)		
1. Design	S205, S301, S302	I201, I401, I402, I403, I404, I405 (A & Bkgrd.)
2. Substance of Program	S303	I2-302(a)(ii), I2-302 (a)(iii), I303(a)
3. Variance	S306(b), S306(c), S802	I302, I303
See also "Doctorate of Jurisprudence," "Master of Laws," and other specific courses and programs.		
Dean of a Law School		
1. Chief Academic Officer		I2-205, I3-402
2. Chief Executive Officer		I6-205, I205, I206
3. Definition of Position	S206, S207, S402	I203, I205, I207, I2-211, I1-402, I405(d)
4. General Duties	S205, S208	I205, I206, I2-403
5. Library Responsibilities	S601(b), S604	I1-604, I3-604, I-604(c)
6. Selection Process		I5-205, I1-403, I403, I405
Degree Programs (Additional Programs)	S307	I1-307, I2-307, I3-307
Doctorate of Jurisprudence	S106(d), S307, S308	I2-307
Employment Policies	S211	I2-211
Endowments		I105, I210
Enrollment	S205, S209	I2-201, I201, I205, I206, I209(a), I209(4), I209, I210, I304(a), I501

Key Word Index - 4

	<u>Standard</u>	<u>Interpretation</u>
Equal Opportunity	S211, S212	I1-211, I2-211
Evening School Division	S704	
Examinations	S304(b), S305	I201, I205, I207, I304(c), I1-305(a), I1-305(a)(11), I2-305(a) (11), I5-305(a), I401, I402, I403, I404, I405 (B8)
Executory Accord		I209, I210
Extension of Approval Time	S104(c), S901	I901
Faculty Administrative Responsibilities	S205, S206, S207, S208, S402, S404, S604	I201, I205, I1-205, I2-205, I4-205, I5-205, I6-205, I206, I207, I401, I402, I403, I404, I405(d), I405(B7)(Bkgrd.), I1-604, I604(c)
Faculty Assistance Bench and Bar Members	S302	I2-402(b)
Faculty Education Respon- sibilities	S401, S402(b), S403, S404	I2-403
Faculty Firing		I204, I7-205, I9-405
Faculty Hiring	S205, S211	I204, I7-205, I9-405
Faculty Improvement		I201, I401, I402, I403, I404, I405(B6)
Faculty Offices	S703	I703
Faculty Qualifications	S401, S402	I402
Faculty Research	S402(b), S404(c), S405(b)	I201, I2-201, I209, I210, I401, I402, I403, I2-403, I404, I405(Bkgrd.), I5-405, I6-405, I8-405
Faculty Salaries	S210(c), S405	I104(a), I201, I2-201, I1-205, I209, I210, I2-211, I405, I1-405(a), I2-405, I2-405(a), I3-405, I4-405, I5-405

Key Word Index - 5

	<u>Standard</u>	<u>Interpretation</u>
Faculty Size	S402	I201, I401, I402, I403, I404, I405, I501
Financial Aid	S212	I501
Financial Resources	S201(b), S209	I105, I2-201, I209, I210
Financial Statements	S202, S601(b)	I1-104(a), I2-104(a), I4-104(a), I1-201, I2-201, I209
First Professional Law Degree (J.D.) (L.L.B.)	S106(d), S307, S308	I2-307
Foreign Study (Refer to Criteria Section)	S308	I3-308
Full Approval		
1. Authority to determine	S104, S901	I901
2. Financial position		I209, I210
3. Reinspection		I3-205
4. Requirements	S104(b)	I104(c)
5. Self-study		I3-205
Full Compliance	S104(a), S104(b)	I104, I104(c), I3-104(a), I202
Full-Time Faculty	S211, S402, S404 S703	I201, I3-201, I401, I402, I1-402, I1-402(b), I2-402, I2-402(b), I3-402, I403, I404, I405, (Bkgrd.), I2-405(d)
Full-Time Students	S305, S405	I305, I305(a)(iii), I2-305, I2-305(b), I3-305(a), I4-305(a), I306, I405(A)(3)
Goal of the ABA	S101	
Geographic Scope of Standards	S101	I101
Governing Board of a Law School	S106(c), S203, S204, S206	I203, I204, I205, I5-205, I206
Grade Point Averages (GPA)		I201, I209, I210, I304(c), I501

Key Word Index - 6

	<u>Standard</u>	<u>Interpretation</u>
Graduation from Law School		
1. Admission to the Bar	S102	
2. Other policies	S205, S213, S301(a)	
3. Pre-requisites for Graduation	S305, S302(b)	I2-302(a)(11)
4. Provisionally Approved School Graduates	S104(e)	
5. Withdrawal of ABA Approval	S104(f)	
Grants		I105, I210
Handicapped Persons	S213	I213
House of Delegates	S104, S106(a), S803, S804, S901, S902	I902
Individual School Policies		
1. Distribution of Power	S207, S208	I205, I207, I405(d)
2. Educational Policies	S205	I2-205, I4-205
3. Employment Policies		I204, I5-205, I6-205
4. Faculty Policies	S205	I7-205
5. Governing Board Policies	S204	I205, I206
6. Other Individual School Decisions	S210, S212	
Internships & Special Programs	S304, S306	I1-305, I1-305(a)
Interpretation of Standards	S801	
Joint Degree Programs		I2-305, I306
Law Librarian	S402, S601(b), S604, S605	I201, I7-205, I401, I402, I403, I404, I405 (Bkgrd.), I1-601, I604, I604(c)
Law Library Budget	S604(b)	I1-601, I3-604
Law Library Support	S601(b)	I2-601
Law School Admissions Tests (L.S.A.T.)	S503	I201, I209, I210, I304(c), I501
Law School Data Assembly Service Reports (LSDAS)		I502

Key Word Index - 7

	<u>Standard</u>	<u>Interpretation</u>
aw School Facilities-- Physical Plant"		
Actual Cost		I2-104(a)
Adequate Facilities	S701, S702, S703	I1-701
Branch Campus		I3-201
Classrooms	S702	
Construction	S701	I4-104(a)
Correcting Inadequacies		I2-701, I3-701
Future Plant		I4-104(a), I1-701
Loans		I1-201, I209(2), I209(3)
Office Space-Faculty	S703	I703
Reinspection		I801(iii)
Size of Facility	S701	
leave of Absence (Faculty)	S405(b)	
library Administration	S604, S605	I1-604, I2-604, I3-604, I604(b)
library Collection	S210(b)(a), S601 S602, S603	I4-104(a), I2-201, I209, I210, I501, I1-601, I2-601, I3-601, I3-604
library Employees	S211, S601, S604, S605(b), S705	I4-104(a), I2-201, I209, I210, I1-601, I3-604, I4-604
library Equipment	S603(d)	
library Facility	S601, S603(d), S704, S705	I4-104(a), I3-201, I501, I1-601, I4-604
local Bar Associations		I1-102, I103
master of Laws (LL.M.)		I1-307, I2-307, I3-307
minorities	S211, S212	
non-Affiliated Law Schools	S210	I203, I3-403
non-Degree Candidates	S506	
non-Proprietary Law Schools	S202, S203	I1-201, I202, I209, I210
non-University Affiliated Law Schools	S210	I203, I3-403, I9-405

Key Word Index - 8

	<u>Standard</u>	<u>Interpretation</u>
Organization of A.B.A.	S106, S902	I902
Part-Time Employment for Students		I305(a)(iii)
Part-Time Faculty	S403(b), S703	I201, I401, I402, I403, I404, I405, I703
Part-Time Students	S305, S405	I2-305(b), I4-305(a), I405(A)(3)
Private Institutions		I1-104(a), I2-104(a)
Procedural Rules	S801	
Professional Skills Curriculum	S302(a)(iii)	I2-302(a)(iii)
Professional Skills Faculty	S405(e)	I1-405(e), I2-405(e), I3-405(e)
Promotion	S205, S210(c)	I204, I6-205, I7-205, I210(c), I2-211, I1-405(d), I9-405
Property Interests		I105, I210
Proprietary Law Schools	S202, S203	I202
Provisional Approval		
1. Advancing to Full Approval	S104(b)	I104, I3-104(a)
2. Authority to Determine	S104, S401(c), S901	I901
3. Extension of Full Approval Time	S401(c)	
4. Financial Statement Requirements		I1-104(a), I2-104(a), I202
5. Graduates	S104(c)	
6. Requirements for Provisional Approval	S104(a)	I4-104(a), I1-201, I1-209(3), I3-205
7. Self-study and Re-inspection		I3-205
8. Transfer Students		I2-308
9. Withdrawn Provisional Approval	S104(c), S901	I104(c), I901
Publications of the Council	S801, S805	

Key Word Index - 9

	<u>Standard</u>	<u>Interpretation</u>
Quarter Hours		I305(a)(4 & 5) I305(b)(4 & 5)
Questionnaires		I3-102, I103
Reading Periods		I1-305(a)(11), I2-305(a), I2-305(a)(11), I3-305(a), I4-305(a)
Re-admission Policies	S505	I1-505
Recommendations to House of Delegates	S803	I202
Recruitment Policies	S212	I501
Religious Discrimination	S211	I2-211
Reinspection of Approved Schools		I103, I3-205, I803(111)
Research and Writing Training	S303(a)(1), S304(b), S604, S605	I302, I303
Residence Requirements	S305, S306, S308	I305(a), I305(b), I1-305, I2-305(a), I2-305(b), I3-305(a), I5-305(a), I306
Resolutions of the Council		I202
Retention Policies	S209, S304(c), S505	I1-505, I3-505
School Goals and Objectives	S201(a), S201(b)	I1-105, I1-201, I2-201, I2-205, I3-205, I209, I304(c), I501
School Staff	S209(b), S211, S213, S405(c), S705	I3-201
Secretarial and Clerical Assistance	S405(c)	I6-405
Section of Legal Education and Admissions to the Bar of the ABA	S106(b), S902	I902
Self-Studies	S201(a), S601(b)	I3-102, I103, I2-201, I3-205, I209

Key Word Index - 10

	<u>Standard</u>	<u>Interpretation</u>
Standards for Legal Education and the Factors Bearing on the Approval of Law Schools (repealed)	S901	
State Bar Associations		I102
Student Discipline (Academic Dishonesty)		I4-205
Student Disqualification	S209, S3049c), S505	I1-505, I3-505
Student-Faculty Ratio		I201, I1-402(a), I2-402, I2-402(a), I3-402, I3-402(a), I401, I402, I403, I404, I405(Bkgrd), I5-405
Student Government	S208	
Student-Hour Loads		I201, I401, I402, I403, I404, I405(B1)
Substantial Compliance		
1. Definition		I3-104(a)
2. Impact of Organizational Changes		I1-201, I209, I210
3. Provisional Approval	S104(a), S104(c)	I4-104(a), I202
4. Withdrawal of Approval	S104(c)	
Summer School		I305(a)(iii)
Teaching Administrators		I201, I401, I402, I403, I404, I405 (Ratios B)
Teaching Effectiveness Committee		I201, I401, I402, I403, I404, I405(B6)
Tenure	S205, S210(c), S405(d)	I204, I6-205, I7-205, I210(c), *2-211, I1-405, I1-405(d), I5-405, I7-405, I9-405
Transfer Students	S306(d), S308	I1-305(b), I1-308, I2-308

Key Word Index - 11

	<u>Standard</u>	<u>Interpretation</u>
Tuition	S209(a)	I105, I201, I1-201, I2-201, I209, I1-209(1), I1-209(4), I210, I304(c), I501
Undergraduate Requirements	S502	I502
Variances	S802	I202
Week	S305	I6-305(a)
Withdrawal of Law School Approval		
1. Authority to Withdraw Approval	S104, S804, S901	I901
2. Full Approval	S104(d), S3-701, S804	I2-701
3. Graduates, Impact on	S104(f)	
4. Provisional Approval	S104(c), S804	I2-701, I3-701

**RULES OF PROCEDURE
FOR
APPROVAL OF LAW SCHOOLS
BY THE
AMERICAN BAR ASSOCIATION**

Preamble

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

TABLE OF CONTENTS

Rules of Procedure

	<u>Page</u>
RULE 1 - Definitions As Used in These Rules	1
RULE 2 - Accreditation Committee	2
RULE 3 - Council	3
RULE 4 - Association Services to Institutions Considering Creating a Law School or Applying for Approval	4
RULE 5 - Institutional Procedures in Establishing a Law School	5
RULE 6 - Preparation for Application for Provi- sional Approval	6
RULE 7 - Application for Provisional Approval	7
RULE 8 - Site Evaluation of a Law School Applying for Provisional Approval	8
RULE 9 - Committee Consideration of Application for Provisional Approval	9
RULE 10 - Council Consideration of Committee Recommendation that Application for Provisional Approval Be Denied	10
RULE 11 - House of Delegates Consideration of Council Recommendation that Application for Provisional Approval Be Granted	11
RULE 12 - Reconsideration of or Appeal from Committee Action on Application for Provisional Approval	12
RULE 13 - Council Consideration of Appeal from Committee Action on Application for Provisional Approval	13
RULE 14 - Denial of Application for Provisional Approval	14

Rules of Procedure
Page 2

	<u>Page</u>
RULE 15 - Withdrawal of Application and Re-Application for Provisional Approval	15
RULE 16 - Annual Evaluation of Provisionally Approved Law Schools	16
RULE 17 - Application for Full Approval	18
RULE 18 - Site Evaluation of a Law School Applying for Full Approval	19
RULE 19 - Committee Consideration of Application for Full Approval	20
RULE 20 - Council Consideration of Committee Recommendation that Application for Full Approval Be Granted	21
RULE 21 - House of Delegates Consideration of Council Recommendation that Application for Full Approval Be Granted	22
RULE 22 - Reconsideration of or Appeal from Committee Action for Full Approval	23
RULE 23 - Council Consideration of Appeal from	24
RULE 24 - House of Delegates Consideration of Appeal from Denial of Application for Full Approval	25
RULE 25 - Withdrawal of Application and Application for Full Approval	26
RULE 26 - Periodic Evaluation of Fully Approved Law School	27
RULE 27 - Action Concerning Law School in Apparent Non-Compliance with Standards	29
RULE 28 - Fact Finder	30
RULE 29 - Committee Hearing on Show Cause Order	31
RULE 30 - Council Consideration of Committee Recommendation that Approval Be Withdrawn	32

Rules of Procedure
Page 3

	<u>Page</u>
RULE 31 - House of Delegates Consideration of Council Recommendation that Approval Be Withdrawn	33
RULE 32 - Status of Law School Pending Appeal	34
RULE 33 - A. Major Change in Program of Approved School	35
B. A Proposed Major Change in the Structure of an Approved Law School	39
RULE 34 - Complaints Concerning Actions of Approved Law Schools	41
RULE 35 - Credit-Granting Foreign Programs	43
RULE 36 - Access to Site Evaluation Reports and Committee and Council Action	44
RULE 37 - Fees	45
RULE 38 - Information To Be Furnished By Approved Schools	46
RULE 39 - Publication of List of Approved and Unapproved Schools	47
RULE 40 - Reinstatement as an Approved School	48
RULE 41 - Closure of Law School	49

RULE 1

Definitions As Used in These Rules

- (a) "Action letter" means a letter transmitted by the Consultant to the president and dean of a law school reporting Committee or Council action.
- (b) "Association" means the American Bar Association.
- (c) "Committee" means the Accreditation Committee of the Council.
- (d) "Consultant" means the Consultant on Legal Education to the American Bar Association.
- (e) "Council" means Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (f) "House of Delegates" means the House of Delegates of the American Bar Association.
- (g) "President" means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.
- (h) "Rules" means the Rules of Procedure for Approval of Law Schools by the American Bar Association.
- (i) "Section" means the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (j) "Standards" means the Standards for Approval of Law Schools by the American Bar Association, as interpreted by the Council.

RULE 2

Accreditation Committee

(a) The Council shall establish an Accreditation Committee that shall act on all matters relating to the accreditation of law schools.

(b) The members of the Committee shall be appointed for staggered terms by the Chairperson of the Section. The Committee shall include two or more non-lawyer public members.

(c) To be eligible for appointment as a lawyer member of the Committee, an individual must be knowledgeable and experienced in law and legal education.

(d) To be eligible for appointment as a non-lawyer public member, an individual must be knowledgeable and concerned about professional education and training and must not have a current employment or other relationship with the Association.

(e) Committee members must be guided by the interest of the public and by the standards of the legal profession.

RULE 3

Council

The Council shall act on all accreditation matters upon which the Standards or Rules require it to act.

RULE 4

Association Services to Institutions Considering Creating a Law School or Applying for Approval

An institution considering the establishment of a law school or a law school considering applying for provisional approval may obtain information and advice from the Association upon request. Inquiries may be addressed to the Association, the Chairperson of the Section, or the Consultant. The Consultant shall supply a copy of the Standards, Council Interpretations, Rules of Procedure, other pertinent data, and a copy of the site evaluation questionnaire. Requests for additional information and advice should be addressed to the Consultant.

RULE 5

Institutional Procedures in Establishing a Law School

(a) Before establishing or acquiring a law school, an institution should complete a comprehensive feasibility study. This study should be designed to enable the institution to make a realistic and informed assessment of the viability of the proposed school and should include considerations of the nature of the educational program and goals of the proposed school, the characteristics and interests of the students who are likely to apply, and the resources necessary to create and sustain the proposed school, including relation to the resources of a parent institution.

(b) In conducting the feasibility study, the institution should obtain the advice and assistance of a qualified advisor with experience in legal education and knowledge of the Standards and the Rules.

RULE 6

Preparation for Application for Provisional Approval

Before applying for provisional approval:

(a) The law school should obtain the advice and assistance of a qualified advisor with experience in legal education and knowledge of the Standards and Rules; and

(b) The dean and faculty of the school shall complete a self-study of the nature of the educational program and goals of the law school.

RULE 7

Application for Provisional Approval

- (a) The applicant law school shall submit its application for provisional approval to the Consultant.
- (b) The application shall contain the following:
 - (1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the school complies with the requirements of the Standards for provisional approval;
 - (2) A completed site evaluation questionnaire;
 - (3) A completed annual questionnaire;
 - (4) A copy of the feasibility study;
 - (5) A copy of the self-study;
 - (6) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;
 - (7) Appropriate supporting documents detailing the fair market value and the interests of the law school and its parent institution in all facilities used solely by the school.
 - (8) Payment to the Association of the application fee;
and
 - (9) A request that the Consultant schedule a site evaluation at the school's expense.
- (c) A law school may not apply for provisional approval until it has completed the first academic year of its program.

RULE 8

Site Evaluation of a Law School Applying for Provisional Approval

(a) When a law school submits a completed application for provisional approval, the Consultant shall arrange for a site evaluation by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant who shall invite the agency or official to observe the site evaluation.

(b) The Consultant should schedule the site evaluation of the law school to take place within three months after receipt of the completed application, and shall schedule it during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community.

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

(d) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

RULE 9

Committee Consideration of Application for Provisional Approval

(a) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(b) The Consultant shall furnish to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school. These materials shall constitute the record.

(c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Committee meeting.

(d) Representatives of the law school may appear and make a presentation at the meeting of the Committee at which the school's application is considered.

(e) After the meeting of the Committee at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the applicant law school, the action letter shall contain the Committee's specific reasons therefor.

RULE 10

Council Consideration of Committee Recommendation that Application for Provisional Approval Be Granted

- (a) After the meeting of the Committee at which the application was considered and the Committee determined to recommend to the Council that provisional approval be granted, the Consultant shall place the Committee recommendation on the agenda of a Council meeting.
- (b) The Consultant shall furnish to the Council the law school's application, the site evaluation report, written material submitted timely by the school, and a written statement of the Committee action. These materials shall constitute the record.
- (c) The Chairperson of the site evaluation team, or a member of the team designated by the Consultant, may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Council meeting.
- (d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's application is considered.
- (e) If the Council determines that the law school complies with the requirements of the Standards for provisional approval, it shall recommend to the House of Delegates that the school be granted provisional approval.
- (f) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Council action. If the action is adverse to the applicant law school, the action letter shall contain the Council's specific reasons therefor.

RULE 11

House of Delegates Consideration of Council Recommendation that Application for Provisional Approval Be Granted

- (a) After the meeting of the Council at which it determined to recommend to the House of Delegates that provisional approval be granted, the Chairperson of the Council shall submit to the House of Delegates the recommendation of the Council that the law school's application for provisional approval be granted, and a written statement of the Council action.
- (b) If the House of Delegates determines that the law school complies with the requirements of the Standards for provisional approval, it shall grant provisional approval.
- (c) After the meeting of the House of Delegates at which the application is considered, the Consultant shall inform the president and dean of the applicant law school in writing of the action of the House of Delegates.

RULE 12

Reconsideration of or Appeal from Committee Action on Application for Provisional Approval

(a) A law school applying for provisional approval that is adversely affected by a Committee action may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the action. The petition shall demonstrate that on reconsideration the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made, and if so, grant the petition.

(b) If the Committee determines to not recommend that provisional approval be granted, the law school may appeal the Committee action to the Council. The school must file with the Consultant its written notice of appeal within one month after the Consultant mailed to the school notice of the Committee action.

RULE 13

Council Consideration of Appeal from Committee Action on Application for Provisional Approval

(a) After the Consultant has received a timely notice of appeal to the Council from a law school not recommended for provisional approval by the Committee, the Consultant shall place the school's appeal on the agenda of a Council meeting.

(b) The Consultant shall furnish to the Council all documents that were before the Committee when it considered the law school's application for provisional approval, a written statement of the application for provisional approval, and a written statement of the Committee action and the school's written notice of appeal. These materials shall constitute the record.

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

(d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's appeal is considered.

(e) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action. If the action is adverse to the applicant law school, the letter shall contain the Council's specific reasons therefor.

RULE 14

Denial of Application for Provisional Approval

(a) A law school that is not recommended for provisional approval by the Council may appeal to the House of Delegates. The appeal shall be conducted in accordance with the Rules of Procedure of the House.

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

RULE 15

Withdrawal of Application and Reapplication for Provisional Approval

(a) If an application for provisional approval is withdrawn by a law school, the school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

Whenever a law school withdraws its application for provisional approval after a site evaluation takes place, the site team shall prepare and file a site evaluation report with the Consultant.

(b) If the Committee recommends that provisional approval not be granted, the applicant law school may not reapply for provisional approval until at least ten months after the Committee recommendation is made. If the school petitions for Committee reconsideration or appeals to the Council or House of Delegates, the ten month period runs from the date of the Committee or Council or House of Delegates final action on the school's petition or appeal. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

RULE 16

Annual Evaluation of Provisionally Approved Law Schools

(a) A site evaluation of a provisionally approved law school shall be conducted each year. The school shall pay to the Association a site evaluation fee and shall reimburse the site evaluators for their expenses.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty.

(c) The Consultant shall arrange for an annual site evaluation of each provisionally approved law school by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the inspection.

(d) The Consultant shall schedule the annual site evaluation of the law school during the academic year at a time when regular classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students and other interested persons of the legal community.

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

(f) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the

Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(g) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(h) The Consultant shall submit to the Committee the site evaluation questionnaire, the most recent annual questionnaire, the current self-study, site evaluation report and any written material submitted timely by the law school.

(i) After the meeting of the Committee at which the report is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action.

RULE 17

Application for Full Approval

(a) A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted by the House of Delegates.

(b) The law school shall submit its application for full approval to the Consultant.

(c) The application shall contain the following:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the law school fully complies with each of the Standards.

(2) A completed site evaluation questionnaire;

(3) A completed annual questionnaire;

(4) A copy of the current self-study;

(5) Financial operating statements and balance sheets for the last three fiscal years. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;

(6) Appropriate supporting documents detailing the fair market value and the interests of the law school and its parent institution in all facilities used solely by the law school;

(7) Payment to the Association of the application fee; and

(8) A request that the Consultant schedule a site evaluation at the school's expense.

RULE 18

Site Evaluation of a Law School Applying for Full Approval

(a) When a law school submits a completed application for full approval, including supporting materials, and pays the fee, the Consultant shall arrange for site evaluations by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.

(b) The Consultant should schedule the site evaluation of the applicant law school to take place within three months after the receipt of the completed application and shall schedule it during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students, and other interested persons.

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

(d) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

RULE 19

Committee Consideration of Application for Full Approval

(a) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(b) The Consultant shall furnish to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school. These materials shall constitute the record.

(c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Committee meeting.

(d) Representatives of the law school may appear at the meeting of the Committee at which the school's application is considered.

(e) After the meeting of the Committee at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the applicant law school, the action letter shall contain the Committee's specific reasons therefor.

RULE 20

Council Consideration of Committee Recommendation that Application for Full Approval Be Granted

(a) After the meeting of the Committee at which the application was considered and the Committee determined to recommend to the Council that full approval be granted, the Consultant shall place the Committee recommendation on the agenda of a Council meeting.

(b) The Consultant shall furnish to the Council the law school's application, the site evaluation report, the written material submitted timely by the school, and a written statement of the Committee action. These materials shall constitute the record.

(c) The Chairperson of the site evaluation team or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the member of the team for expenses incurred in attending the Council meeting.

(d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's application is considered.

(e) If the Council determines that the law school complies with the requirements of the Standards for full approval, it shall recommend to the House of Delegates that the school be granted full approval.

(f) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action and the Council's reasons therefor.

RULE 21

House of Delegates Consideration of Council Recommendation that Application for Full Approval Be Granted

(a) After the meeting of the Council at which the Council determined to recommend to the House of Delegates that full approval be granted, the Chairperson of the Council shall submit to the House of Delegates the recommendation of the Council that the law school's application for full approval be granted, and a written statement of the Council action.

(b) If the House of Delegates determines that the law school complies with the requirements of the Standards for full approval, it shall grant full approval.

(c) After the meeting of the House of Delegates at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the action of the House of Delegates.

RULE 22

Reconsideration of or Appeal from Committee Action on Application for Full Approval

(a) A law school applying for full approval that is adversely affected by Committee action may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the Committee action. The petition shall demonstrate that on reconsideration the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made and, if so, grant the petition.

(b) If the Committee determines to not recommend that full approval be granted, the law school may appeal that determination to the Council. The written notice of appeal must be filed with the Consultant within one month after the Consultant mailed to the school notice of the Committee action.

RULE 23

Council Consideration of Appeal from Committee Action for Full Approval

(a) After the Consultant has received a timely notice of appeal to the Council from a law school not recommended for full approval by the Committee, the Consultant shall place the school's appeal on the agenda of a Council meeting.

(b) The Consultant shall furnish to the Council all documents that were before the Committee when it considered the law school's application for full approval, a written statement of the Committee action, and the school's written notice of appeal. These materials shall constitute the record.

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

(d) Representatives of the law school may appear and make a presentation at the meeting of the Council at which the school's appeal is considered.

(e) After the meeting of the Council at which the application is considered, the Consultant shall inform the president and dean of the law school in writing of the Council action. If the action is adverse to the applicant law school, the action letter shall contain the Council's specific reasons therefor.

RULE 24

**House of Delegates Consideration of Appeal from
Denial of Application for Full Approval**

(a) A law school that is not recommended for full approval by the Council may appeal to the House of Delegates. The appeal shall be conducted in accordance with the Rules of Procedure of the House.

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

RULE 25

Withdrawal of Application and Application for Full Approval

(a) If an application for full approval is withdrawn by a law school after the site evaluation, the law school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

(b) If the Committee recommends that full approval be not granted, the applicant law school may not reapply for full approval until at least ten months after the Committee recommendation is made. If the school petitions for Committee reconsideration or appeal to the Council or House of Delegates, the ten month period runs from the date of the Committee or Council or House of Delegates final action on the school's petition or appeal. For good cause shown, the Chairperson of the Committee may authorize an earlier application.

RULE 26

Periodic Evaluation of Fully Approved Law School

(a) A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and in the seventh year following the granting of full approval. Thereafter, each fully approved school shall be subject to a site evaluation on a regular basis as determined by the Council. The Council or Committee may order additional site evaluations of a school when special circumstances warrant. The school shall pay to the Association a site evaluation fee and shall reimburse the site evaluators for their expenses.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty.

(c) The Consultant shall arrange for a site evaluation of each fully approved law school by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.

(d) The Consultant shall schedule the site evaluation of the law school during the academic year at a time when regular classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president, dean of the law school, members of the law school faculty, professional staff, law students and members of the legal community.

(e) Following a site evaluation, the team shall promptly prepare a written report based on the site evaluation. The

team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.

(f) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(g) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(h) The Consultant shall submit to the Committee the site evaluation questionnaire, most recent annual questionnaire, current self-study, site evaluation report, and any written material submitted timely by the law school.

(i) After the meeting of the Committee at which the report is considered, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action.

RULE 27

Action Concerning Law School in Apparent Non-Compliance with Standards

- (a) If the Committee has reason to believe that a law school does not comply with the Standards, the Committee shall inform the school of its apparent non-compliance and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the Standards. The school shall furnish the requested information to the Committee.
- (b) If, upon a review of the information furnished by the law school in response to the Committee's request and other relevant information, the Committee finds that the school has not given adequate assurance of compliance with the Standards, the Committee may notify the school to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be removed from the list of law schools approved by the Association.
- (c) If the Committee finds that a law school has failed to comply with the Standards by refusing to furnish information or by refusing to cooperate in a site evaluation, the Committee may notify the school to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be removed from the list of law schools approved by the Association.
- (d) The Consultant shall give the law school at least one month notice of the Committee hearing. The notice shall specify the apparent non-compliance with the Standards and state the time and place of the hearing. For good cause shown, the Chairperson of the Committee may grant the school additional time, not to exceed one month. Both the notice and the request for extension of time must be in writing. The Consultant shall send the notice of hearing to the president and the dean of the school by certified or registered United States mail.

RULE 28

Fact Finder

(a) The Chairperson of the Committee may appoint a fact finder to elicit facts relevant to any matter before the Committee or Council. The law school shall reimburse the fact finder for expenses incurred in the fact finding visit.

(b) The Consultant shall furnish the fact finder with a copy of the most recent site evaluation report, annual questionnaire, Consultant's action letters written subsequent to the most recent site evaluation report, notice of Committee hearing and other relevant written information.

(c) Following the fact finding visit, the fact finder shall promptly prepare a written report. The fact finder shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the fact finder should give as much pertinent information as feasible.

(d) The fact finder shall promptly submit the report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall transmit the report to the president and dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

RULE 29

Committee Hearing on Show Cause Order

(a) The Consultant shall furnish to the Committee:

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

The written information furnished by the Consultant is evidence.

(b) Representatives of the law school may appear at the hearing and submit evidence relevant to the matter.

(c) The Committee may invite the fact finder, if any, and the Chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for expenses incurred in attending the hearing.

(d) After the hearing, the Committee shall determine whether the law school is in compliance with the Standards and, if not, what remedial action or sanction is appropriate, including removal of the school from the Association list of approved law schools. In this event, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Committee action and the Committee's specific reasons therefor.

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

RULE 30

Council Consideration of Committee Recommendation that Approval Be Withdrawn

- (a) If the Committee determines that the law school is not in compliance with the Standards and recommends that the school be removed from the Association list of approved law schools, the Consultant shall place the Committee recommendation on the agenda of a Council meeting. The Consultant shall notify the president and dean of the school of the time and place of the Council meeting.
- (b) The Consultant shall furnish to the Council the Committee's written recommendation, the investigator's report, if any, the most recent site evaluation report and the Consultant's action letters to the school written subsequent to the most recent site evaluation report.
- (c) Representatives of the law school may appear at the Council meeting at which the Committee recommendation is considered. The Chairperson of the Committee or his designee shall present the Committee recommendation.
- (d) The Council shall determine whether to adopt the Committee recommendation. If it decides to recommend that the House of Delegates impose a remedial action or sanction which may include removal of the law school from the Association's list of approved law schools, the recommendation shall be placed on the agenda of a meeting of the House of Delegates. In this event, the Consultant, by an action letter, shall inform the president and dean of the law school in writing of the Council action, and the Council's specific reasons therefor.
- (e) The Consultant shall send a copy of the Council resolution to the president and dean of the law school.

RULE 31

House of Delegates Consideration of Council Recommendation that Approval Be Withdrawn

When the Council recommends that a law school's approval be withdrawn, the Chairperson of the Council shall submit to the House of Delegates the Council's recommendation and its report in the form and manner prescribed by the House of Delegates.

RULE 32

Status of Law School Pending Appeal

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

RULE 33 A

Major Change in Program of Approved School

- (a) A major change in program of a law school raises questions as to the school's continued compliance with the Standards. Before making a major change, a provisionally approved or fully approved school shall apply for and obtain Council acquiescence to the proposed change.
- (b) Examples of major changes that require Council acquiescence are:
- (1) Instituting a new full-time or part-time division;
 - (2) Changing from a full-time to a part-time program, or from a part-time to a full-time program;
 - (3) Establishing a two-year undergraduate/four-year law school or similar program;
 - (4) Establishing a new or different program leading to any degree in addition to the first degree in law;
 - (5) Establishing off-campus programs not covered by Rule 35.
 - (6) Modifying the law school's institutional relationship with its parent institution; and
 - (7) Establishing affiliation with a college or university.
- (c) A law school seeking acquiescence by the Council shall submit its application to the Consultant. The Accreditation Committee or the Council shall require a site evaluation of the school.
- (d) The application shall contain:
- (1) A letter from the president and dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire, and do certify that, in their respective opinions, the school fully complies with each of the Standards.

(2) A copy of the school's most recent annual questionnaire.

(3) A completed site evaluation questionnaire.

(4) A description of the proposed change, and an analysis of the effect of the proposed change on the law school's compliance with the Standards.

(5) A copy of the law school's current self-study.

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

(7) A request that the Consultant schedule a site evaluation at the school's expense.

(e) When a law school submits a completed application, the Consultant shall arrange for the site evaluation by a team of qualified and objective persons. If there is a state agency or official who authorizes degree granting authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation.

(f) The Consultant should schedule the site evaluation of the law school at a time during the academic year when regular classes are being conducted. The site evaluation shall inquire into the effect the proposed change may have on the school's continuing compliance with the Standards.

(g) Following a site evaluation, the site evaluators shall prepare a written report based upon the site evaluation. The site evaluators shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and the Council to determine the effect of the proposed change on the law school's continuing compliance. The report should give as much pertinent information as feasible.

(h) The chairperson of the site evaluation team shall promptly submit the report to the Consultant. After reviewing the report and conforming its format to Council policies, the Consultant shall submit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee will consider the school's application for acquiescence. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least thirty (30) days prior to the date of the meeting at which the Accreditation Committee will consider the report. In no event, however, shall a school be given less than thirty (30) days from the date upon which the Consultant mailed the report for subsequent receipt by the Consultant of the school's response.

(i) Following receipt of the school's response, the Consultant shall forward a copy of the report along with the school's response to members of the Accreditation Committee and the site evaluation team. The Accreditation Committee may not consider any additional information submitted by the school after the school's response to the report has been received by the Consultant unless such information is received in writing by the Consultant at least three (3) weeks before the Committee meeting at which the report will be considered. For good cause shown, the Chair of the Committee may authorize consideration of such additional information not timely received.

(j) The Consultant shall submit to the Committee the law school's application, the site evaluation report, and any written material submitted timely by the school.

(k) The chairperson of the site evaluation team, or a member of the team designated by the Consultant may be present. The applicant law school shall reimburse the evaluator for expenses incurred in attending the Committee meeting.

(l) Representatives of the law school may appear at the meeting of the Committee at which the application is considered.

(m) After the meeting of the Committee at which the application is considered, the Consultant shall inform the president and dean of the applicant law school in writing of the Committee action. If the action is adverse to the law school, the action letter shall contain the Committee's specific reasons therefor.

(n) If the Committee recommends that acquiescence not be granted, a law school may petition the Committee for reconsideration of its action. The school must file with the Consultant its petition for reconsideration within one month after the Consultant mailed to the school notice of the action. The petition shall demonstrate that on reconsideration, the law school would submit information or undertakings that have not been adequately communicated to the Committee. The Chairperson of the Committee shall determine whether the showing has been made, and if so, grant the petition.

(o) If the Committee recommends that acquiescence not be granted, whether or not the school has applied for reconsideration, the applicant law school may not submit a new application for acquiescence until at least ten months after the date that the Committee's most recent recommendation is made.

(p) The Consultant shall furnish to the Council the Committee's recommendation, whether affirmative or negative, and the site evaluation report, if any. The Consultant shall place the Committee's recommendation on the agenda of a Council meeting.

(q) After the meeting of the Council at which the application is considered, the Consultant, by an action letter, shall inform the president and dean of the applicant law school in writing of the Committee action. There is no appeal from the Council action.

(r) Following Council acquiescence in a major change, the Consultant shall arrange for a limited site evaluation of the school no later than two years from the date of the acquiescence to determine whether the anticipated benefits to the law school have been realized.

RULE 33 B

A Proposed Major Change in the Structure of an Approved Law School

(a) The intent of this Rule is to apply to those situations in which a new or different institution becomes involved, either by creation of a new school, or thru the attempted merger, acquisition, or transfer by an approved law school or a parent university. Examples are:

(1) The establishment of a law school or a branch thereof or a new law school in a new location;

(2) Merging with or acquiring another law school whether that law school is approved or unapproved;

(3) The acquisition, merger, or transfer of the law school to another institution;

(b) Before applying for acquiescence:

(1) The approved law school should obtain the advice and assistance of a qualified advisor with experience in legal education and knowledge of the Standards and Rules; and

(2) The dean and faculty of the approved school shall complete a self-study of the nature of the proposed educational program and goals of the law school.

(c) The approved law school seeking to make major structural changes shall file a petition for acquiescence in undertaking the major change in structure or operation. This application shall be submitted to the Consultant and shall set forth in detail the precise nature of the contemplated change. The approved law school shall also file an application for provisional approval of the new institution.

(1) The Council may grant acquiescence to permit the approved law school to undertake the proposed structural change.

(2) If the Council grants acquiescence permitting the approved law school to undertake the proposed structural change, the new institution must file an application seeking provisional approval. Consideration of the application for provisional approval shall be done in accordance with Rule 6 et. seq.

(d) The transfer or sale of all or a substantial portion of the assets of an approved law school does not include the transfer of the approval status of the approved law school.

RULE 34

Complaints Concerning Actions of Approved Law Schools

(a) A current or former faculty member, applicant for faculty appointment, current or former student, applicant for admission, or any other person may file with the Consultant a written complaint alleging non-compliance with the Standards by an approved law school. A complaint may be filed only within 180 days of the complainant's learning of the basis for the complaint.

(b) When the complaint is filed, the Consultant shall acknowledge its receipt and inform the complainant of the Association complaint procedures. If the Consultant determines that the complaint does not allege facts constituting non-compliance with the Standards, the Consultant shall dismiss the complaint and so inform the complainant. A complaint alleging only a violation of a school's rule not amounting to non-compliance with the Standards shall not be considered. Neither the American Bar Association nor any of its components determines the rights or remedies of individual complainants. The complainant shall not be afforded individual relief.

(c) If the Consultant determines that the complaint alleges facts that indicate that a law school is in non-compliance with the Standards, the Consultant shall inquire whether the complainant consents to the disclosure of the complaint and the identity of the complainant to the school. If the complainant fails to consent in writing which is received by the Consultant within 30 days after the consent for disclosure document is mailed to the complainant, the Consultant shall dismiss the complaint and so inform the complainant. If the complainant agrees to the disclosure, the Consultant shall send a copy of the complaint to the dean of the law school and request the dean to respond to the allegations in the complaint and to provide any additional information requested by the Consultant.

(d) Upon receipt of the response of the dean of the law school, the Consultant shall:

(1) Dismiss the complaint if the Consultant determines that the complaint and the dean's response considered together do not support a claim that the school is in non-compliance with the Standards. The Consultant shall notify the complainant and the dean of the school of this determination; or

(2) Place the complaint on the agenda for the next site evaluation of the law school if the Consultant determines that the complaint and the dean's response considered together indicate conditions or practices that raise a question concerning the school's compliance with the Standards. The Consultant shall notify the complainant and the dean of the school of the action taken; or

(3) Place the complaint on the agenda of a Committee meeting if the Consultant determines that the complaint and the dean's response considered together indicate a need for more complete investigation. The Consultant shall notify the complainant and the dean of the school of the action taken.

(e) If the Committee determines that the complaint and the dean's response referred to it by the Consultant considered together indicate a need for further investigation, the Committee shall order a special site evaluation under Rule 26(a). If the Committee determines that the complaint, the dean's response, and any special report considered together do not support a claim that the school is in non-compliance with the Standards, the Committee shall dismiss the complaint. If the Committee has reason to believe that the law school is in non-compliance with the Standards, the Committee shall proceed under Rule 27, et. seq. The Consultant shall inform the complainant and dean of the Committee action.

(f) A subcommittee of the Committee shall periodically review all written complaints and the Consultant's disposition of them and report annually to the Committee.

RULE 35

Credit-Granting Foreign Programs

(a) A law school may not undertake a credit-granting foreign program without first notifying the Consultant and obtaining Committee acquiescence in accordance with Rule 33 and with published Criteria for Approval of Foreign Summer Programs, or, Criteria for Approval of Semester/Year Abroad Programs of law schools approved by the American Bar Association.

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

RULE 36

Access to Site Evaluation Reports and Committee and Council Action

(a) The reports of site evaluations are received in confidence by the site evaluation team, the Consultant and the Committee and Council and may be disclosed only with the approval of the Chairperson of the Council or the Consultant. The president or dean may discuss the contents of the report with the faculty, the university administration and the governing board and may make the report available to them. The report may not be publicly distributed. After notification to the school of the Committee action or the Council action, the school may disclose to others the Consultant's action letter. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.

(b) The school is free to make use of the recommendations and decisions as contained in the Consultant's action letter addressed to the president and dean. However, any release must be a full release, and not selected excerpts.

(c) One year from the date of the initial transmission of the determinations of the Accreditation Committee, including specific findings of compliance or non-compliance with the Standards, resulting from a regular, special or sabbatical site evaluation of a provisionally or fully approved school, the Consultant shall, at the request of any person, make available the remaining specific findings of non-compliance.

RULE 37

Fees

The Council shall fix fees for:

- (1) Filing an application for site evaluation for provisional approval.
- (2) Annual site evaluation of a provisionally approved law school.
- (3) Regular or special site evaluation of a fully approved law school, and
- (4) Application for acquiescence in a major change in structure or operation of an approved school as provided in Rule 33.

RULE 38

Information to be Furnished by Approved Schools

An approved law school shall provide the Committee and Council information concerning legal education in the form required and at the times required by the Committee and the Council, to insure that the Standards are being maintained and to provide the Council with information relating to the state of legal education generally.

RULE 39

Pubication of List of Approved and Unapproved Schools

The Council shall publish from time to time a complete list of all approved law schools and as many unapproved law schools as are known to the Consultant. The list shall be published annually in the Review of Legal Education, a publication which is published by the Section and single copies of which are distributed by the Consultant upon request, without charge.

RULE 40

Reinstatement as an Approved School

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

RULE 41

Closure of Law School

(a) An approved law school and its parent institution, if any, agree to provide, in the event of closure or cessation of operation, an opportunity for currently enrolled students to complete their degrees under the terms of a closure plan which meets at least the conditions set out below and is found acceptable by the Accreditation Committee. Failure to have an acceptable plan or to follow the conditions of the plan should be deemed a breach of the school's contract with its students. Any rights acquired by students under this Rule are in addition to rights arising under general applicable law.

(b) A transfer of substantially all the assets of a law school to another institution shall be deemed a decision to cease operation of an approved law school unless the school receives prior approval for a major change under Rule 33 A or B.

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

(1) As soon as the decision to close is made, the institution shall make a public announcement and notify the Consultant on Legal Education of that fact. The Consultant shall notify the Council so that the Council may advise the House of Delegates that it recommends that the law school's approval be withdrawn. Public announcement shall be made that the school will be removed from the list of ABA approved law schools.

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

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

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

(5) Until the date of closing the law school shall maintain:

(i) an educational program that is designed to qualify its graduates for admission to the bar;

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

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

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

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

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

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

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

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

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

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

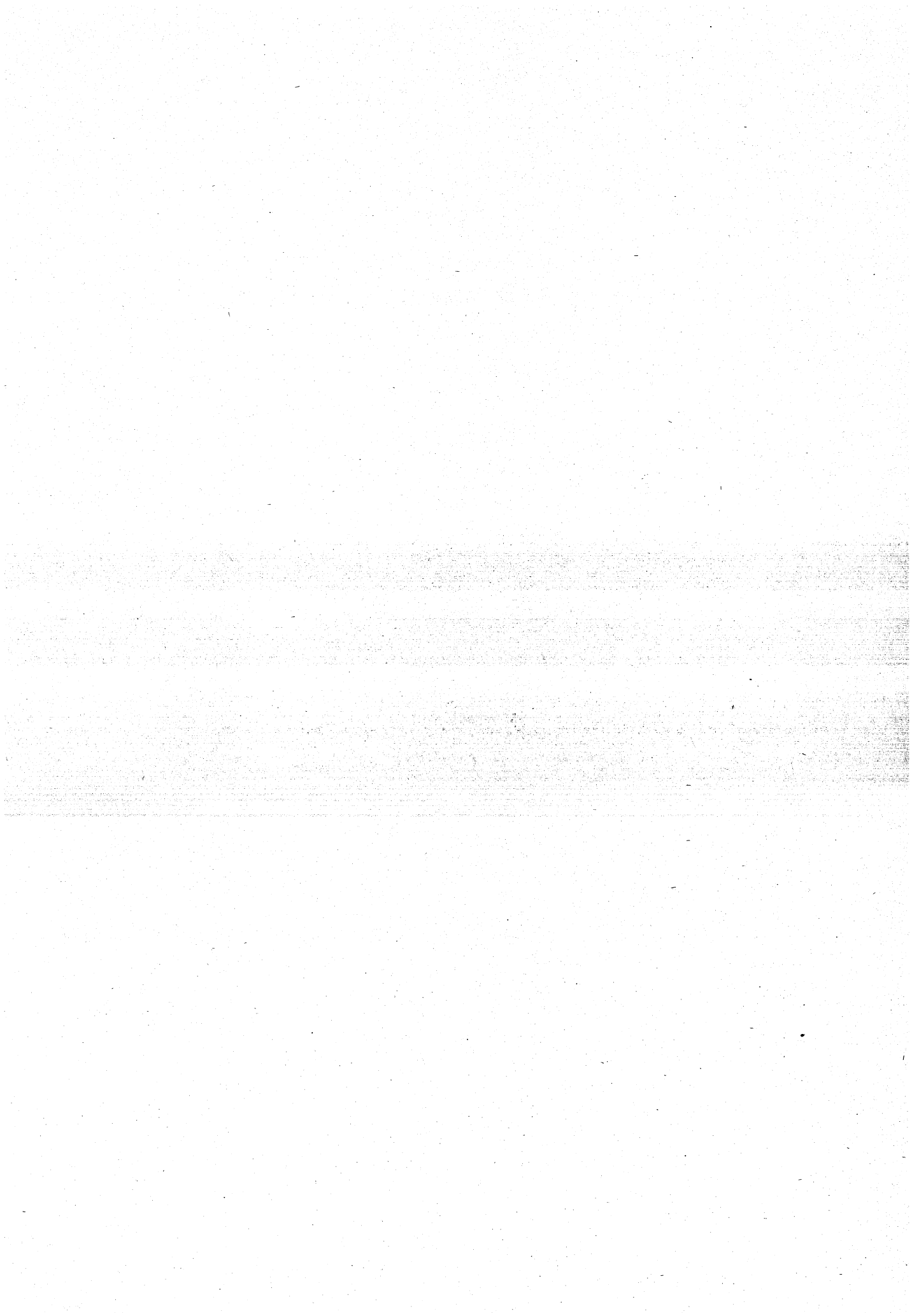
(e) Commitments for legal representation made during operation of a law school skills training program are not monitored by the accreditation process of the American Bar Association. The governing body, however, is reminded that those commitments constitute obligations both of the attorney who has taken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

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

**CRITERIA
FOR APPROVAL OF SEMESTER ABROAD
PROGRAMS FOR CREDIT GRANTING
FOREIGN SEGMENT OF APPROVED
J. D. PROGRAM

AND

FOR APPROVAL OF FOREIGN SUMMER
PROGRAMS OF ABA-APPROVED LAW SCHOOLS**



CRITERIA FOR APPROVAL OF
SEMESTER ABROAD PROGRAMS
FOR CREDIT GRANTING FOREIGN SEGMENT
OF APPROVED J.D.PROGRAM

I. Impact on Parent Campus

- (a) The application shall contain information concerning the impact of the program on the parent campus including information concerning:
 - (1) The number of full-time faculty teaching at the home campus during each semester of each year and whether this number is changed either semester as a result of the semester abroad program;
 - (2) A statement of finances of the program including income and expenditures and an assessment as to the degree to which the funding of the program impacts upon the program of the parent campus;
 - (3) The current accreditation status of the law school.
- (b) The application shall state how the program relates to the academic program and mission of the parent campus.

II. Administration

- (a) The program shall be directed by a full-time on-site director holding academic appointment from the law school.
- (b) The director shall be assisted with appropriate support services, including secretarial and student support services.

III. Faculty and Staff

- (a) In addition to the full-time on-site director, there shall be at least one additional faculty member from the full-time faculty at the parent campus.
- (b) There shall be at least two full-time faculty members present during the duration of the program.
- (c) Adjunct faculty members shall have equivalent academic credentials to the faculty teaching in the parent campus program and shall be appointed with the approval of the faculty of the parent campus in accordance with regular appointment procedures.
- (d) Full-time and adjunct faculty teaching in the program should be fluent in English, and all course components must achieve effective communication between students and faculty.
- (e) Adequate secretarial support services must be provided for the faculty.

IV. Educational Program

- (a) The academic content of the semester abroad program must be approved by the faculty of the parent law school in the same manner as the curriculum of the parent school's on-campus program is approved.
- (b) The academic content of the semester abroad program must meet the same standards, including evaluation of student performance, as the on-campus program of the home school.
- (c) A significant portion of the academic program must be substantially related to the socio-legal environment of the host country or have an international or comparative focus.

- (d) If credit is given for externship placements (e.g., in a law firm, government office, corporate office), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is in fact commensurate with the educational benefits to the participating student and the program must meet other requirements of Standard 306(c) and adopted Interpretation thereof.
- (e) The program should include visits to legal institutions in the host country.
- (f) The academic program shall be in accordance with the requirements of Standards 301-306.
- (g) Course materials should be self-contained, including all case, statutory, and text material needed for full understanding of the course and completion of assignments.

V. Physical Facilities

- (a) An administrative office or offices must be provided through which students can effectively communicate with staff and faculty.
- (b) Classroom facilities must be well lighted. Seating, with writing surfaces, shall be adequate for all students. Equipment necessary for the teaching of scheduled courses must be provided.
- (c) The faculty shall be provided with office space adequate to achieve the purposes of the program.

VI. Admission

- (a) Only students who have completed the first year of full-time law study, or its equivalent in part-time study, and who are in good standing at an ABA approved law school, may be enrolled.

- (b) Non-parent campus students must furnish a letter from their dean or registrar certifying their current good standing.

VII. Disclosure

- (a) The following information must be provided to each prospective registrant in a timely fashion:
 - (1) Dates and location of the program.
 - (2) Description of each course and specification of number of credit hours.
 - (3) Schedule of classes, indicating days and times for each class.
 - (4) Descriptive biography of program director and each teacher.
 - (5) Name, address, and telephone number of an informed contact person.
 - (6) Complete statement of all tuition, fees, and other anticipated expenses.
 - (7) Description and location of classrooms and administrative offices.
 - (8) Circumstances, if any, under which the program is subject to cancellation, what arrangements will be made in the event of cancellation, and prior cancellations, if any.
- (b) If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than would normally be used by law students in the U. S., then the housing must be described and information about costs of better quality housing in the same area provided.

- (c) If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any person who has paid a deposit or registered for the program.
- (d) If a program is subject to cancellation for insufficient enrollment or any other reason, the following conditions must be met:
 - (1) The circumstances under which cancellation will occur must be disclosed in application materials sent to each prospective student.

VIII. Library

In accordance with Standards 601 and 704, the program must have or must provide acceptable access to a library and study facility adequate for its academic program. This would entail development and supervision of the library holdings by the parent law school librarian. Library holdings must be adequate to support the course offerings of the academic program, including any research component.

IX. Procedures for Approval

- (a) Established programs previously reviewed and approved by the Accreditation Committee will be re-evaluated with a site visit every three years. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire.
- (b) A school seeking to establish a new program will submit an application in the form provided by the Consultant's Office. The Accreditation Committee will acquiesce, or not, in the first year of operation on the basis of the written submission. The program, if the Accreditation Committee acquiesces, will then be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.

X. Maximum Credit Allowable

A school may offer a credit-granting foreign segment program contemplated by these Criteria that runs a full academic year, but no individual student may be permitted to take for a J.D. credit more than one semester, or its equivalent, in such program. Moreover, while a student in an ABA approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree in both one semester and one summer, the total credits in such summer or semester foreign segments shall not exceed twenty-five percent of the credits required at the student's home institution for a student's J.D. degree.

Permanent Criteria for Approval of Foreign Summer
Programs of ABA-Approved Law Schools

I. Faculty and Staff

- A. Faculty members shall have equivalent academic credentials to the faculty engaged in teaching in on-campus programs.
- B. Full-time faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.
- C. At least one full-time member of the faculty or on-site staff must be fluent in both English and the language of the host country. At least one full-time member of the faculty or on-site staff must have experience with both American legal education and the country in which the program is offered.
- D. The director or other responsible person should have had some experience with the same or a similar program. The director must be present on-site for the duration of the program.

II. Educational Program

- A. The academic content of the summer program must be approved by the faculty of the home institution in the same manner as the curriculum of the home school's on-campus program is approved.
- B. The academic content of the summer program must meet the same standards, including evaluation of student performance as the on-campus program of the home school.
- C. A significant portion of the academic program must be substantially related to the socio-legal environment of the host country or have an international or comparative focus.

- D. If credit is given for externship placements (e.g., in a law firm, government office, corporate office), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is in fact commensurate with the educational benefits to the participating student and the program must meet other requirements of Standard 306(c).
- E. The program should include visits to legal institutions in the host country.
- F. Credit shall be stated in terms of credit hours according to the following formula: 1 semester hour for each 750 minutes of class time or equivalent or 1 quarter hour for each 500 minutes of class time or equivalent. Time spent in examinations may count up to 10% of the total for each course.
- G. Course materials should be self-contained, including all case, statutory, and text material needed for full understanding of the course and completion of assignments: if materials are not self-contained, then adequate library resources are necessary.

III. Administration and Facilities

- A. An administrative office or other fixed site must be provided through which students can effectively communicate with staff and faculty.
- B. A program should have a staffed administrative office.
- C. Classroom facilities must be well lighted, adequate for seating all students with writing surfaces, and provide equipment necessary for the teaching of courses scheduled.
- D. If coursework depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.

- E. If a program is subject to cancellation for insufficient enrollment or any other reason, the following conditions must be met:
1. The circumstances under which cancellation will occur must be disclosed in application materials sent to each prospective student.
 2. If cancellation occurs after March 1, the program director must use best efforts to make arrangements for students to attend a similar program and, if the student wishes, refund all money advanced by the student.
- F. A program using more than one site must show that movement between sites does not detract from the overall educational impact of the program.

IV. Disclosure

- A. The following information must be provided to each prospective registrant in a timely fashion:
1. Dates and location of the program
 2. Description of each course and specification of number of credit hours
 3. Schedule of classes, indicating days and times for each class
 4. Descriptive biography of program director and each teacher
 5. Name, address, and telephone number of an informed contact person
 6. Complete statement of all tuition, fees, and other anticipated expenses
 7. Description and location of classrooms and administrative offices

8. Circumstances, if any, under which the program is subject to cancellation, what arrangements will be made in the event of cancellation, and prior cancellations if any
- B. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than would normally be used by law students in the U.S., then the housing must be described and information about costs of better quality housing in the same area provided.
- C. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any person who has paid a deposit or registered for the program.

V. Procedures for Approval

- A. Established programs previously reviewed and approved by the Committee will be re-evaluated with a site visit approximately every five years. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire.
- B. A school seeking to establish a new program will submit an application in the form provided by the Consultant's Office. The Committee will acquiesce, or not, in the first year of operation on the basis of the written submission. The program, if the Committee acquiesces, will then be evaluated with a site visit during its first year of operation. The Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the school.
- C. Approval is effective until terminated through the procedures of Rule 27. (January, 1987)

0056s

**POLICIES OF THE COUNCIL
OF THE SECTION OF LEGAL EDUCATION
AND ADMISSIONS TO THE BAR
AND OF THE
ACCREDITATION COMMITTEE**

**Council of the Section of Legal Education
and Admissions to the Bar**

Adopted Policies of Statement and Procedures

Table of Contents

	<u>Page</u>
1. Selection of Members of the Council	1
2. Selection of Members of the Accreditation Committee	1
3. Statement of Good Practice on Impartiality and Propriety in the Process of Law School Accreditation	2
4. Pass/Fail Grading	5
5. Unapproved Law Schools Intending to Seek ABA Approval	8
6. Proprietary Schools	9
7. Correspondence Study	10
8. Postponement of Graduation	11
9. Provisionally Approved Law Schools	11
10. Site Evaluations of Fully Approved Law Schools Following Full Approval	12
11. Release of Information Concerning Applications for Provisional or Full Approval of Law Schools	13
12. Confidentiality of Site Evaluation Reports and Letter Reporting Action	14
13. Law School Admission Fees	15
14. Diversity in Admission and Employment	15

15.	Admission of Students Who Wish to Transfer Credit	15
16.	Period of Retention of Examination Materials	16
17.	Retention of Records	16
18.	Statement of Council Policy Regarding Interference in Law School Clinical Activities	16
19.	Written Plans for Affirmative Action	16
20.	Rating of Law Schools	17
21.	Courses Conducted for the Purpose of Improving Student Performance on Bar Examination	17
22.	Collective Bargaining	17
23.	J. D. Degree	17
24.	J. D. Degree - Ph.D. Degree Equivalency	18
25.	Propriety of Examination by Public Authority Before Admission to Practice	18
26.	Period of Time for Completion of Requirements to Obtain J. D. Degree	20
27.	Fair Treatment in Providing Notice of Termination of Employment of Professional Skills Teachers Subsequent to Adoption of Amendment of Standard 405(e)	20
28.	Compliance with Standard 212 of the ABA Standards for Approval of Law Schools	21
29.	Guidelines for Reimbursement of Site Evaluators and Fact Finders	24
30.	Encouragement of Increased Emphasis on Pro-Bono Activities	24
31.	Student Tuition and Fee Refund Policy	25
32.	Policy on Timely Grading of Law School Examinations	25
33.	Withdrawal of Application for Provisional Approval Prior to Site Evaluation	25

Accreditation Committee Policies

1. Minutes of Meetings	26
2. Granting of Degrees to Graduates of Predecessor Institutions	26
3. Postponement of Site Evaluation	26
4. Right of Appearance and Written Submission	26
5. Special Site Evaluations of J. D. or Post- J. D. Programs	27

COUNCIL OF THE SECTION OF LEGAL EDUCATION
AND ADMISSIONS TO THE BAR

ADOPTED POLICIES OF STATEMENT AND PROCEDURES

The following is a summary of policy statements and procedures which have been adopted by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

1. Selection of Members of the Council

Members of the Council of the Section of Legal Education and Admissions to the Bar shall be chosen without reference to their race, color, creed, sex, or national origin.

Members of the Council shall be persons of integrity and intelligence who have evidenced interest in legal education and whose participation is likely to be guided by the interests of the public and by the high standards of the legal profession, rather than any personal interest.

2. Selection of Members of the Accreditation Committee

The members of the Committee shall be appointed for staggered terms by the Chairperson of the Section. The Committee shall include two or more non-lawyer public members.

To be eligible for appointment as a lawyer member of the Committee, an individual must be knowledgeable and experienced in law and legal education.

To be eligible for appointment as a non-lawyer public member, an individual must be knowledgeable and concerned about professional education and training and must not have a current employment or other relationship with the Association.

Committee members must be guided by the interest of the public and by the standards of the legal profession.

3. Statement of Good Practice on Impartiality and Propriety in the Process of Law School Accreditation

- (A) Those who have significant responsibility in the process leading to accreditation of law schools serve a vital and quasi-judicial function in the legal system of the United States. It is important to the fair and effective functioning of the system of law school accreditation and to the maintenance of public and professional respect for that system that those who act in it act impartially and avoid even the appearance of impropriety.
- (B) One who has significant responsibility in this system or who has had significant responsibility in this system within a period of two years past, as enumerated in paragraph "D" below should not serve as a consultant to a law school in any matter relating to:
 - (1) accreditation the the American Bar Association;
 - (2) membership in the Association of American Law Schools; or
 - (3) re-evaluation and continuation of American Bar Association accreditation or membership in the Association of American Law Schools.
- (C) This restriction applies to service as consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor

renders (1) without fee; (2) informally and (3) which he or she discloses fully to the other members of the accreditation or membership body on which he or she serves or has served; nor does it apply to the routine or official advice and assistance which is rendered by members of a site evaluation team or hearing commission, by the Consultant on Legal Education to the American Bar Association, by the Executive Director of the Association of American Law Schools, or by persons acting on behalf of the Consultant or Executive Director, (4) or by a person acting in the normal course of his or her employment.

This restriction applies to:

- (1) members of the Accreditation Committee of the Council on Legal Education and Admissions to the Bar of the American Bar Association;
- (2) the President, other Officers, members of the Board of Governors, and members of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;
- (3) members of the Accreditation and Academic Freedom Committees of the Association of American Law Schools;
- (4) the President and members of the Executive Committee of the Association of American Law Schools;

- (5) members of the professional staff of the American Bar Association or the Association of American Law Schools, except as provided in paragraph "C" above;
 - (6) a member of a site evaluation team or hearing commission for either Association accepting appointment as a consultant to a law school that he or she has evaluated or conducted hearings on, in behalf of either Association within two years after the site evaluation or while either Association still has under consideration matters developed by the site evaluation, whichever is longer;
 - (7) the Executive Director of the Association of American Law Schools or other person acting on behalf of the Association of American Law Schools may not acquiesce in the appointment as consultant on readiness of any person who by this Statement should not accept appointment as a school's consultant.
- (E) Service as a consultant for a law school does not disqualify a person from any of the offices or committees in paragraph "D." However, the officer or committee member should excuse himself or herself from participation in discussion, formal or informal, of the affairs of a school which he or she has served as consultant or employee and from taking part in any vote with respect to its status.

- (F) A person who has served as a consultant or employee of a law school within two years prior to assuming a significant responsibility in the accreditation process should decline to participate in the determination of the accreditation status of the school with which he or she previously served.
- (G) The Consultant on Legal Education to the American Bar Association, Executive Director of the Association of American Law Schools or either of them if they are acting cooperatively shall bring this regulation to the attention of persons who are nominated for or appointed to any of the positions enumerated in paragraph "D" above and to all persons who are holding these positions or who have held them within two years past, at the time the regulation becomes effective.

Adopted by the Council of the Section of Legal Education and Admissions to the Bar--December 10, 1977.

Adopted by the AALS Executive Committee--December 27, 1977.

4. Pass/Fail Grading

At its August, 1970 meeting the Council of the Section of Legal Education and Admissions to the Bar decided to endorse the following statement issued earlier by the Law School Admission Council on the impact of pass/fail grading by undergraduate colleges upon the law school admission process. This statement has also been endorsed by the Executive Committee of the Association of American Law Schools.

The adoption by an increasing number of colleges and universities of pass/fail or similar grading systems for some or all of their students' work has implications for the law school admissions process. When a student with a transcript bearing such grades seeks to enter law school, law school admissions committees will be deprived of data that have served them well in the past in making the admissions decision. In the belief that college and university faculties and administrations who are considering conversion of a conventional grading system to a pass/fail or some variant system may be interested in the possible effect of such grading systems upon their graduates who seek admission to law school, the Law School Admission Council issues this statement.

The Law School Admission Test (LSAT) was developed more than twenty years ago in response to an expressed need of law schools for additional data upon which to base their admissions decisions. Validity studies conducted over the years demonstrate that the LSAT score contributes significantly to the prediction of an applicant's grades in law school and thus aids in the making of the admissions decision. These studies show that the LSAT score and the undergraduate grade-point average are the two best quantitative predictors, and that when they are used together they are better than either used separately. College grades represent both academic competence and achievement; the LSAT score largely indicates academic competence--the kind relevant to the study of law. The academic achievement of an applicant to law school indicates the extent of his preparation and motivation for the study of law. It is apparent, then, that college grades make a significant contribution to prediction of law school grades that is not supplied by the LSAT score.

Where an applicant for admission to law school submits a transcript in which all or virtually all of his grades are on pass/fail basis, and submits no other indication of his level of achievement in college, the admissions committee can make little specific use of his college work in predicting his law school grades. This means that this prediction must be based on the LSAT score, even though the committee would much prefer not to place sole reliance on the test scores in making this prediction. Even when such a transcript is supplemented by a narrative evaluation of the applicant by several of his teachers and deans, the committee can make only limited use of the college work in predicting performance in law school. Like interviews, these evaluations give the committee some help in making the admissions judgment, but they are largely helpful in deciding which risks to take and which to reject.

Where the applicant for admission to law school submits a transcript containing some conventional grades and some pass/fail grades, the admissions committee can develop a grade-point average for that portion of the student's college work bearing the conventional grades. However, many admissions officers will not feel justified in assigning to that average the conventional weight. They may well assume that the student chose to receive a conventional grade in those courses in which he gauged his probabilities for a premium grade to be good. This indicates that his grade-point average so developed will overstate his academic competence and achievement as compared with the average of a student whose grades are all conventional. Furthermore, the committee may reasonably assume that the applicant did not make the same effort in the courses graded on a pass/fail basis as he did in those graded on the conventional basis. In short, a grade-point average based only upon the limited part of a student's work in which conventional grades were assigned seems to overstate in a compound way the student's general academic ability and

achievement. Therefore, it is understandable that many admissions officers are already discounting such a grade-point average, and discounting it more if there is a large proportion of pass/fail grades.

The Council recognizes that the increased use of the pass/fail grading system--or some variant thereof--will mean that law school admissions committees and officers will place an increased reliance upon the LSAT score, a greater reliance than either the Council or law school admissions committee would like. The Council recognizes that there are many educational considerations to be taken into account by the faculty and administration in determining the appropriate grading system for that college or university. The Council, of course, respects the authority and judgment of the college and university faculty and administration in making that decision. The Law School Admission Council offers this statement concerning the effect of pass/fail grades upon the proper evaluation of a college graduate's application for admission to law school only in the hope that it may be useful to college faculties and administrations in determining what grading system to use.

5. Unapproved Law Schools Intending to Seek ABA Approval

The American Bar Association requests that an unapproved law school intending to seek provisional approval include the following language in its bulletin:

The Dean has informed himself fully as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The College Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association.

The Council of the Section of Legal Education and Admissions to the Bar requires that an unapproved law school intending to seek ABA approval include the additional language in its bulletin:

The _____ Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student.

6. Proprietary Schools

WHEREAS, the Council of the Section of Legal Education and Admissions to the Bar adopted the following resolutions on February 12, 1977:

- (1) "That at this time no change or modification of Standard 202 of the Standards for Approval of Law Schools by the American Bar Association be recommended."
- (2) "That the Council declares its willingness for a period of two years following the adoption of this resolution to grant a Standard 802 variance of Standard 202 and the last clause of Standard 203 and the interpretations placed upon it, in connection with an application for provisional approval from any proprietary law school which believes it can show that it is in substantial compliance with all of the other Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203."

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Section of Legal Education and Admissions to the Bar, in modification and clarification of the above resolutions, hereby determines that until the date of July 1, 1990, it will accept application for provisional approval from any proprietary law school which can show that it substantially complies with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 and giving assurance that it will be in full compliance with all of the Standards for Approval of Law Schools by the American Bar Association except Standard 202 and the last clause of Standard 203 within three years after receiving provisional approval.

BE IT FURTHER RESOLVED, that if the Council of the Section of Legal Education and Admissions to the Bar recommends to the House of Delegates of the American Bar Association that any proprietary law school be granted provisional approval, at that time, the Council will also recommend to the House of Delegates of the American Bar Association the repeal of Standard 202 and the last clause of Standard 203 from the Standards for Approval of Law Schools by the American Bar Association. June, 1977; Revised February, 1979; May, 1981; May, 1983 and August, 1987.

7. Correspondence Study

The American Bar Association expressly disapproves of correspondence law courses as a means of preparation for bar examination and for practice. Before one pursues a correspondence law course, it is suggested that he first familiarize himself with the rules and regulations of the state in which he intends to practice and inquire whether correspondence law courses are acceptable under the applicable rules and regulations of the state and any governmental agency with which one expects to secure employment. Correspondence law school graduates may take the bar examinations only in California and even there only under special conditions.

8. Postponement of Graduation

WHEREAS, most state supreme courts require graduation from an ABA approved law school as a requisite for bar admissions in order to assure the public that persons representing them in legal matters have received a quality legal education, and

WHEREAS, some individuals begin and complete substantially all of their legal education at unapproved law schools, which law schools have been inspected for possible ABA provisional approval but are found not to meet the ABA Standards during the time of such attendance; and these individuals may then delay their formal graduation until after the law school received ABA provisional approval, and

WHEREAS, some law schools receiving ABA provisional approval have permitted students to delay their graduation until such approval was received by the school and have then awarded degrees dated subsequent to receipt of ABA provisional approval to such students,

THEREFORE, the Council of the Section of Legal Education and Admissions to the Bar hereby adopts a policy disapproving this practice, and requests that all provisionally approved law schools, all other schools seeking provisional approval, all law school site team members and all state bar admitting authorities be notified of this policy.

9. Provisionally Approved Law Schools

A provisionally approved law school shall state in its bulletin, catalog, publicity releases and in communications with all students, applicants or other interested parties that it is a provisionally approved law school.

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.

A site evaluation shall take place each year at each provisionally approved school during the period of provisional approval.

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

A provisionally approved school will be considered for full approval by the House of Delegates when the Council finds, after the site evaluation, 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.

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.

10. Site Evaluations of Fully Approved Law Schools Following Full Approval

A site evaluation will be conducted at each fully approved law school during the third year following the granting of full approval by the House of Delegates.

The next site evaluation shall be conducted no later than the seventh year following the granting of full approval by the House of Delegates. Thereafter, regular sabbatical site evaluations of the school shall be conducted.

11. Release of Information Concerning Applications
for Provisional or Full Approval of Law Schools

In the case of schools seeking provisional or full approval, the staff persons of the American Bar Association are hereby authorized by the Council of the Section of Legal Education and Admissions to the Bar to state:

- (1) Whether or not a specific school has submitted an application to the American Bar Association for provisional approval.
- (2) The procedural steps for consideration of an application.
 - a. Consideration of an application by the Accreditation Committee.
 - b. Action by the Council upon the Accreditation Committee's recommendation and an explanation that action of the Council may not follow that of the recommendation made by the Accreditation Committee.
 - c. Action by the House of Delegates
- (3) After notification of the Accreditation Committee's action or the Council action, as the case may be, to the school, the staff may release the status of the school to the public, with the explanation of the procedural steps for consideration of an application as outlined in Subparagraph (2) of this policy.

12. Confidentiality of Site Evaluation Reports and
Letter Reporting Action

The reports of site evaluations are received in confidence by the site evaluation team, the Consultant and the Committee and Council and may be disclosed only with the approval of the Chairperson of the Council or the Consultant. The president or dean may discuss the contents of the report with the faculty, the university administration and the governing board and may make the report available to them. The report may not be publicly distributed. After notification to the school of the Committee action or the Council action, the school may disclose to others the Consultant's action letter. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.

The school is free to make use of the recommendations and decisions as contained in the Consultant's action letter addressed to the president and dean. However, any release must be a full release, and not selected excerpts.

One year from the date of the initial transmission of the determinations of the Accreditation Committee, including specific findings of compliance or non-compliance with the Standards, resulting from a regular, special or sabbatical site evaluation of a provisionally or fully approved school, the Consultant shall, at the request of any person, make available the remaining specific findings of non-compliance.

The dean of the evaluated school shall review the site report to determine whether it contains criticism of the professional performance or competence or the behavior of a member of the school's full-time faculty or professional staff. If the report contains this criticism, the dean shall make available to the person concerned the germane extract of the report and shall send the

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

13. Law School Admission Fees

The American Bar Association Section of Legal Education and Admissions to the Bar condemns the practice of requiring persons seeking admission to a law school to pay a fee, in addition to the regular application fee, to be placed on a list of persons who will be admitted if additional places become available, commonly known as a "waiting list".

14. Diversity in Admission and Employment

It is the policy of the Council that diversity is valuable to educational quality. There are educational values to be derived from diversity in admission and employment and the Council supports the use of admission standards and employment criteria which promote diversity in law schools.

15. Admission of Students Who Wish to Transfer Credit

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.

16. Period of Retention of Examination Materials

Law schools approved by the American Bar Association should practice the policy of retaining examination booklets for a period of one year. This policy applies only if the examination booklet has not been returned to the student.

17. Retention of Records

Law schools approved by the American Bar Association should retain admission, financial aid and placement records for a one-year period.

18. Statement of Council Policy Regarding Interference in Law School Clinical Activities

The Council has received several reports of inappropriate interference in law school clinical activities. Improper attempts by persons or institutions outside law schools to interfere in the ongoing activities of law school clinical programs and courses have an adverse impact on the quality of the educational mission of affected law schools and jeopardize principles of law school self-governance, academic freedom, and ethical independence under the ABA Code of Professional Responsibility. In appropriate ways, the Council shall assist law schools in preserving the independence of law school clinical programs and courses.

19. Written Plans for Affirmative Action

It is the policy of the Council that each ABA approved law school have a written plan describing its program for achieving compliance with Standard 212.

The Council, in accordance with Rule 38 of the Rules of Procedure for Approval of Law Schools and not as an adopted interpretation of Standard 212, directs the Consultant to have each ABA approved law school (1) prepare a written plan by June 1, 1984, describing its current program and

the efforts it intends to undertake relating to compliance with Standard 212, and (2) maintain a current file which will include the specific action which has been taken by the school to comply with its stated plan. July, 1983.

20. Rating of Law Schools

No rating of law schools beyond the simple statement of their accreditation status is attempted or advocated by the official organizations in legal education. Qualities that make one kind of school good for one student may not be as important to another. The American Bar Association and its Section of Legal Education and Admissions to the Bar have issued disclaimers of any law school rating system. Prospective law students should consider a variety of factors in making their choice among schools.

21. Courses Conducted for the Purpose of Improving Student Performance on Bar Examinations

Law school courses conducted for the purpose of improving student performance on bar examinations may not be offered for credit, although such courses may be offered as non-credit courses.

22. Collective Bargaining

A law school faculty as a professional faculty should not be required to be part of the general university bargaining unit.

23. J.D. Degree

It is the Council's position that no graduate degree in law is or should be a substitute for the first professional degree in law (J.D.) and should not serve as the same basis as the J.D. degree does for bar admission purposes.

24. J.D. Degree - Ph.D. Degree Equivalency

WHEREAS, the acquisition of a Doctor of Jurisprudence degree requires from 84 to 90 semester hours of post baccalaureate study and the Doctor of Philosophy degree usually requires 60 semester hours of post baccalaureate study along with the writing of a dissertation, the two degrees shall be considered as equivalent degrees for educational employment purposes;

THEREFORE, BE IT RESOLVED, that all appropriate persons be requested to eliminate any policy, or practice, existing within their jurisdiction which disparages legal education or promotes discriminatory employment practices against J.D. degreeholders who hold academic appointment in education institutions.

25. Propriety of Examination by Public Authority before Admission to Practice

A half century ago the American Bar Association adopted standards for legal education, the second of which is as follows:

"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 subject to an examination by public authority to determine his fitness."

The criticism of bar examinations, which is daily becoming more prevalent, makes it most appropriate for the Council of the Section of Legal Education and Admissions to the Bar and the Board of Managers of the National Conference of Bar Examiners to state their opinion on the matter of the so-called Diploma Privilege.

It is the position of the Council and Board that the above-quoted standard, adopted in 1921, is as valid today--perhaps more so with the mobility of law graduates--as it was at the time and that every applicant for admission to the bar should be subject to examination by public authority.

Very great progress has taken place in the caliber of legal education in the fifty years intervening since 1921. In part the improvement in legal education has been the result of experimentation in teaching techniques. Not all such experiments have proved successful. Public authority should not dictate teaching techniques but it should make sure that all applicants have the training necessary to adequately serve the public upon their admission.

Not only are law schools quite properly experimenting in teaching techniques but they are experimenting in curriculum content. Again, public authority should not dictate curriculum content but by examination should determine that the content of the applicant's education is such that upon admission he will be able to adequately serve the public. In one of the jurisdictions where graduates of certain law schools are admitted without examination, the Court found it necessary to a certain extent to dictate the curriculum content of those schools--an unfortunate limitation on the educational freedom of these schools.

Bar examinations themselves serve additional functions. They encourage law graduates to study subjects not taken in law school. They require the applicant to review all he has learned in law school with a result that he is made to realize the interrelation of the various divisions of the law--to view the separate subject courses which he took in law school as a related whole. This the curriculum of most law schools does not achieve. Also, it is the first time many of the applicants will have been examined by persons other than those who taught them, a valuable experience in preparation for appearing before a completely strange judge.

To reiterate, it is the position of the Council and the Board of Managers that there must be examination by public authority. This is not to say that public authority must not be very careful

in its examination procedure to make sure that it is fulfilling its responsibilities. It should continually strive to make its methods of examination more effective so that the results will be the nondiscriminatory admission of none not qualified and the exclusion of none qualified, even though this requires the use of innovative examining techniques and constant consideration of the ever changing needs of our society. The necessity to train lawyers to represent all members of society is a continual challenge to teachers of law and legal education. To test this properly the examining authority can perform effectively and satisfactorily only if it makes responsive changes in its techniques.

26. Period of Time for Completion of Requirements to Obtain J. D. Degree

The normal maximum period for a full-time law student to complete requirements for a J.D. degree is five years. The normal maximum completion time for a part-time law student to complete requirements for a J.D. degree is six years.

27. Fair Treatment in Providing Notice of Termination of Employment of Professional Skills Teachers Subsequent to Adoption of Amendment of Standard 405(e)

The Council is informed that, during the process generated by the August, 1984 amendment of Standard 405(e) of the ABA Standards for Approval of Law Schools, certain law schools may have replaced or otherwise terminated the employment of professional skills teachers who were hired prior to the adoption of amended Standard 405(e) with little notice.

The Council encourages any school that decides not to continue in service a professional skills teacher hired prior to the adoption of amended Standard 405(e) to provide sufficient notice to the teacher to allow a fair opportunity to seek another position.

28. Compliance with Standard 212 of the ABA Standards
For Approval of Law Schools

The Council of the Section of Legal Education and Admissions to the Bar, at its August, 1986 meeting, upon recommendation of its Affirmative Action Committee, adopted the following policy:

WHEREAS:

1. Standard 212 provides:

Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admissions process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students.

2. The Council, at its February, 1986 meeting, approved the recommendations of the ABA Task Force on Minorities in the Legal Profession;

3. The Actions suggested in this Resolution are based upon the recommendations contained in the Task Force's Report or are among the "concrete actions[s]" that a school should take in order to "... demonstrate a commitment to providing full opportunities for the study of law and entry into the profession ..." by members of minority groups.

THEREFORE:

1. The Council, acting on the recommendation of its Affirmative Action Committee, suggests to the law schools that the following are the kinds of concrete actions that will demonstrate a school's commitment to providing equal opportunities for the study of law and entry into the profession by qualified members of groups that have been the victims of discrimination in various forms:

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

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

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

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

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

f. Creating a more favorable law school environment for minority

students by providing academic support services, supporting minority student organizations, promoting contacts with minority lawyers, and hiring minority administrators.

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

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

i. Developing programs that assist in meeting the unusual financial needs of many minority students, as provided in Standard 212.

2. Law schools should be advised that Standard 212 does not specify the forms of "concrete action" that a school should undertake to "... demonstrate a commitment to providing full opportunities for the study of law and entry into the profession ..." by members of minority groups; nor is the Council suggesting that all of the above actions are required in order to demonstrate compliance with Standard 212. It is contemplated that the Accreditation Committee, and the Council, will review the totality of concrete actions of the school in order to determine whether, on the basis of its total performance, it is in compliance with Standard 212 and the recommendations of the Task Force.

29. Guidelines for Reimbursement of Site Evaluators and Fact Finders

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

1. Transportation - All necessary transportation on the basis of coach class air fares and ground transportation expenses. Site evaluators and fact finders are urged to secure the most reasonable air ticket. If the visited institution wishes to avail site evaluators of special air fares, such as 30 day advance purchase, it is suggested that the visited law school secure and supply the air ticket in advance of the visit.
2. Lodging and Meals - Hotel or motel sleeping rooms at a reasonable cost, including a parlor when necessary for the work of the site evaluation team or fact finders. Meals shall be reimbursed on a reasonable basis. It is recommended that the visited law school make reservations for suitable accommodations for members of the site evaluation team or fact finders at a hotel/motel of the school's choice.
3. Incidentals - Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.

30. Encouragement of Increased Emphasis on Pro-Bono Activities

Law Schools should make law students aware of the special needs of those persons often under-represented in legal matters, including minorities, the poor, elderly and handicapped members of society, facilitate student services to these groups and should instill a sense in their students of the profession's obligation to provide legal services to those who are unable to afford them.

31. Student Tuition and Fee Refund Policy

It is the policy of the Council that all law schools approved by the American Bar Association have and make publicly available an equitable student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the equitable refund of student tuition and fees.

32. Policy on Timely Grading of Law School Examinations

The Council of the Section of Legal Education and Admissions to the Bar reports that as a result of the expressed concern of the Law Student Division concerning timely grading of examinations, the Consultant on Legal Education to the American Bar Association has conducted a survey of grading practices at all law schools approved by the American Bar Association. The Law Student Division proposal and resultant survey has promoted thoughtful discussion among the deans and faculties of ABA approved law schools. The Council urges that all law schools continue adoption and maintenance of timely grading practices of law school examinations. The Council is aware that on occasion, a faculty member may not honor their professional obligation in this regard. The Council urges enforcement by each school of its own adopted policies, and urges completion of the grading and notice provision to the students not later than 30 days following the last examination of the term.

33. Withdrawal of Application for Provisional Approval Prior to Site Evaluation

The Council has determined that if a law school withdraws its application for provisional approval before a site evaluation takes place, the school will be refunded 50% of the application fee.

ACCREDITATION COMMITTEE POLICIES

1. Minutes of Meetings

Meetings of the Accreditation Committee are held in executive session. Minutes of the meetings are confidential. (May, 1980)

2. Granting of Degrees to Graduates of Predecessor Institutions

It is the policy of the Accreditation Committee that a law school currently approved by the American Bar Association cannot retroactively grant a J.D. degree to a graduate of a predecessor institution. (May, 1980)

3. Postponement of Site Evaluation

It is a policy of the Accreditation Committee and the Council of the Section of Legal Education and Admissions to the Bar that a request for postponement of a site evaluation will only be granted if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year.

It is the policy of the Accreditation Committee and Council that the pending resignation of a dean, the appointment of an acting dean or the appointment of a permanent dean are not grounds for the postponement of a scheduled site evaluation. (November, 1977; December, 1977)

4. Right of Appearance and Written Submissions

The right of appearance and the procedures regarding written submissions to the Accreditation Committee are contained in Rules 9, 19, 29, and 33 of the Rules of Procedure for Approval of Law Schools. (Revised August, 1983)

5. Special Site Evaluations of J.D. or Post-J.D.
Programs

A law school petitioning for acquiescence in a proposed J.D. or post-J.D. program must submit a request for a site evaluation to the Consultant's office at least 100 days prior to a scheduled meeting of the Accreditation Committee in order for the proposal and report to be considered by the Committee at that meeting. (November, 1982; revised January, 1986)

0055s