

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.

February, 1988

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;

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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

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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.

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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:

(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

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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.

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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

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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."

(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

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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

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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 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.

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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)

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 containing 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. The law school's appeal to the House constitutes a waiver of the confidentiality of the site evaluation report and letters reporting the action of the Accreditation Committee and the Council.

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.

ACCREDITATION COMMITTEE POLICIES

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. 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)

