

STANDARDS FOR APPROVAL OF LAW SCHOOLS

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AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR

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**ABA Standards for Approval of Law Schools
2001 Edition**

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**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

Standards for Approval of Law Schools

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Standards for Approval of Law Schools

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FOREWORD

Concern for improving the competence of those entering the profession was a major reason for creating the American Bar Association in 1878. These Standards for the Approval of Law Schools by the American Bar Association are promulgated to serve this objective. The Association remains vitally and actively interested in improving the legal profession through legal education.

Accrediting Agency for Law. Since 1952 the Council of the Section of Legal Education and Admissions to the Bar has been approved by the U.S. Department of Education as the recognized national agency for the accreditation of professional schools of law. It is the Council and not the Association which is so recognized.

The majority of the highest courts of the states rely upon the Association approval of a law school to determine whether their legal education requirement for admission to the bar is satisfied. Obviously, whether a jurisdiction requires education at an ABA approved law school is a decision made by a jurisdiction's bar admission authority and not by the Council nor the ABA.

The American Bar Association believes that every candidate for admission to the bar should have graduated from a law school approved by the ABA, that graduation from a law school alone should not 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.

History. The American Bar Association (ABA) in 1879 established as one of its first committees, the Standing Committee on Legal Education and Admissions to the Bar. In 1893, the Section of Legal Education and Admissions to the Bar was established as the Association's first section. Recognizing the need to take further steps to improve legal education, the Section leadership played the major role in creating the Association of American Law Schools in 1900, giving it a modest regulatory role through requirements for membership. In 1921 the American Bar Association promulgated its first Standards for Legal Education.

To administer its program of approval of law schools meeting the Standards, the ABA in 1927 employed Professor H. Claude Horack of the University of Iowa College of Law as the first Advisor to the Section. When Professor Millard H. Ruud of the University of Texas was appointed in 1968 to replace then Advisor to the Section Dean John G. Hervey of Oklahoma City University School of Law, the title was changed to Consultant on Legal Education to the American Bar Association to recognize the broader responsibilities of the position. Professor James P. White of Indiana University School of Law-Indianapolis succeeded Professor Ruud in January 1974 until the end of August 2000. John A. Sebert, previously Dean at the University of Baltimore School of Law and a former member of the faculty at both the University of Tennessee and University of Minnesota law schools, succeeded Dean White as of September 1, 2000.

A major revision of the 1921 Standards and its Factors was promulgated in 1973. This process began in the late 1960's. The first draft was distributed for comment in December 1971 to the chief appellate judge in each state, deans of all approved law schools, chairs of the board of bar examiners in each state, and members of the Section. About one hundred practitioners, judges, deans, and law teachers participated in discussions of the first and second drafts in April

and May 1972. The Section at its annual meeting on August 15, 1972 approved the Standards. During its midyear meeting of February 12, 1973, the House of Delegates adopted the Standards and Rules of Procedure.

Standards and Rules Revision. In 1988 Judge Henry Ramsey, Jr., of the Alameda County, California, Superior Court and Chair-Elect of the Section, was asked to chair a study of the accreditation process. The purpose of the study was to determine what changes were needed to conform the Rules of Procedure to the Criteria of Nationally Recognized Accrediting Agencies and Associations promulgated by the United States Department of Education. A number of revisions to the Rules of Procedure, both conforming the Rules to the DOE Criteria and making other changes to improve the process, were adopted by the Council in 1989.

In 1992 the Council launched a formal revision of the Standards and their interpretations. Two decades of amending and adding particular Standards and Interpretations left the Standards and Interpretations with some apparent inconsistencies in substance and certainly in drafting style. A five-person subcommittee of the Standards Review Committee undertook a formal revision of the Standards and their Interpretations. The style rules of the National Conference of Commissioners on Uniform State Laws were used as its drafting guidelines. As the project proceeded the Standards Review Committee reviewed the drafts. In response to the drafting subcommittee's request, the Committee resolved ambiguities and apparent inconsistencies.

The completion of the formal revision permitted the Standards Review Committee to turn its attention to substantive revision. The process was begun in 1994. The product of that process was circulated for comment and extensive hearings were held on the proposals. The revised Standards were approved by the Council and overwhelmingly adopted by the House of Delegates in August, 1996.

The Standards recognize and encourage diversity in curriculum, methods of instruction, and among students, faculty, and staff. The Association believes that this diversity advances the course of quality legal education.

Wahl Commission. In April 1994 the Council established the Commission to Study the Substance and Process of the American Bar Association's Accreditation of American Law Schools. Justice Rosalie E. Wahl of the Supreme Court of Minnesota and a former chairperson of the Section accepted appointment as chairperson. Members of the Commission included two appellate court justices, six practitioners, a university president who is also a former president of the ABA, six Deans, and the general counsel of a state bar association.

The Wahl Commission's mandate was to conduct a thorough, independent examination of all aspects of law school accreditation by the ABA. Upon the basis of hearings, solicited written comments, and surveys, the Commission prepared a report for submission at the 1995 annual meeting of the ABA.

Validity and Reliability. Dr. William J. McLeod, former vice president of the Council on Postsecondary Accreditation, served as consultant to the Council of the Section for its review of the validity and reliability of the Standards. In his 1989 report to the Council, Dr. McLeod concluded, upon the basis of his review of the Standards and their administration, and the deliberations at the 1989 Conference on Validity and Reliability of the Standards, that the overall

objectives of the American Bar Association's program of accreditation of law schools are: to insure that legal education programs are of acceptable quality; to improve the quality of legal education in the United States; to promote through legal education high standards of professional competence, responsibility, and conduct; to protect the integrity of legal education and preserve its independence from inappropriate interference in its educational activities; to encourage equal opportunities for legal education and for access to membership in the legal profession to qualified persons, including those from groups who are or have been subjected to any form of discrimination; and to assure bar admissions authorities that the quality of legal education provided by approved schools satisfies their legal education requirements for admission to the bar.

In response to the Department of Education, the Council again embarked on a validity and reliability study of the Standards, in addition to the Section continuing efforts to assure the validity and reliability of the Standards. Dr. William J. McLeod was again employed as consultant to the Council. On December 8, 1995 a special committee formulated with Dr. McLeod the plans for a six year study which was received by the Council at its February, 1996 meeting.

DOJ Consent Decree. In June 1995, the United States Department of Justice filed a civil antitrust suit against the ABA, alleging violations of antitrust laws in the accreditation program. The Proposed Final Judgment required that the ABA establish a special commission to determine whether the Standards, Interpretations, and Rules of Procedure should be revised with respect to six matters. It was agreed by the Department and the ABA that the Wahl Commission's mandate be enlarged to include these matters and its tenure be continued. In response to this additional mandate, on November 27, 1995 the Wahl Commission submitted a supplement to its August 3, 1995 report.

The civil suit was concluded by a final consent decree that was approved in June 1996. It includes a number of requirements concerning the Standards, many of which reflect revisions that the ABA had previously adopted. Among them are that compensation paid to faculty, deans, or staff may not be considered or collected by the ABA in the accreditation process. An exception is permitted where there is a complaint about discrimination. Also, the Standards may not specify that an approved law school may grant advanced standing for credit earned only at an

ABA approved law school nor recognize a degree only from an approved law school as a condition of eligibility for a post-J.D. degree program. The requirements of the consent decree apply only to the ABA in its accreditation function, not to an approved law school.

Council Responsibility. The Council of the Section of Legal Education and Admissions to the Bar grants approval of law schools located in the United States, its territories, and possessions. It also approves foreign summer programs, semester abroad programs, cooperative programs for foreign study, and individual student study abroad programs. It also acquiesces in the establishment of post-J.D. programs conducted by approved law schools.

Standards. The Standards describe the requirements a law school must meet to obtain and retain ABA approval. Consequently they are stated as "shall" or "must" rules, depending whether the verb is in the active or passive voice. There are, however, some "should" rules. Experience has demonstrated that following the "should" rule will enable a law school to provide a program of sound legal education. Accreditation historically has involved peer review and

advice of peers. “Should” rules are consistent with this aspect of accreditation. If the Accreditation Committee notes that a law school is not complying with a “should” rule, it may note that as a matter of concern in its action letter.

Interpretations. The Interpretations developed by the Council and its Accreditation Committee in applying the Standards to matters before them just recently became part of institutional memory. In due course the process was formalized and the Interpretations were formally adopted by the Council and published. All Interpretations are subjected to the same public comment and review process and approval procedures that apply to proposed Standards.

Rules of Procedure. The Rules of Procedure implement the Standards. The Rules were revised in 1989, and are amended from time to time. Rules also are subjected to the same public comment and review process and approval procedures that apply to proposed Standards.

Criteria for Approval of Foreign Programs. Under its authority “to adopt rules implementing the Standards” the Council has adopted criteria for the approval of certain programs. They include the Criteria for Approval of Foreign Summer Programs; the Criteria for Approval of Semester Abroad Programs for Credit Granting Foreign Segment of Approved J.D. Programs; the Criteria for Approval of Individual Student Study Abroad for Academic Credit; and the Criteria for Approval of Cooperative Programs for Foreign Study.

PREAMBLE

The Standards for Approval of Law Schools of the American Bar Association are founded primarily on the fact that law schools are the gateway to the legal profession. They are minimum requirements designed, developed, and implemented for the purpose of advancing the basic goal of providing a sound program of legal education. The graduates of approved law schools can become members of the bar in all United States jurisdictions, representing all members of the public in important interests. Therefore, an approved law school must provide an opportunity for its students to study in a diverse educational environment, and in order to protect the interests of the public, law students, and the profession, it must provide an educational program that ensures that its graduates:

- (1) understand their ethical responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice;
- (2) receive basic education through a curriculum that develops:
 - (i) understanding of the theory, philosophy, role, and ramifications of the law and its institutions;
 - (ii) skills of legal analysis, reasoning, and problem solving; oral and written communication; legal research; and other fundamental skills necessary to participate effectively in the legal profession;
 - (iii) understanding of the basic principles of public and private law; and
- (3) understand the law as a public profession calling for performance of pro bono legal services.

Chapter 1

GENERAL PURPOSES AND PRACTICES; DEFINITIONS

Standard 101. BASIC REQUIREMENTS FOR APPROVAL.

A law school approved by the Association or seeking approval by the Association shall demonstrate that its program is consistent with sound legal education principles. It does so by establishing that it is being operated in compliance with the Standards.

Interpretation 101-1:

To enable the Accreditation Committee and Council to determine whether a law school has demonstrated that its program of legal education is consistent with sound legal education principles and is being operated in compliance with the Standards, a law school shall furnish an annual questionnaire, self-study, site evaluation questionnaire, and such other information as the Accreditation Committee and Council may require. These documents must be complete and accurate and submitted timely in the form specified.

The information provided by these means not only informs the Council about the status of each law school but also enables the Council, in meeting its obligations with respect to legal education as a whole, to ascertain national norms of legal education, areas in which improvements are being made, and those where further attention is needed. (August 1996)

Interpretation 101-2:

Accreditation or approval of a law school by the American Bar Association is not transferable. A transfer of all, or substantially all, of the academic programs or assets of (1) a law school or (2) a university or college of which the law school is a part does not include the transfer of the law school's accreditation status. (August 1997)

Standard 102. PROVISIONAL APPROVAL.

(a) A law school is granted provisional approval if it establishes that it is in substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval.

(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that it is not in substantial compliance 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. In extraordinary cases and for good cause shown, the Council may extend the time within which the law school shall obtain full approval.

(c) A law school shall confer the J.D. degree contemporaneously with the time academic requirements for the degree are completed.

Interpretation 102-1:

Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval. Plans for construction, financing, library improvement, and recruitment of faculty which are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance. (June 1978; 1994; August 1996)

Interpretation 102-2:

A law school seeking provisional approval may not offer a post-J.D. degree program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the J.D. degree program. (June 1991; 1994; August 1996)

Interpretation 102-3:

A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are entitled to the same recognition given to students and graduates of fully approved law schools. (August 1996)

Interpretation 102-4:

An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution. (May 1980; 1994; August 1996)

Interpretation 102-5:

A provisionally approved law school shall state in its bulletin and catalog that it is a provisionally approved law school. Similarly, when it refers to its approval status in publicity releases and communications with all students, applicants or other interested parties, it shall state that it is a provisionally approved law school. (August 1997)

Interpretation 102-6:

An unapproved law school seeking provisional approval must include the following language in its bulletin:

The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The 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 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. (August 1997)

Interpretation 102-7:

In most jurisdictions an individual cannot sit for the bar examination unless he or she has graduated from a law school fully or provisionally approved by the American Bar

Association. However, the determination of qualifications and fitness to sit for the bar examination is made by the jurisdiction's bar admission authorities. (August 1998)

Interpretation 102-8:

A law school seeking provisional approval shall not delay conferring a J.D. degree upon a student in anticipation of obtaining American Bar Association approval. (July 2000)

Standard 103. FULL APPROVAL.

(a) A law school is granted full approval if it establishes that it is in full compliance with the Standards and it has been provisionally approved for not fewer than two years.

(b) If a determination is made that an approved law school is no longer in compliance with the Standards, and if it fails to take remedial action, the law school may be subjected to an appropriate sanction.

Interpretation 103-1:

An individual 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 is deemed a graduate of an approved school, even though the school's approval was withdrawn while the individual was enrolled therein. (August 1996)

Interpretation 103-2:

"Sanctions" include, but are not limited to, censure, probation or removal of the school from the list of law schools approved by the Association. (August 1998)

Interpretation 103-3:

In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 19 of the Rules of Procedure for Approval of Law Schools. (August 1998)

Standard 104. SEEK TO EXCEED REQUIREMENTS.

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

Interpretation 104-1:

As stated in the Preamble, the Standards "are minimum requirements designed, developed, and implemented for the purpose of advancing the basic goal of providing a sound program of legal education." Consistent with the aspirations, mission and resources of a law school, it should continuously seek to exceed these minimum requirements in order to improve the quality of legal education and to promote high standards of professional competence, responsibility and conduct. (August 1998)

Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE.

Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change.

Interpretation 105-1:

Major changes in the program of legal education or the organizational structure of a law school include:

- (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 a degree in addition to the J.D. degree;*
- (5) A change in program length measurement from clock hours to credit hours;*
- (6) A substantial increase in the number of clock or credit hours that are required for graduation;*
- (7) Merging or affiliating with one or more approved or unapproved law schools;*
- (8) Merging or affiliating with one or more universities;*
- (9) Materially modifying the law school's legal status or institutional relationship with a parent institution;*
- (10) Acquiring another law school or educational institution;*
- (11) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;*
- (12) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university; and*
- (13) Opening of a branch or an additional location at which the law school offers at least 20 percent of its educational program. (August 1996; August 1997; August 1998, August 2001)*

Interpretation 105-2:

The establishment of a branch campus of an approved law school requires that the branch campus have a permanent full-time faculty, an adequate working library, adequate support staff, and an adequate physical facility, including plans for a permanent physical facility. (February 1979; August 1996)

Standard 106. DEFINITIONS.

As used in the Standards and Interpretations:

- (1) "Accreditation Committee" means the Accreditation Committee of the Section.**
- (2) "Approved law school" means a law school that appears on the list of law schools approved by the American Bar Association.**
- (3) "Association" means the American Bar Association.**
- (4) "Consultant" means the Consultant on Legal Education to the American Bar Association.**
- (5) "Council" means the Council of the Section.**
- (6) "Dean" includes an acting or interim dean.**
- (7) "Governing board" means a board of trustees, board of regents, or comparable body that has ultimate policy making authority for a law school or the university of which the law school is a part.**
- (8) "House" means the House of Delegates of the American Bar Association.**
- (9) "Interpretations" mean the Interpretations of the Standards for Approval of Law Schools.**
- (10) "J.D. degree" means the first professional degree in law granted by a law school.**
- (11) "President" includes the chief executive officer of a university or, if the university has more than one administratively independent unit, of the unit of which a law school is a part.**
- (12) "Rules" mean the Rules of Procedure for the Approval of Law Schools by the American Bar Association.**
- (13) "Section" means the Section of Legal Education and Admissions to the Bar of the American Bar Association.**

(14) “Standards” mean the Standards for the Approval of Law Schools.

(15) “University” means a post secondary educational institution that confers a baccalaureate degree and may grant other degrees, whether it is called university, college, or other name.

Chapter 2

ORGANIZATION AND ADMINISTRATION

Standard 201. RESOURCES FOR PROGRAM.

(a) The present and anticipated financial resources of a law school shall be adequate to sustain a sound program of legal education and accomplish its mission.

(b) A law school shall be so organized and administered that its resources are used to provide a sound program of legal education and to accomplish its mission.

Interpretation 201-1:

A law school does not comply with the Standards if its financial resources are so inadequate as to have a negative and material effect on the education students receive. (August 1996)

Interpretation 201-2:

A 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. (August 1996)

Standard 202. SELF STUDY.

(a) The dean and faculty of a law school shall develop and periodically revise a written self study, which shall include a mission statement. The self study shall describe the program of legal education, evaluate the strengths and weaknesses of the program in light of the school's mission, set goals to improve the program, and identify the means to accomplish the law school's unrealized goals.

(b) The self study shall address and describe how the law school's program of legal education conforms to the requirements of Standards 301(a) and (b).

Interpretation 202-1:

A current self study shall be submitted by a law school seeking provisional approval, a provisionally approved law school before its annual site evaluation, and a fully approved law school before any regular or special site evaluation. (June 1978; 1994; August 1996)

Standard 203. GOVERNING BOARD OF AN INDEPENDENT LAW SCHOOL.

A law school that is not part of a university shall be governed by a governing board composed of individuals dedicated to the maintenance of a sound program of legal education.

Interpretation 203-1:

The governing board of a law school that is not part of a university should authorize the dean to serve as chief executive, or chief academic officer of the law school, or both and shall define the scope of the dean's authority in compliance with the Standards. The dean shall be responsible to the governing board. The dean may be a member of the board but should not serve as chairperson of the board. (August 1996)

Standard 204. GOVERNING BOARD AND LAW SCHOOL AUTHORITY.

(a) A governing board may establish general policies that are applicable to a law school if they are consistent with the Standards.

(b) The dean and faculty shall formulate and administer the educational program of the law school, including curriculum; methods of instruction; admissions; and academic standards for retention, advancement, and graduation of students; and shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of the faculty.

Interpretation 204-1:

An action of a university committee may violate the standards if it deprives the dean and faculty of a law school of their appropriate roles for recommending faculty promotion and tenure or security of position. (July, August 1980; 1994; August 1996; July 2000)

Interpretation 204-2:

Admission of a student to a law school without the approval of the dean and faculty of the law school violates the Standards. (December 1975; 1994; August 1996)

Standard 205. DEAN.

(a) A law school shall have a full-time dean, selected by the governing board or its designee, to whom the dean shall be responsible.

(b) A law school shall provide the dean with the authority and support needed to discharge the responsibilities of the position and those contemplated by the Standards.

(c) Except in extraordinary circumstances, a dean shall also hold appointment as a member of the faculty with tenure.

(d) The faculty or a representative body of it shall advise, consult, and make recommendations to the appointing authority in the selection of a dean.

Interpretation 205-1:

The faculty or a representative body of it should have substantial involvement in the selection of a dean. Except in circumstances demonstrating good cause, a dean should not be appointed or reappointed to a new term over the stated objection of a substantial majority of the faculty. (August 1996)

Standard 206. ALLOCATION OF AUTHORITY BETWEEN DEAN AND FACULTY.

The allocation of authority between the dean and the law faculty is a matter for determination by each institution as long as both the dean and the faculty have a significant role in determining educational policy.

Standard 207. INVOLVEMENT OF ALUMNI, STUDENTS AND OTHERS.

A law school may involve alumni, students, and others in a participatory or advisory capacity; but the dean and faculty shall retain control over matters affecting the educational program of the law school.

Standard 208. NON-UNIVERSITY AFFILIATED LAW SCHOOLS.

If a law school is not part of a university or, although a part, is physically remote from the rest of the university, the law school should seek to provide its students and faculty with the benefits that usually result from a university connection, such as by enlarging its library collection to include materials generally found only in a university library and by developing working relationships with other educational institutions in the community.

Standard 209. LAW SCHOOL-UNIVERSITY RELATIONSHIP.

(a) If a law school is part of a university, that relationship shall serve to enhance the law school's program.

(b) If a university's general policies do not adequately facilitate the recruitment and retention of competent law faculty, appropriate separate policies should be established for the law school.

(c) The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education.

(d) A law school shall be given the opportunity to present its recommendations on budgetary matters to the university administration before the budget for the law school is submitted to the governing board for adoption.

Interpretation 209-1:

A law school does not comply with the Standards if the charges and costs assessed against the law school's revenue by the university leave the law school with financial resources so inadequate as to have a negative and material effect on the education students receive. (August 1996)

Interpretation 209-2:

The resources generated by a law school that is part of a university should be made available to the law school to maintain and enhance its program of legal education. "Resources generated" includes law school tuition and fees, endowment restricted to the law school, gifts to the law school, and income from grants, contracts, and property of the law school. The university should provide the law school with a satisfactory explanation for any use of resources generated by the law school to support non-law school activities and central university services. In turn, the law school should benefit on a reasonable basis in the allocation of university resources. (December 1978; August 1996)

Standard 210. EQUALITY OF OPPORTUNITY.

(a) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground of race, color, religion, national origin, sex, or sexual orientation.

(b) A law school may not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex, or sexual orientation.

(c) The denial by a law school of admission to a qualified applicant is treated as made upon the ground of race, color, religion, national origin, sex, or sexual orientation if the ground of denial relied upon is

(1) 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, sex, or sexual orientation; or

(2) an admissions qualification of the school which is intended to prevent the admission of applicants on the ground of race, color, religion, national origin, sex, or sexual orientation though not purporting to do so.

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

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

(f) Equality of opportunity in legal education includes equal opportunity to obtain employment. A law 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

(1) refusing to hire or promote members of groups protected by this policy because of the prejudices of clients or of professional or official associates;

(2) applying standards in the hiring and promoting of these individuals that are higher than those applied otherwise;

(3) maintaining a starting or promotional salary scale as to these individuals that is lower than is applied otherwise; and

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

Interpretation 210-1:

Schools may not require applicants, students, or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily. (August 1994; August 1996)

Interpretation 210-2:

This Standard does not require a law school to adopt policies or take actions that would violate federal law applicable to that school. (August 1994; August 1996)

Interpretation 210-3:

As long as a school complies with the requirements of Standard 210(e), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, it does not require a school to recognize or fund organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school. (August 1994; August 1996)

Interpretation 210-4:

Standard 210(f) applies to all employers, including government agencies, to whom a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully. (August 1994; August 1996)

Standard 211. EQUAL OPPORTUNITY EFFORT.

Consistent with sound legal education policy and the Standards, a 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 typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts; and a program that assists in meeting the unusual financial needs of many of these students, but a law school is not obligated to apply standards for the award of financial assistance different from those applied to other students.

Interpretation 211-1:

This standard does not specify the forms of concrete actions a school must take in order to satisfy its equal employment obligation. The satisfaction of such obligation is based on the totality of its actions. Among the kinds of actions that can 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 are the following:

- a. *Participating in job fairs and other programs designed to bring minority students to the attention of employers.*
- b. *Establishing 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. *Developing and implementing 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 211. (August 1997)*

Interpretation 211-2:

Each ABA approved law school (1) shall prepare a written plan describing its current program and the efforts it intends to undertake relating to compliance with Standard 211, and (2) maintain a current file which will include the specific actions which have been taken by the school to comply with its stated plan. (August 1997)

Standard 212. INDIVIDUALS WITH DISABILITIES.

A law school may not discriminate against individuals with disabilities in its program of legal education. A law school shall provide full opportunities for the study of law and entry into the profession by qualified disabled individuals. A law school may not discriminate on the basis of disability in the hiring, promotion, and retention of otherwise qualified faculty and staff.

Interpretation 212-1:

Individual with disability, 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 post secondary education, 45 C.F.R. Section 84.3(k)(3) and by the Americans with Disabilities Act, 42 U.S.C. Sections 12101 et seq. (February 1993; August 1996)

Interpretation 212-2:

As to those matters covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, this Standard is not designed to impose obligations upon law schools beyond those provided by those statutes. (February 1993; August 1996)

Interpretation 212-3:

The essence of proper service to individuals with disabilities is individualization and reasonable accommodation. Each individual shall 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 in light of reasonable accommodations. Reasonable accommodations are those that do not fundamentally alter the nature of the program, that can be provided without undue financial or administrative burden, and that can be provided without lowering academic and other essential performance standards. (February 1993; August 1996)

Chapter 3

PROGRAM OF LEGAL EDUCATION

Standard 301. OBJECTIVES.

- (a) A law school shall maintain an educational program that prepares its graduates for admission to the bar and to participate effectively and responsibly in the legal profession.**
- (b) A law school shall maintain an educational program that prepares its graduates to deal with current and anticipated legal problems.**
- (c) A law school may offer an educational program designed to emphasize certain aspects of the law or the legal profession.**

Interpretation 301-1:

Among the factors to be considered in assessing the extent to which a law school complies with this Standard are the attrition rate of the school's students, and the bar passage and career placement rates of its graduates. (August 1997)

Standard 302. CURRICULUM.

- (a) All students in a J.D. program shall receive:**
 - (1) instruction in the substantive law, values and skills (including legal analysis and reasoning, legal research, problem solving and oral and written communication) generally regarded as necessary to effective and responsible participation in the legal profession; and**
 - (2) substantial legal writing instruction, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year.**
- (b) A law school shall require all students in the J.D. degree program to receive instruction in the history, goals, structure, duties, values, and responsibilities of the legal profession and its members, including instruction in the Model Rules of Professional Conduct of the American Bar Association. A law school should involve members of the bench and bar in this instruction.**
- (c) A law school shall offer in its J.D. program:**
 - (1) adequate opportunities to all students for instruction in professional skills; and**

(2) live-client or other real-life practice experiences. This might be accomplished through clinics or externships. A law school need not offer this experience to all students.

(d) The educational program of a law school shall provide students with adequate opportunities for small group work through seminars, directed research, small classes, or collaborative work.

(e) A law school should encourage and provide opportunities for student participation in pro bono activities.

(f) A law school may offer a bar examination preparation course, but may not grant credit for the course or require it as a condition for graduation.

Interpretation 302-1:

Instruction in professional skills 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 professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are among the areas of instruction in professional skills that fulfill Standard 302 (c)(1). (August 1996; August 1999; August 2001)

Interpretation 302-2:

A law school need not accommodate every student requesting enrollment in a particular professional skills course. (August 1996)

Interpretation 302-3:

Each law school shall engage in periodic review of the curriculum to ensure that it prepares the school's graduates to participate effectively and responsibly in the legal profession. (August 1999)

Standard 303. SCHOLASTIC ACHIEVEMENT; EVALUATION.

(a) A law school shall have and adhere to sound standards of scholastic achievement, including clearly defined standards for good standing, advancement, and graduation.

(b) The scholastic achievements of students shall be evaluated from the beginning of the students' studies.

(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

Interpretation 303-1:

Scholastic achievement of students shall be evaluated by written examinations of suitable length and complexity, papers or other documents, except that evaluation also may include assessment of performances of students in the role of lawyers. (August 1996; August 1999)

Standard 304. COURSE AND RESIDENCE CREDIT.

(a) An academic year shall consist of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. Time for reading periods, examinations, or other activities may not be counted for this purpose.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000 minutes of instruction time, including external study meeting the requirements of Standard 305, extending over not fewer than six academic semesters.

(c) To receive residence credit for an academic semester, a student shall be enrolled for not fewer than eight credit hours. In order to graduate in six semesters a student shall be enrolled in each semester for not fewer than ten credit hours and must receive credit for nine credit hours. If a student fails to receive credit for the specified number of hours, 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.

(d) Pro rata residence credit may be awarded for study during a summer session on a basis that fairly apportions a student's effort to the usual residence period.

(e) Regular and punctual class attendance is necessary to satisfy residence credit and credit hour requirements.

(f) A student may not engage in employment for more than 20 hours per week in any semester in which the student is enrolled in more than 12 class hours.

(g) A law school shall not grant credit for study by correspondence. A law school may grant credit for distance learning study in accordance with such temporary or permanent guidelines as are authorized by the Council.

Interpretation 304-1:

This Standard establishes minimum periods of academic instruction as a condition for graduation. The Standard accommodates deviations from the conventional semester and quarter modes by permitting such arrangements as mini or interim terms. (August 1996; August 1997; August 1999)

Interpretation 304-2:

In a joint degree program between a law school and another school or college:

(1) Not fewer than 45,000 minutes of the 56,000 minutes of study required for a J.D. degree shall be in courses in residence at the law school;

(2) The remaining 11,000 minutes of study may be in courses outside the law school if all of the hours applied in satisfaction of the requirements for the J.D. degree are in studies or courses that satisfy the requirements of Standards 305 and 306 and have been expressly approved by the law school as appropriate for its educational program. (August 1996)

Interpretation 304-3:

Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school. A law school may not grant credit for work taken in special pre-admission programs. Students enrolled in a special pre-admission program may not be considered as matriculated law students since their prospective admission to law school is conditional, among other matters, upon their successful completion of the pre-admission program. (August 1996)

Interpretation 304-4:

A law school may permit students to graduate in fewer than six academic semesters by earning not more than one semester, or one quarter of residence credit for taking summer courses, if (i) the student meets the class minute requirements of this Standard; (ii) the student meets the employment limitations of this Standard; and (iii) the summer instructional programs in which the student enrolls total no fewer than 65 semester days, or 44 quarter days, over two or more summers during which classes are regularly scheduled in the law school. (August 1996)

Interpretation 304-5:

A semester hour of credit requires not fewer than 700 minutes of instruction time, exclusive of time for an examination. A quarter hour of credit requires not fewer than 450 minutes of instruction time, exclusive of time for an examination. To achieve the required total of 56,000 minutes of instruction time, a law school must require at least 80 semester hours of credit, or 124 quarter hours of credit.

Law schools that use semester hours of credit may find the following examples useful. If such a law school offers classes in units of 50 minutes per credit, it can provide 700 minutes of instruction in 14 classes. If such a law school offers classes in units of 55 minutes per class, it can provide 700 minutes of instruction in 13 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 700 minutes of instruction in 10 classes.

Law schools that use quarter hours of credit may find the following examples useful. If such a law school offers classes in units of 50 minutes per class, it can provide 450 minutes of instruction in 9 classes. If such a law school offers classes in units of 65 minutes per class, it can provide 450 minutes of instruction in 8 classes. If such a law school offers classes in units of 75 minutes per class, it can provide 450 minutes of instruction in 6 classes.

In all events, the 130-day requirement of Standard 304(a) and the 56,000-minute requirement of Standard 304(b) should be understood as separate and independent requirements. (August 1999)

Interpretation 304-6:

The number of class days in an academic year is the number of days on which classes are regularly scheduled throughout the day. Days on which classes are not scheduled throughout the day are not a "class day" for full-time students. (August 1996)

Interpretation 304-7:

A law school shall demonstrate that it has adopted and enforces policies insuring that individual students satisfy the requirements of this Standard, including the implementation of policies relating to class scheduling, attendance, limitation on employment, and time devoted to job interviewing. The law school also shall take steps to control absenteeism by students involved in placement interviewing. (August 1996)

Standard 305. STUDY OUTSIDE THE CLASSROOM.

(a) A law school may offer 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.

(b) Not fewer than 45,000 minutes of total time credited toward satisfying the "in residence" and "class hours" requirements of the Standards shall be in attendance in regularly scheduled class sessions at 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.

(c) Residence and class hour credit granted shall be commensurate with the time and effort expended by and the quality of the educational experience of the student.

(d) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time, part-time or adjunct faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(e) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(f) A field placement program shall be approved and periodically reviewed utilizing the following factors:

(1) the stated goals and methods of the program;

(2) the quality of the student's educational experience in light of the academic credit awarded;

- (3) the adequacy of instructional resources, including whether the faculty members teaching in and supervising the program devote the requisite time and attention to satisfy program goals and are sufficiently available to students;**
- (4) any classroom or tutorial component;**
- (5) any prerequisites for student participation;**
- (6) the number of students participating;**
- (7) the evaluation of student academic achievement;**
- (8) the qualifications and training of field instructors;**
- (9) the evaluation of field instructors;**
- (10) the visits to field placements or other comparable communication among faculty, students and field instructors.**

(g) Additional requirements shall apply to field placement programs:

- (1) A student may not participate before successful completion of at least one academic year of study.**
- (2) Established and regularized communication shall occur among the faculty member, the student, and the field placement supervisor. The field placement supervisor should participate with the faculty member in the evaluation of a student's scholastic achievement.**
- (3) Periodic on-site visits by a faculty member are preferred. If the field placement program awards academic credit of more than six credits per academic term, an on-site visit by a faculty member is required each academic term the program is offered.**
- (4) A contemporaneous classroom or tutorial component taught by a faculty member is preferred. If the field placement program awards academic credit of more than six credits per semester, the classroom or tutorial component taught by a faculty member is required; if the classroom or tutorial component is not contemporaneous, the law school shall demonstrate the educational adequacy of its alternative (which could be a pre- or post-field placement classroom component or tutorial).**

Interpretation 305-1:

The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs

accordingly require particular attention from the law school and the Accreditation Committee. (August 1999)

Interpretation 305-2:

A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This interpretation does not preclude reimbursement of incidental out-of-pocket expenses related to the field placement. (August 1996; August 1999)

Interpretation 305-3:

(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increase, the level of instructional resources devoted to the program should also increase. (August 1999)

Standard 306. PARTICIPATION IN STUDIES OR ACTIVITIES IN A FOREIGN COUNTRY.

A law school may grant credit for student participation in studies or activities in a foreign country only if the studies or activities are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.

Standard 307. DEGREE PROGRAMS IN ADDITION TO J.D.

(a) A law school may not establish a degree in addition to its J.D. degree program without obtaining the Council's acquiescence. A law school may not establish a degree program in addition to its J.D. degree program unless the school is fully approved. The additional degree program may not detract from a law school's ability to maintain a J.D. degree program that meets the requirements of the Standards.

(b) Without diverting teaching resources from the J.D. degree program, a program leading to an advanced law degree shall have sufficient resources to meet the objectives set by the law school offering the advanced degree program, including not fewer than one full-time faculty member or administrator who has primary responsibility for the advanced degree program. If an advanced degree program relates to a designated field of legal study or research, not fewer than one full-time faculty member or administrator who is identified with the field should be among the program's instructors.

Interpretation 307-1:

Reasons for withholding acquiescence in the establishment of an advanced degree program include:

- (1) Lack of sufficient full-time faculty to conduct the J.D. degree program;*
- (2) Lack of adequate physical facilities which has a negative and material effect on the education students receive;*
- (3) Lack of an adequate law library to support both a J.D. and an advanced degree program; and*
- (4) A J.D. degree curriculum lacking sufficient diversity and richness in course offerings. (August 1977; 1994; August 1996)*

Interpretation 307-2:

The acquiescence of the Council in a degree beyond the first degree in law is not an approval of the program itself, and, therefore, a school may not announce that the program is approved by the American Bar Association. (August 1996)

Chapter 4

THE FACULTY

Standard 401. QUALIFICATIONS.

(a) A law school shall have a faculty that possesses a high degree of competence, as demonstrated by its education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing.

(b) A law school shall take reasonable steps to ensure the teaching effectiveness of its faculty.

Interpretation 401-1:

A faculty committee on effective teaching, class visitations, critiques of videotaped teaching, institutional review of student evaluation of teaching, and colloquia are among the means to accomplish this objective. (August 1996)

Standard 402. SIZE OF FULL-TIME FACULTY.

(a) A law school shall have a sufficient number of full-time faculty to fulfill the requirements of the Standards and meet the needs of its educational program. The number of full-time faculty necessary depends on:

(1) the size of the student body and the opportunity for students to meet individually with and consult faculty members;

(2) the nature and scope of the educational program; and

(3) the opportunities for the faculty adequately to fulfill teaching obligations, conduct scholarly research, and participate effectively in the governance of the law school and in service to the legal profession and the public.

(b) A single division law school in its first year of operation shall have no fewer than six full-time faculty members in addition to a full-time dean and a full-time director of the law library. A dual division law school, or a law school after its first year of operation, shall have additional faculty members.

(c) A full-time faculty member is one who during the academic year devotes substantially all working time to teaching and legal scholarship, participates in law school governance and service, has no outside office or business activities, and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member's capacity as scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one's responsibility as a faculty member.

Interpretation 402-1:

In determining whether a law school complies with the Standards, the ratio of the number of full-time equivalent students to the number of full-time equivalent faculty members is considered.

(1) In computing the student/faculty ratio, full-time equivalent teachers are those who are employed as full-time teachers on tenure track or its equivalent who shall be counted as one each plus those who constitute "additional teaching resources" as defined below. No limit is imposed on the total number of teachers that a school may employ as additional teaching resources, but these additional teaching resources shall be counted at a fraction of less than 1 and may constitute in the aggregate up to 20 percent of the full-time faculty for purposes of calculating the student/faculty ratio.

(A) Additional teaching resources and the proportional weight assigned to each category include:

(i) teachers on tenure track or its equivalent who have administrative duties beyond those normally performed by full-time faculty members: 0.5;

(ii) clinicians and legal writing instructors not on tenure track or its equivalent who teach a full load: 0.7; and

(iii) adjuncts, emeriti faculty who teach, non-tenure track administrators who teach, librarians who teach, and teachers from other units of the university: 0.2.

(B) These norms have been selected to provide a workable framework to recognize the effective contributions of additional teaching resources. To the extent a law school has types or categories of teachers not specifically described above, they shall be counted as appropriate in accordance with the weights specified above. It is recognized that the designated proportional weights may not in all cases reflect the contributions to the law school of particular teachers. In exceptional cases, a school may seek to demonstrate to site evaluation teams and the Accreditation Committee that these proportional weights should be changed to weigh contributions of individual teachers.

(2) For the purpose of computing the student/faculty ratio, a student is considered full-time or part-time as determined by the school for residence purposes, provided that in the school's determination the student meets the minimum defined in Standard 304. In no event shall a student taking more than thirteen credit hours be considered to be part-time for the calculation of the ratio. A part-time student is counted as a two-thirds equivalent student.

(3) If there are graduate or non-degree students whose presence might result in a dilution of J.D. program resources, the circumstances of the individual school

are considered to determine the adequacy of the teaching resources available for the J.D. program. (August 1999; July 2000)

Interpretation 402-2:

Student/faculty ratios are considered in determining a law school's compliance with the Standards.

(1) A ratio of 20:1 or less presumptively indicates that a law school complies with the Standards. However, the educational effects shall be examined to determine whether the size and duties of the full-time faculty meet the Standards.

(2) A ratio of 30:1 or more presumptively indicates that a law school does not comply with the Standards.

(3) At a ratio of between 20:1 and 30:1 and to rebut the presumption created by a ratio of 30:1 or greater, the examination will take into account the effects of all teaching resources on the school's educational program, including such matters as quality of teaching, class size, availability of small group classes and seminars, student/faculty contact, examinations and grading, scholarly contributions, public service, discharge of governance responsibilities, and the ability of the law school to carry out its announced mission. (August 1996)

Interpretation 402-3:

A full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution. (February 1977; 1994; August 1996)

Interpretation 402-4:

Regularly engaging in law practice, having an ongoing relationship with a law firm or a business, being named on a law firm letterhead, or having a professional telephone listing is prima facie evidence that an individual has "outside office or business activities" and is not a full-time faculty member under this Standard. If there is prima facie evidence that an individual is not a full-time faculty member, a law school shall demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the institution to the same extent expected of full-time faculty. (June 1992; 1994; August 1996)

Standard 403. INSTRUCTIONAL ROLE OF FULL AND PART-TIME FACULTY.

(a) The major burden of a law school's educational program rests upon the full-time faculty.

(b) The full-time faculty shall provide students with 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 portion of their total instruction.

(c) A law school should include experienced practicing lawyers and judges as teaching resources to enrich the educational program. Appropriate use of practicing lawyers and judges as faculty requires that a law school shall provide them with orientation, guidance, monitoring, and evaluation.

Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY.

(a) A law school shall establish policies with respect to a full-time faculty member's responsibilities in teaching, scholarship, service to the law school community, and professional activities outside the law school. The policies need not seek uniformity among faculty members, but should address:

(1) Faculty teaching responsibilities, including carrying a fair share of the law school's course offerings, preparing for classes, being available for student consultation, and creating an atmosphere in which students and faculty may voice opinions and exchange ideas;

(2) Research and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;

(3) Obligations to the law school and university community, including participation in the governance of the law school;

(4) Obligations to the profession, including working with the practicing bar and judiciary to improve the profession; and

(5) Obligations to the public, including participation in pro bono activities.

(b) A law school shall evaluate periodically the extent to which all faculty members discharge their responsibilities under policies adopted pursuant to Standard 404(a).

Standard 405. PROFESSIONAL ENVIRONMENT.

(a) A law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

(b) A law school shall have an established and announced policy with respect to academic freedom and tenure of which Appendix I herein is an example but is not obligatory.

(c) A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.

(d) A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction as required by Standard 302(a)(2), and (2) safeguard academic freedom.

Interpretation 405-1:

A fixed limit on the percent of a law faculty that may hold tenure under any circumstances violates the Standards. (February 1973; August 1996)

Interpretation 405-2:

A law faculty as professionals should not be required to be a part of the general university bargaining unit. (July 1975; May 1980; 1995; August 1996)

Interpretation 405-3:

A law school shall have a comprehensive system for evaluating candidates for promotion and tenure, including written criteria and procedures that are made available to the faculty. (August 1978; 1995; August 1996)

Interpretation 405-4:

A law school not a part of a university in considering and deciding on appointment, termination, promotion, and tenure of faculty members should have procedures that contain the same principles of fairness and due process that should be employed by a law school that is part of a university. If 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; 1995; August 1996)

Interpretation 405-5:

If the dean and faculty have determined the question of responsibility for examination schedules and the schedule has been announced by the authority 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; August 1996)

Interpretation 405-6:

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 clinical faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure. After tenure is granted, the faculty member may

be terminated only for good cause, including termination or material modification of the entire clinical 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 clinical 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 entire clinical program. (August 1984; August 1996; August 2001)

Interpretation 405-7:

In determining if the members of the full-time clinical faculty 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 clinical faculty. A law school should develop criteria for retention, promotion, and security of employment of full-time clinical faculty. (August 1984; August 1996)

Interpretation 405-8:

A law school shall afford to full-time clinical faculty members an opportunity to participate in law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in the last sentence of Standard 405(c). (December 1988; August 1996)

Interpretation 405-9:

Subsection (d) of this Standard does not preclude the use of short-term or non-renewable contracts for legal writing teachers. (August 2001)

Chapter 5 ADMISSIONS AND STUDENT SERVICES

Standard 501. ADMISSIONS.

(a) A law school's admission policies shall be consistent with the objectives of its educational program and the resources available for implementing those objectives.

(b) A law school shall not admit applicants who do not appear capable of satisfactorily completing its educational program and being admitted to the bar.

Interpretation 501-1:

A law school may not permit financial considerations detrimentally to affect its admission and retention policies and their administration. A law school may face a 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 the program. (August 1996)

Interpretation 501-2:

A law school's admission policies shall be consistent with Standards 201, 211 and 301. (August 1996; July 2000)

Standard 502. EDUCATIONAL REQUIREMENTS.

(a) A law school shall require for admission to its J.D. degree program a bachelor's degree, or successful completion of three-fourths of the work acceptable for a bachelor's degree, from an institution that is accredited by an accrediting agency recognized by the Department of Education.

(b) In an extraordinary case, a law school may admit to its J.D. degree program an applicant who does not possess the educational requirements of subsection (a) if the applicant's experience, ability, and other characteristics clearly show an aptitude for the study of law. The admitting officer shall sign and place in the admittee's file a statement of the considerations that led to the decision to admit the applicant.

Interpretation 502-1:

Before an admitted student registers, or within a reasonable time thereafter, a law school shall have on file the student's official transcript showing receipt of a bachelor's degree, if any, and all academic work undertaken. "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. A copy supplied by the Law School Data Assembly Service is not an official transcript, even though it is adequate for preliminary determination of admission. (August 1996; July 2000)

Standard 503. ADMISSION TEST.

A law school shall require all applicants to take an acceptable test for the purpose of assessing the applicants' capability of satisfactorily completing its education program. A law school that is not using the Law School Admission Test sponsored by the Law School Admission Council shall establish that it is using an acceptable test.

Standard 504. CHARACTER AND FITNESS.

(a) A law school shall advise each applicant that there are character, fitness and other qualifications for admission to the bar and encourage the applicant, prior to matriculation, to determine what those requirements are in the state(s) in which the applicant intends to practice. The law school should, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness and other qualifications.

(b) 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, fitness or other qualifications of the applicants to the law school.

(c) If a law school considers an applicant's character, fitness or other 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 that might be considered unorthodox.

Standard 505. PREVIOUSLY DISQUALIFIED APPLICANT.

A law school may admit or readmit a student who has been disqualified previously 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 admission to a law school other than the disqualifying school, this showing shall be made either by a letter from the disqualifying school or, if two or more years have elapsed since that disqualification, by the nature of interim work, activity, or studies indicating a stronger potential for law study. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 505-1:

The two year period begins on the date of the original determination to disqualify the student for academic reasons. (August 1996; July 2000)

Interpretation 505-2:

A student who enrolled in a pre-admission program but was not granted admission is not a student who was disqualified for academic reasons under this Standard. (February 1978; June 1979; August 1996)

Standard 506. APPLICANTS FROM STATE-ACCREDITED LAW SCHOOLS.

(a) A law school may admit a student with advanced standing and allow credit for studies at a state-accredited law school if:

(1) the studies were “in residence” as provided in Standard 304, or qualify for credit under Standard 305; and

(2) the content of the studies was such that credit therefor would have been granted towards satisfaction of degree requirements at the admitting school.

(b) Advanced standing and credit hours granted for study at a state-accredited law school may not exceed one-third of the total required by an admitting school for its J.D. degree.

Standard 507. APPLICANTS FROM FOREIGN LAW SCHOOLS.

(a) A law school may admit a student with advanced standing and allow credit for studies at a law school outside the United States if:

(1) the studies were “in residence” as provided in Standard 304, or qualify for credit under Standard 305;

(2) the content of the studies was such that credit therefor would have been granted towards satisfaction of degree requirements at the admitting school; and

(3) the admitting school is satisfied that the quality of the educational program at the foreign law school was at least equal to that required by an approved school.

(b) Advanced standing and credit hours granted for foreign study may not exceed one-third of the total required by an admitting school for its J.D. degree.

Interpretation 507-1:

This Standard applies only to graduates of foreign law schools or students enrolled in a first degree granting law program in a foreign educational institution. (August 1989; February 1995; August 1996)

Standard 508. ENROLLMENT OF NON-DEGREE CANDIDATES.

Without requiring compliance with its admission standards and procedures, a law school may enroll individuals in a particular course or limited number of courses, as auditors, non-degree candidates, or candidates for a degree other than a law degree, provided that such enrollment does not adversely affect the quality of the course or the law school program.

Standard 509. BASIC CONSUMER INFORMATION.

A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

Interpretation 509-1:

The following categories of consumer information are considered basic:

- (1) admission data;*
- (2) tuition, fees, living costs, financial aid, and refunds;*
- (3) enrollment data and graduation rates;*
- (4) composition and number of faculty and administrators;*
- (5) curricular offerings;*
- (6) library resources;*
- (7) physical facilities; and*
- (8) placement rates and bar passage data. (August 1996)*

Interpretation 509-2:

To comply with its obligation to publish basic consumer information under the first sentence of this Standard, a law school may either provide the information to a publication designated by the Council or publish the information in its own publication. If the school chooses to meet this obligation through its own publication, the basic consumer information shall be published in a manner comparable to that used in the Council-designated publication, and the school shall provide the publication to all of its applicants. (August 1996)

Interpretation 509-3:

All law schools shall have and make publicly available a student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the refund of student tuition and fees. (August 1997)

Interpretation 509-4:

If a law school elects to make a public disclosure of its status as a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, it shall do so accurately and shall include the name, address and telephone number of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association. (February 1998; August 1998)

Standard 510. STUDENT LOAN PROGRAMS.

A law school shall take reasonable steps to minimize student loan defaults, including provision of debt counseling at the inception of a student's loan obligations and prior to graduation.

Interpretation 510-1:

The student loan default rates of a law school's graduates, including any results of financial or compliance audits and reviews, shall be considered in assessing the extent to which a law school complies with this Standard. (August 1997)

Interpretation 510-2:

The law school's obligation shall be satisfied if the university, of which the law school is a part, provides to law students the reasonable steps described in this Standard. (August 1997)

Standard 511. STUDENT SUPPORT SERVICES.

Consistent with sound legal education principles, a law school shall provide its students with basic student services, including maintenance of accurate student records, academic advising and counseling, and financial aid counseling. If a law school does not provide these types of student services directly, it must demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources.

Standard 512. CAREER SERVICES.

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

Chapter 6

LIBRARY AND INFORMATION RESOURCES

Standard 601. GENERAL PROVISIONS.

(a) A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library's effective support of the school's teaching, research and service programs requires a direct, continuing, and informed relationship with the faculty, students, and administration of the law school.

(b) A law library shall have sufficient financial resources to support the law school's teaching, research, and service programs. These resources shall be supplied on a consistent basis.

(c) A law school shall keep abreast of contemporary technology and adopt it when appropriate.

Interpretation 601-1:

Standard 601 is not satisfied by arranging for the students and faculty to have access to other law libraries within the region. (August 1995; August 1996)

Standard 602. ADMINISTRATION.

(a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.

(b) The dean and director of the law library, in consultation with the faculty of the law school, shall determine library policy.

(c) The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.

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

Interpretation 602-1:

This Standard recognizes that substantial operating autonomy rests with the dean and faculty of a law school with regard to the operation of the law school library. The Standards require that decisions that materially affect the law library be enlightened by the needs of the law school educational program. This envisions law library participation in university library decisions that may affect the law 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, director of the law library, and faculty are responsible for the determination of basic law library policies. (August 1995; August 1996)

Standard 603. DIRECTOR OF THE LAW LIBRARY.

- (a) A law library shall be administered by a full-time director whose principal responsibility is the management of the law library.**
- (b) The selection and retention of the director of the law library shall be determined by the law school.**
- (c) A director of a law library should have a law degree and a degree in library or information science and shall have a sound knowledge of and experience in library administration.**
- (d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.**

Interpretation 603-1:

The director of the law library is responsible for the management of the law library staff. (August 1995; August 1996)

Interpretation 603-2:

The dean and faculty of the law school shall select the director of the law library. (August 1995; August 1996)

Interpretation 603-3:

The granting of faculty appointment to the director of the law library under this Standard normally is a tenure or tenure-track appointment. If a director is granted tenure, this tenure is not in the administrative position of director. (August 1995; August 1996)

Standard 604. PERSONNEL.

A law school and its library shall have a competent staff, sufficient in number to provide appropriate library and informational resource services.

Interpretation 604-1:

Factors relevant to the number of librarians and informational resource staff needed to meet this Standard include the following: the number of faculty and students, research programs of faculty and students, a dual division program in the school, graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing informational resource services. (August 1995; August 1996; July 2000)

Standard 605. SERVICES.

A law library shall provide the appropriate range and depth of reference, bibliographic, and other services to meet the needs of the law school's teaching, research, and service programs.

Interpretation 605-1:

Appropriate services include having adequate reference services, providing intellectual access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school's mission. (August 1995; August 1996)

Standard 606. COLLECTION.

(a) A law library collection, including printed sources, microforms, audio-visual works, and access to electronic informational resources, shall:

- (1) meet the research needs of the law school's students, satisfy the demands of the law school curriculum, and facilitate the education of its students;**
- (2) support the teaching, research, and service interests of faculty; and**
- (3) serve the school's special teaching, research, and service objectives.**

(b) A law library shall provide within the law school's facilities, through ownership or reliable access, a core collection of essential materials.

(c) A law library shall also provide additional collections, equipment, and services which are reasonably up to date and sufficient in quality, level, scope, and quantity to support fully the law school's programs.

(d) A law library shall maintain a written plan for development of the collection.

(e) A law library shall provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection.

Interpretation 606-1:

All materials necessary to the programs of the law school shall be complete and current. The library shall insure continuing access to all information necessary to the law school's programs. (August 1995; August 1996)

Interpretation 606-2:

A library shall acquire additional copies or provide sufficient access to materials that are heavily used. (August 1995; August 1996)

Interpretation 606-3:

At present, no single publishing medium (electronic, print, microform, or audio-visual) provides sufficient access to the breadth and depth of recorded knowledge and information needed to bring a law school into compliance with Standard 606. Consequently, a collection that consists of a single format may violate Standard 606. (August 1995; August 1996)

Interpretation 606-4:

Agreements for the sharing of information resources, except for the core collection, satisfy Standard 606 if:

- (1) The agreements are in writing; and*
- (2) The agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school. However, these cooperative relationships cannot be a substitute for a school's responsibility to provide its own adequate and accessible core collection and services. (August 1995; August 1996)*

Interpretation 606-5:

Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner. (August 1995; August 1996)

Interpretation 606-6:

A law library core collection shall include the following:

- (1) all reported federal court decisions and reported decisions of the highest appellate court of each state;*
- (2) all federal codes and session laws, and at least one current annotated code for each state;*
- (3) all published treaties and international agreements of the United States;*
- (4) all published regulations (codified and uncoded) of the federal government and the codified regulations of the state in which the law school is located;*
- (5) those federal and state administrative decisions appropriate to the programs of the law school;*
- (6) U.S. Congressional materials appropriate to the programs of the law school;*
- (7) significant secondary works necessary to support the programs of the law school; and*

(8) those tools, such as citators and periodical indexes, necessary to identify primary and secondary legal information and update primary legal information. (August 1995; August 1996)

Interpretation 606-7:

The format of the core materials depends on the needs of the library and its clientele. (August 1995; August 1996)

Interpretation 606-8:

The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan. (August 1995; August 1996)

Interpretation 606-9:

This Standard requires the law library to furnish the equipment to print microform and electronic documents and to view and listen to audio-visual materials in the collection. (August 1995; August 1996)

Chapter 7 FACILITIES

Standard 701. GENERAL REQUIREMENTS.

A law school shall have physical facilities and technological capacities that are adequate both for its current program of legal education and for growth anticipated in the immediate future.

Interpretation 701-1:

Inadequate physical facilities are those which have a negative and material effect on the education students receive. (August 1996)

Interpretation 701-2:

Adequate physical facilities shall include:

- (1) suitable class and seminar rooms in sufficient number and size to permit reasonable scheduling of all classes and seminars;*
- (2) suitable space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs;*
- (3) an office for each full-time faculty member adequate for faculty study and for faculty-student conferences, and sufficient office space for part-time faculty members adequate for faculty-student conferences;*
- (4) space for co-curricular, as opposed to extra-curricular, activities as defined by the law school;*
- (5) suitable space for all staff; and*
- (6) suitable space for equipment and records in proximity to the individuals and offices served. (August 1996; July 2000)*

Interpretation 701-3:

To obtain full approval, a law school's facilities shall be completed and occupied by the law school; plans or construction in progress are insufficient. (May 1977; July 1977; August 1977; August 1996; August 2001)

Interpretation 701-4:

A law school must demonstrate that it is and will be housed in facilities that are adequate to carry out its program of legal education. If facilities are leased or financed, factors relevant to whether the law school is or will be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms, termination or foreclosure provisions, and the security of the school's interest. (August 2001)

Interpretation 701-5:

A law school's physical facilities should 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, the arrangements shall permit proper scheduling of all law classes and other law school activities. (August 1996; August 2001)

Standard 702. LAW LIBRARY.

The physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school's programs and enrollment to accommodate the law school's students and faculty and the law library's services, collections, staff, operations, and equipment.

Interpretation 702-1:

A law library shall have sufficient seating to meet the needs of the law school's students and faculty. (August 1996)

Standard 703. RESEARCH AND STUDY SPACE.

A law school shall provide, on site, sufficient quiet study and research seating for its students and faculty. A law school should provide space that is suitable for group study and other forms of collaborative work.

Chapter 8

COUNCIL AUTHORITY, VARIANCES, AND AMENDMENTS

Standard 801. COUNCIL AUTHORITY.

(a) The Council shall have the authority to grant or deny a law school's application for provisional or full approval or to withdraw provisional or full approval from a law school. A decision of the Council to grant or withdraw provisional or full approval shall not become effective until it has been reviewed by the House. Review of such a decision by the House shall be conducted pursuant to the procedures set forth in the Rules of Procedure of the House and the Rules of Procedure for Approval of Law Schools.

(b) The Council shall have the authority to adopt, revise, amend or repeal the Standards, Interpretations and Rules. A decision of the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules shall not become effective until it has been reviewed by the House. Review of such decisions by the House shall be conducted pursuant to the procedures set forth in Standard 803 and the Rules of Procedure of the House.

Standard 802. VARIANCE.

A law school proposing to offer a program of legal education a portion of which is inconsistent with a Standard may apply for a variance. If the Council finds that the proposal is nevertheless consistent with the general purposes of the Standards, the Council may grant the variance and shall impose the conditions and time limits it considers appropriate.

Standard 803. AMENDMENT OF STANDARDS, INTERPRETATIONS, RULES AND POLICIES.

(a) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to adopt, revise, amend or repeal the Standards, Interpretations or Rules, the Chairperson of the Council shall furnish a written statement of the Council action to the House.

(b) Once the action of the Council is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the Council's decision or refer the decision back to the Council for further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.

(c) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules is subject to a maximum of two referrals back to the Council by the House. If the House refers a Council decision back to the Council twice, then the decision of the Council following the second referral will be final and will not be subject to further review by the House.

(d) Any member of the Association may propose an amendment, whether by revision, addition, or repeal, of the Standards, Interpretations, or Rules by submitting it and a statement of its purposes to the Council. The Council shall consider the proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. In its consideration, the Council may refer the proposal to the Standards Review Committee and other committees for recommendation. If the proposed amendment is not adopted by the Council, the Council shall inform the proposer of its action and the reasons therefor.

Appendix 1*

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 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.

* 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.

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 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.

Appendix 2*

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 104 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) 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.

* Appendix 2 follows the discussion of educational effects of the size of the full-time law faculty that had been contained in the former Interpretation of Standards 201 and 401-405, which addressed student/faculty ratios.

(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.

(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 208).

(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 (Standards 206, 402 & 404). 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.

(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 101) and therefore upon compliance with Standards 201 and 401-405.

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

Note: In most cases simply the corresponding Standard(s) is given to note the section wherein the keyword can be found. One should also refer to the corresponding Interpretations for additional information.

<u>Key Word</u>	<u>Standard</u> ("i"=Interpretation)
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Academic standards	204(b), 303
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Adjuncts, use of	403(c)
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<u>Key Word</u>	<u>Standard</u> (“i”=Interpretation)
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**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**Rules of Procedure for
Approval of Law Schools**

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.

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A. INTRODUCTION

Rule 1. Definitions As Used in These Rules

- (a) "Action letter" means a letter transmitted by the Consultant to the president and the 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 Section which acts on all matters relating to the accreditation of law schools.
- (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" means the House of Delegates of the American Bar Association.
- (g) "J.D. degree" means the first professional degree in law granted by a law school.
- (h) "President" means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.
- (i) "Rules" means the Rules of Procedure for Approval of Law Schools by the American Bar Association.
- (j) "Section" means the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (k) "Sanctions" include, but are not limited to, censure, probation or removal of the school from the list of law schools approved by the Association.
- (l) "Standards" means the Standards for Approval of Law Schools by the American Bar Association, as interpreted by the Council.
- (m) "University" means a post secondary educational institution that confers a baccalaureate degree and may grant other degrees, whether it is called university, college, or other name.

B. UNIFORM PROVISIONS

Rule 2. Site Evaluation - Uniform Provisions

(a) Where a site evaluation is required under these Rules, the Consultant shall arrange for a visit by a team of qualified and objective persons. If there is a state agency or other entity which authorizes degree granting authority or performs accreditation or certification functions, the school may inform the Consultant who shall invite the agency or official to observe the site evaluation.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed application (if the school is applying for provisional or full approval), the completed site evaluation questionnaire and the current self-study undertaken by the dean and faculty. Complaints received under Rule 24 and not dismissed by the Consultant or the Accreditation Committee shall be supplied by the Consultant to the site evaluation team.

(c) The Consultant shall schedule the site evaluation of the law school to take place 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 and other officers of the institution, the dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community. In the case of a law school seeking provisional or full approval, such visit shall be scheduled within three months after receipt, by the Consultant, of the application for approval.

(d) 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.

(e) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming it to the requirements of Rule 2(d), the Consultant shall transmit 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 transmitting the report, the Consultant shall include the date on which the Accreditation Committee will consider the report and shall advise that any response to the report must be received by the Consultant at least fifteen (15) days prior to the date of the meeting at which the Accreditation Committee will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant mailed the report to the school.

(f) Following receipt of the school's response to the site evaluation report, the Consultant shall forward a copy of the report with the school's response to members of the Accreditation Committee and the site evaluation team.

(g) 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 (1) the information is received in writing by the Consultant at least fifteen (15) days before the Committee meeting at which the report is scheduled to be considered, or (2) for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not received in a timely manner.

(h) This Rule shall not apply to site evaluations required by Rules 18 and 19.

Rule 3. Accreditation Committee Consideration - Uniform Provisions

(a) Upon completion of the procedures provided in Rule 2, the Accreditation Committee shall meet to assess approval based upon a record consisting of the law school's application (in the case of a school seeking provisional or full approval), the site evaluation report, any written material submitted in a timely manner by the school, and other relevant information.

(b) The chairperson or a member of the site evaluation team may be present at the Committee meeting at which the law school is considered if requested by the chairperson of the Committee. The reasonable and necessary expenses of such attendance shall be the responsibility of the law school.

(c) In the case of a school seeking provisional or full approval, 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.

(d) After the Committee makes its decision, the Consultant shall inform the president and the dean of the law school of the decision by an action letter. If the decision is adverse to the law school, the action letter shall contain the Committee's specific reasons

C. APPLYING FOR PROVISIONAL OR FULL APPROVAL

Rule 4. Application for Provisional or Full Approval.

(a) An applicant law school shall submit its application for provisional or full approval to the Consultant after the beginning of Fall term classes but no later than October 15 in the academic year in which the law school is seeking approval. If the school is seeking a site evaluation visit in the Fall academic term it shall also file, during the month of March of the preceding academic year, a written notice of its intent to do so. A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted.

(b) The application must contain:

- (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 complies with each of the requirements of the Standards for provisional or full approval. If a law school seeking approval is not part of a university, the letter required from that institution by this subsection must be from the chairperson of the governing board and from the dean;
- (2) A completed site evaluation questionnaire;
- (3) A completed annual questionnaire;
- (4) In the case of a law school seeking provisional approval, a copy of a feasibility study which evaluates the nature of the educational program and goals of the school, the characteristics and interests of the students who are likely to apply, and the resources necessary to create and sustain the school, including relation to the resources of a parent institution, if any;
- (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 documents detailing the law school and parent institution's ownership interest in any land or physical facilities used by the law school;
- (8) A request that the Consultant schedule a site evaluation at the school's expense; and,
- (9) Payment to the Association of the application fee.

(c) A law school may not apply for provisional approval until it has completed the first academic year of its program, except as provided in subsection (d).

(d) A law school, however, may apply for provisional approval before it has completed the first academic year of its program if the Council has acquiesced in a major structural change by the law school pursuant to Rule 19 and:

(1) the law school was created, or is to be created, by the transfer of all, or substantially all, of the academic programs or assets of a fully approved or provisionally approved law school to a new institution and all of the details of the transfer have been settled; or,

(2) the law school was created by the opening of a branch by a fully approved law school.

(e) A law school must demonstrate that it or the university of which it is a part is legally authorized under applicable state law to provide a program of education beyond the secondary level.

(f) A law school shall disclose whether an accrediting agency recognized by the U.S. Secretary of Education has denied an application for accreditation filed by the law school, revoked the accreditation of the law school, or placed the law school on probation. If the law school is part of a university, then the law school shall further disclose whether an accrediting agency recognized by the U.S. Secretary of Education has taken any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

(g) When a law school submits a completed application for provisional or full approval, the Consultant shall arrange for a site evaluation as provided under Rule 2.

(h) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the application in accordance with Rule 3.

Rule 5. Accreditation Committee Reconsideration of Previous Action Taken.

(a) A law school may request Accreditation Committee reconsideration of a Committee Action Letter by filing a request for reconsideration with the Chair of the Committee. The request must be filed within 30 days after the date of the Accreditation Committee Action Letter.

(b) The Chair of the Accreditation Committee shall grant the request for reconsideration upon good cause shown. If the request is granted, reconsideration shall take place at the next regularly scheduled meeting of the Accreditation Committee, if feasible.

(c) The record upon which the law school seeking reconsideration may proceed shall consist of the following:

- (1) The record before the Committee at the time of its initial decision of the matter.
- (2) The Committee Action Letter.
- (3) The law school's request for reconsideration.
- (4) Any new evidence upon which the request for reconsideration is based. Such new evidence must be submitted with the request for reconsideration and must be verified at the time of submission. Unverified new evidence will not be considered by the Committee.
- (5) Examples of appropriate verification include (this is not an exclusive list):
 - (a) For a publicly supported law school, a copy of legislation verifying that the state legislature has included funding for a law school building project in a recently passed appropriations bill.
 - (b) A letter from a foundation officer verifying that funds have been deposited to the law school's account.
 - (c) A certificate of completion or occupancy issued by the appropriate governmental body, or other evidence of readiness for occupancy provided by the contractor or architect of a law school building project.
 - (d) A letter from the University president authorizing the hiring of a new faculty member.
 - (e) A letter from the dean verifying that offers have been made and accepted, accompanied by the copies of the faculty resumes.
 - (f) A copy of a written collection development plan for the Law Library accompanied by the minutes of the faculty meeting where the plan was adopted or accepted.
 - (g) Recent bar admissions data published or certified by the appropriate bar admissions authority.
- (d) There shall be no right of appearance before the Committee in connection with reconsideration.

RULE 6. Council Consideration of Recommendation of Accreditation Committee.

- (a) In those circumstances in which the Council takes final action on an Accreditation Committee recommendation (e.g., recommendations under Standards 102, 103, 105, 307, and 802, and Rule 14), the law school has a right of appearance before the Council.

(b) In considering the recommendation of the Committee, the Council shall adopt the Accreditation Committee's findings of fact unless the Council determines the findings of fact to be unsupported by substantial evidence on the record.

(c) The Council may adopt or modify the Accreditation Committee's recommendation, or it may refer the matter back to the Committee for further consideration.

(d) Council consideration of the Committee's recommendation shall, subject to sections (c), (e) and (f), be based on the following record:

(1) The record before the Committee at the time of the Committee's decision.

(2) The Committee Action Letter.

(3) The school's appearance before the Council, if any.

(e) The Council will not accept new evidence submitted by the school except upon a two-thirds vote of the Council based on findings that:

(1) The new evidence was not presented to the Accreditation Committee, and

(2) The new evidence could not reasonably have been presented, and

(3) A reference back to the Accreditation Committee to consider the new evidence would, under the circumstances, present a serious hardship to the school.

(f) In addition to the requirement of (e) above, the evidence may be received by the Council only if the evidence is:

(1) Submitted at least 14 days in advance of the Council meeting, and

(2) Appropriately verified at the time of submission.

(g) Examples of appropriate verification include (this is not an exclusive list):

(1) For a publicly supported law school, a copy of legislation verifying that the state legislature has included funding for a law school building project in a recently passed appropriations bill.

(2) A letter from a foundation officer verifying that funds have been deposited to the law school's account.

(3) A certificate of completion or occupancy issued by the appropriate governmental body, or other evidence of readiness for occupancy provided by the contractor or architect of a law school building project.

- (4) A letter from the University president authorizing the hiring of a new faculty member.
- (5) A letter from the dean verifying that offers have been made and accepted, accompanied by the copies of the faculty resumes.
- (6) A copy of a written collection development plan for the Law Library accompanied by the minutes of the faculty meeting where the plan was adopted or accepted.
- (7) Recent bar admissions data published or certified by the appropriate bar admissions authority.

RULE 7. Council Consideration of Appeal from Accreditation Committee Action Letter.

- (a) A school may take an appeal from the Accreditation Committee Action Letter by filing a written appeal with 30 days after the date of the Accreditation Committee Letter. If the school has requested Accreditation Committee reconsideration, then the 30-day time period begins to run from the date of the Action Letter containing the Committee's decision on reconsideration. If the Accreditation Committee Chair denies the request for reconsideration, the 30-day time period begins to run from the date of the letter of denial.
- (b) The Council shall consider the appeal at its next regularly scheduled meeting, if feasible.
- (c) The Council may affirm or modify the Accreditation Committee decision, or it may refer the matter back to the Committee for further consideration.
- (d) In considering the Appeal from the Accreditation Committee action, the Council shall adopt the Accreditation Committee's findings of fact, unless the Council determines that the findings of fact are unsupported by substantial evidence on the record.
- (e) The record upon which the law school may base its appeal shall consist of the following:
 - (1) The record before the Committee at the time of the Committee's decision.
 - (2) The Committee Action Letter.
 - (3) The Committee response to the appeal, if any.
 - (4) The law school's written appeal. The written appeal may not contain, nor may it refer to, any evidence that was not in the record before the Committee at the time of its action.
- (f) There shall be no right of appearance before the Council in connection with the appeal.

Rule 8. Withdrawal of Application and Reapplication for Provisional or Full Approval.

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

D. EVALUATION OF PROVISIONALLY OR FULLY APPROVED SCHOOLS

Rule 9. Site Evaluation of Provisionally or Fully Approved Law Schools.

(a) A site evaluation of a provisionally approved law school shall be conducted each year. A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and every seventh year thereafter. The Council or Committee may order additional site evaluations of a school when special circumstances warrant.

(b) In years two, four and five of a school's provisional approval status, the school shall normally be required to prepare a complete self-study, and the site evaluation shall normally be undertaken by a full site evaluation team. In years one and three of a school's provisional status, a full self-study normally will not be required and a limited site evaluation, conducted by one or two site evaluators, normally will be undertaken. The purpose of the limited site evaluation will primarily be to determine the extent to which the school is making satisfactory progress toward achieving full compliance with the Standards, and to identify any significant changes in the school's situation since the last full site evaluation. The Accreditation Committee shall have the discretion to order a full site evaluation in any particular year, and to order a limited site evaluation if it determines that a full site evaluation is not necessary in any particular year.

(c) The Consultant shall arrange for the site evaluation in accordance with Rule 2.

(d) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the law school's evaluation in accordance with Rule 3.

(e) A request for postponement of a site evaluation will be granted only 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. 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.

RULE 10. Review by the House of a Council Decision to Grant or Deny an Application for Provisional or Full Approval

(a) Council Approval.

(1) A decision by the Council to grant a law school's application for provisional or full approval does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to grant an application for provisional or full approval, the Chairperson of the Council shall furnish a written statement of the Council action to the House. The review by the House of the Council's decision shall be conducted in accordance with the provisions of this Rule and the Rules of Procedure of the House.

(2) Once the Council's action is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the decision or refer the decision back to the Council for further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.

(3) A decision by the Council to grant an application for provisional or full approval is subject to a maximum of two referrals back to the Council by the House. If the House refers a Council decision back to the Council twice, then the decision of the Council following the second referral will be final and will not be subject to further review by the House.

(b) Council Disapproval.

(1) A law school whose application for provisional or full approval is denied by the Council may appeal that decision to the House. The appeal shall be conducted in accordance with the provisions of this Rule and the Rules of Procedure of the House. The representative of the school who is permitted to appear under the Rules of Procedure of the House may be the legal counsel of the school.

(2) 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 Accreditation Committee's and the 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 the letters reporting the action of the Accreditation Committee and the Council.

(3) Once a law school's appeal is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the Council's decision or refer the decision back to the Council for further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.

(4) A decision by the Council to deny an application for provisional or full approval, if appealed by the law school, is subject to a maximum of two referrals back to the Council by the House. If the House refers a Council decision back to the Council twice, then the decision of the Council following the second referral will be final and will not be subject to further review by the House.

(c) The Council's consideration of a decision referred back to it by the House shall be conducted pursuant to the procedures set forth in Rule 5. The record in such a proceeding shall include the statement of the House accompanying the referral back to the Council.

Rule 11. Action Concerning 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 determines that the school has not demonstrated compliance with the Standards, the school may be required 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 required to take appropriate remedial action, placed on probation, or 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 to cooperate in a site evaluation, the school may be required 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 required to take appropriate remedial action, placed on probation, or removed from the list of law schools approved by the Association.
- (d) The Consultant shall give the law school at least thirty (30) days 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 thirty (30) days. 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 12. Fact Finder.

- (a) The chairperson of the Committee or the chairperson of the Council may appoint a fact finder to elicit facts relevant to any matter before the Committee or Council.
- (b) The Consultant shall furnish the fact finder with a copy of the most recent site evaluation questionnaire, site evaluation report, annual questionnaire, Consultant's action letters written subsequent to the most recent site evaluation report, notice of Committee hearing or Council meeting and other relevant 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 it to Rule 12(c), the Consultant shall transmit 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 or Council 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 fifteen (15) days prior to the date of the meeting at which the Accreditation Committee or Council will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant mailed the report to the school.

Rule 13. 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 information.

(b) Representatives of the law school, including legal counsel, may appear at the hearing and submit information to demonstrate that the school is currently in compliance with all of the Standards or to present a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time.

(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 reasonable and necessary 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, it shall direct the law school to take remedial action or shall impose sanctions, as appropriate.

(1) Remedial action may be ordered pursuant to a reliable plan for bringing the school into compliance with all of the Standards.

(2) If matters of noncompliance are substantial or have been persistent, then the Committee may recommend to the Council that the school be subjected to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance.

(3) If matters of noncompliance are substantial or have been persistent, and the school fails to present a reliable plan for bringing the school into compliance with all of the Standards, the Committee may recommend to the Council that the school be removed from the list of approved schools.

(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 the dean of the school by the Consultant.

Rule 14. Council Consideration of Committee Recommendation for Imposition of Sanctions.

(a) The Council may direct the law school to take remedial action or subject it to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance with all of the Standards.

(b) The Consultant shall inform the president and the dean of the law school of the decision by an action letter. If the decision is adverse to the law school, the action letter shall contain the Council's specific reasons.

(c) If the Council imposes sanctions in the absence of a reliable plan for bringing the school into compliance with all of the Standards, the Accreditation Committee shall monitor the steps taken by the school to come into compliance. If the Council imposes sanctions pursuant to a reliable plan for bringing the school into compliance with the Standards, the Accreditation Committee shall monitor the steps taken by the school for meeting its plan. At any time that the school is not making progress toward compliance with all of the Standards, or at any time that the school is not meeting the obligations of its plan, or if at the end of a period of time set by the Council for coming into compliance the school has not achieved compliance with all of the Standards, the Committee shall forward a recommendation that the school be removed from the list of approved schools. This recommendation shall be heard by the Council under the procedures of this Rule, but the only issue for Council consideration will be whether the school has met the terms of its plan or is in compliance with all of the Standards.

(d) At any time that the school presents information on which the Committee concludes that the school is in full compliance with the Standards, the Committee shall recommend to the Council that the school be taken off probation. This recommendation will be heard

by the Council under the procedures of this Rule.

Rule 15. Maximum Period for Compliance with Remedial or Probationary Requirements.

Upon communication to a law school of a final decision that it is not in compliance with the Standards and informing it that it has been ordered to take remedial action or placed on probation pursuant to Rules 13 or 14, the school shall have a period as set by the Committee or the Council to come into compliance. The period may not exceed two years unless such time is extended by the Committee or the Council, as the case may be, for good cause shown.

Rule 16. Review by the House of a Council Decision to Withdraw Approval.

(a) A decision by the Council to withdraw provisional or full approval from a law school does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to withdraw provisional or full approval, the Chairperson of the Council shall furnish a written statement of the Council action to the House.

(b) Review by the House of a Council decision to withdraw provisional or full approval from a law school shall be conducted in accordance with the provisions of this Rule and the Rules of Procedure of the House. The representative of the school who is permitted to appear under the Rules of Procedure of the House may be the legal counsel of the school.

(c) The Chairperson of the Council shall furnish to the Secretary of the Association a report including the record on which the Council based its decision. Review by the House constitutes a waiver of any confidentiality of the record.

(d) Once the Council's decision is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the Council's decision or refer the decision back to the Council for further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.

(e) A decision by the Council to withdraw provisional or full approval from a law school is subject to a maximum of one referral back to the Council by the House. If the House refers a Council decision back to the Council, then the decision of the Council following that referral will be final and will not be subject to further review by the House.

(f) The Council's consideration of a decision referred back to it by the House shall be conducted pursuant to the procedures set forth in Rule 14. The record in such a proceeding shall include the statement of the House accompanying the referral back to the Council.

Rule 17. Status of Law School Pending Appeal.

While an appeal from, or review of, 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.

E. MAJOR PROGRAM CHANGES

Rule 18. Major Change in the Program of Legal Education of a Provisionally or Fully Approved Law School.

(a) A major change in the program of legal education of a law school raises concern about the school's continued compliance with the Standards. Before making a major change in its program of legal education, a provisionally or fully approved school shall apply for and obtain Council acquiescence in the proposed change.

(b) Major changes in the program of legal education of a law school which require Council acquiescence include:

- (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 a degree in addition to the J.D. degree;
- (5) A change in program length measurement from clock hours to credit hours; and
- (6) A substantial increase in the number of clock or credit hours that are required for graduation.

(c) A law school's application for acquiescence must be submitted to the Consultant's office at least 120 days prior to a scheduled meeting of the Accreditation Committee in order for the proposal to be considered by the Committee at that meeting.

(d) The application must contain:

- (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 do certify

that, in their respective opinions, the school fully complies with each of the Standards. If a law school seeking acquiescence is not part of a university, the letter may be from only the dean;

(2) A completed site evaluation questionnaire;

(3) A copy of the law school's most recent self-study;

(4) A description of the proposed change and a detailed analysis of the effect of the proposed change on the law school's compliance with the Standards;

(5) A request that the Consultant schedule a site evaluation at the school's expense; and,

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

(e) When a law school submits a completed application, the Consultant shall timely arrange for a site evaluation visit by a team of qualified and objective persons unless no site visit is required because the application seeks approval of a major change described in Rule 18(b)(5) and Rule 18(b)(6). If there is a state agency or official that grants degree-conferring authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation. The Consultant shall schedule the site evaluation of the law school at a time during the academic year when regular classes are being conducted.

(f) A site evaluation of the school must be conducted before the Accreditation Committee or the Council considers the application, unless the application seeks approval of a major change described in Rule 18(b)(5) or Rule 18(b)(6).

(g) The site evaluators shall inquire into the effect the proposed change may have on the school's continuing compliance with the Standards.

(h) The site evaluators shall prepare a written report based on the site evaluation. The site evaluators shall report facts and observations that will enable the Accreditation Committee and the Council to determine the effect of the proposed change on the law school's continuing compliance. The site evaluators shall not make any determination as to the school's compliance with the Standards.

(i) The team shall promptly submit its report to the Consultant. After reviewing the report and conforming it to the requirements of Rule 18(h), the Consultant shall transmit 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 is scheduled to 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 must be at least fifteen (15) days prior to the date of the meeting at which the Accreditation Committee is scheduled to consider the report. The school

shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant mailed the report to the school.

(j) Following the receipt of the school's response to its site evaluation report, 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.

(k) 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 (1) the information is received in writing by the Consultant at least fifteen (15) days before the Committee meeting at which the report is scheduled to be considered or, (2) for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not received in a timely manner.

(l) The Consultant shall furnish to the Accreditation Committee the law school's application, the site evaluation report, any written material submitted in a timely manner by the school, and other relevant information. These materials shall constitute the record.

(m) The chairperson or a member of the site evaluation team may be present at the Accreditation Committee meeting at which the law school is considered if requested by the chairperson of the Committee. The law school shall reimburse the site evaluation team member(s) for reasonable and necessary expenses incurred in attending the Committee meeting.

(n) Representatives of the law school, including legal counsel, may appear and make a presentation at the Accreditation Committee meeting at which the school's application is considered.

(o) After the Accreditation Committee meeting at which the school's application is considered, the Consultant shall inform the president and the dean of the law school in writing of the Committee's action. If the action is adverse to the law school, the action letter must state the reasons for the Committee's action.

(p) The Council shall acquiesce in the proposed major change if the law school demonstrates (1) that the change will not detract from the law school's ability to maintain a sound educational program leading to the J.D. degree and (2) that the law school will be operated in compliance with the Standards, or, in the case of a degree beyond the J.D. degree, that the existing J.D. program exceeds the Standards and the requirements of Standard 307 will be satisfied.

(q) If the Accreditation Committee recommends that the Council not acquiesce in a proposed major change, whether or not the school has applied for reconsideration, the applicant law school may not submit a new application for acquiescence until ten months after the date of the Committee's most recent recommendation.

(r) The Consultant shall timely place the Committee recommendation on the agenda of a Council meeting. The Consultant shall furnish to the Council all documents that were before the Committee and the action letter reporting the Committee's recommendation.

(s) After the Council meeting at which the application is considered, the Consultant shall inform the president and the dean of the law school in writing of the Council's action. There is no appeal from the Council's action.

(t) Following Council acquiescence in a major change, the Consultant shall arrange for a limited site evaluation of the school no later than two years after the date of the acquiescence to determine whether the law school has realized the anticipated benefits and remains in compliance with the Standards. No site visit shall be required following Council acquiescence in a major change described in Rule 18(b)(5) or Rule 18(b)(6).

19. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School.

(a) A major change in the organizational structure of an approved law school raises concern about the school's continued compliance with the Standards. Before making a major change in its organizational structure, a provisionally or fully approved law school shall apply for and obtain acquiescence in the proposed change.

(b) A major change in the organizational structure of an approved law school which requires Council acquiescence means:

- (1) Materially modifying the law school's legal status or institutional relationship with a parent institution;
- (2) Merging or affiliating with one or more approved or unapproved law schools;
- (3) Acquiring another law school or educational institution;
- (4) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;
- (5) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;
- (6) Opening of a branch or an additional location at which the law school offers at least 20 percent of its educational program;
- (7) Merging or affiliating with one or more universities; or
- (8) A change in the control of the school resulting from a change in the ownership of the school or a contractual arrangement.

(c) For purposes of this Rule:

(1) The transfer of all or substantially all of the academic program or assets of an approved law school to a new institution, whether a university or freestanding institution, constitutes a decision to close the approved law school and open a different law school.

(2) Opening of a branch by an approved law school is treated as the creation of a different law school. A law school seeking to establish a branch shall submit to the Consultant, as part of its application, a business plan that contains the following information concerning the proposed branch: a description of the educational program to be offered; projected revenues, expenditures and cash flow; and the operational, management and physical resources of the proposed branch.

(3) After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether any other proposed structural change constitutes the creation of a different law school.

(d) An approved law school must inform the Consultant prior to implementing any proposed major structural change(s) so that a site evaluation visit may be promptly scheduled. In the event that the major change in organizational structure is the opening of a branch or an additional location, the site evaluation visit shall take place within six months of the start of classes at the branch or additional location.

(e) If a different school will be created as a result of the major structural change, the different school may apply for approval pursuant to provisions of Rule 4. If the different school demonstrates that it is in full compliance with the Standards as provided in Standard 103, the Committee shall recommend that it be fully approved. Such recommendation may be conditioned upon further site evaluation visits or other requirements. If the different school is not in full compliance with the Standards, but it substantially complies with each of the Standards as provided in Standard 102, the Committee shall recommend that it be provisionally approved. The Committee may also recommend that the school will be allowed to seek full approval in a period of time shorter than that provided in Standard 103.

(f) If the Accreditation Committee determines that the proposed change will not create a different law school, the law school shall request acquiescence by the Council in compliance with Rule 18.

F. CLOSURE AND REINSTATEMENT

Rule 20. 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.
- (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 Council acquiesces in the major change pursuant to Rule 18.
- (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 of that fact. The Consultant shall notify the Council so that the Council may withdraw approval of the school pursuant to the procedures set forth in Rule 16. Once the withdrawal of approval has become final, the Consultant shall make a public announcement that the school has been 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 visiting 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 a 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.

(7) In the event that the school enters into a teach-out agreement with another law school, the school shall submit the teach-out agreement to the Accreditation Committee for its approval. As a condition for approval of the closure plan, the teach-out agreement must comply with the requirements set forth in 34 CFR § 602.27(b)(6).

(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.

Rule 21. 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.

G. FOREIGN PROGRAMS

Rule 22. 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 published Criteria for Approval of Foreign Summer Programs, Criteria for Approval of Semester Abroad Programs, Criteria for Cooperative Programs for Foreign Study, or, Criteria for Individual Student Study Abroad for Academic Credit, or other criteria applicable to the awarding of credit for foreign study.

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

Rule 23. Appeals Concerning Credit-Granting Foreign Programs.

(a) If the Accreditation Committee determines not to acquiesce in, or to withdraw acquiescence from, a credit-granting foreign program, the law school may appeal the Committee action to the Council. The school must file with the Consultant its written notice of appeal within 30 days after the Consultant mailed to the school notice of the Committee action. In the written notice of appeal, the school shall specify the nature of and grounds for the appeal, and attach any documents that support the appeal.

(b) The Committee shall have the opportunity to submit to the Council a written statement in response to the notice of appeal. Any such statement shall be filed with the Consultant within 15 days following the first meeting of the Committee held after the filing of the notice of appeal.

(c) After the Consultant has received a timely notice of appeal, the Consultant shall place the law school's appeal on the agenda of a Council meeting.

(d) The Consultant shall furnish to the Council all documents that were before the Committee when it determined not to acquiesce in, or to withdraw acquiescence from, the credit-granting foreign program; the action letter reporting those conclusions to the law school; the notice of appeal and supporting documents submitted by the school; and any

statement of the Committee submitted in response to the notice of appeal. These materials shall constitute the record. The Council shall consider and decide the appeal on the basis of the documentary record.

(e) 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 the members present, decides that the best interests of the accreditation process would be served by consideration of the evidence.

(f) On appeal, the law school shall have the burden of establishing that the action of the Committee is clearly erroneous. The Council shall not engage in a de novo review of the factual findings made by the Committee.

(g) After the meeting of the Council at which an appeal is considered, the Consultant shall inform the president and the dean of the law school in writing of the Council action. The Consultant shall also provide to the Committee the letter reporting the decision of the Council.

H. COMPLAINTS

Rule 24. Complaints Concerning Law Schools.

(a) Any person may file with the Consultant a written complaint alleging non-compliance with the Standards by a law school. A complaint must be filed within one calendar year of the complainant's learning of the facts comprising the allegation of non-compliance. Pursuit of other remedies does not toll the one calendar year limit.

(b) When the complaint is filed, the Consultant shall, within forty-five (45) days, acknowledge its receipt and inform the complainant of the Association complaint procedures, directing the complainant to notify the Consultant in writing if, upon review of Rule 24, the complainant wishes to proceed with the complaint. If the complainant fails to affirm in a writing which is received by the Consultant within 45 days after the notification request is mailed to the complainant, the Consultant shall promptly dismiss the complaint and so inform the complainant.

(c) In the event that the Consultant determines that the complaint does not allege facts constituting non-compliance with the Standards, the Consultant shall, within forty-five (45) days, dismiss the complaint and simultaneously inform the complainant. 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.

(d) If the Consultant determines that the complaint alleges facts that may indicate that a law school is in non-compliance with the Standards, the Consultant, within forty-five (45) days after receipt of the complaint, 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 forty-five (45) days after the consent for disclosure document is mailed to the complainant, the Consultant, within ten (10) days thereafter, shall dismiss the complaint and so inform the complainant. If the complainant agrees to the disclosure, the Consultant, within ten (10) days thereafter, 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. If the dean fails to submit a response in writing which is received by the Consultant within forty-five (45) days after the request for a response is mailed to the dean, the matter shall be placed on the agenda of the following Accreditation Committee meeting.

(e) Upon receipt of the response of the dean of the law school, the Consultant, within forty-five (45) days, 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 within ten (10) days of this determination; or

(2) Place the complaint on the agenda of a Committee meeting or refer the matter to the next site evaluation team visiting 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 or indicate a need for more complete investigation. Upon placing the complaint on the agenda, the Consultant shall notify the complainant and the dean of the school of the action taken.

(f) 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, at that meeting, order a special site evaluation under Rule 9(a) or the appointment of a fact finder under Rule 12. 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 11, et. seq. The Consultant shall inform the complainant and dean of the Committee action.

(g) The decision of the Consultant is final and is not subject to appeal within the Association.

(h) To ensure proper administration of the complaint process, a subcommittee of the Accreditation Committee shall periodically review all written complaints and the Consultant's disposition of them and report periodically to the Committee and to the Council. The Consultant's Office shall keep a record of these complaints for a period of at least eight years.

I. INFORMATION DISCLOSURE AND CONFIDENTIALITY

Rule 25. Confidentiality of Accreditation Information and Documents.

- (a) Except as provided in this Rule and in Rules 6 and 26, all matters relating to the accreditation of a law school shall be confidential. This shall include proceedings and deliberations of the Accreditation Committee and Council, and all non-public documents and information received or generated by the American Bar Association.
- (b) Neither the site evaluation report nor any portion thereof may be disclosed by the Association, including the Council, the Committee, the Consultant's office, or any site evaluator, unless first disclosed by the law school or the University. The law school or the University may release the whole report or portions of it as it sees fit. If the law school makes public the site evaluation report or any portion thereof, notification must be given to the Consultant at the time of the disclosure, and disclosure of the report may be made by the Consultant, upon approval of the chairperson of the Section. The Consultant may release to the public the status of the school, with an explanation of the Association procedure for consideration of an application.
- (c) Discussion of the contents of a site evaluation report with, or release of the report to, the faculty, the university administration or the governing board of the university (or a free standing law school) does not constitute release of the report to the public within the meaning of this Rule.
- (d) 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 the dean. However, any release must be a full release and not selected excerpts. The Consultant and the Association reserve the right to correct any incorrect or misleading information released or published by the institution through all appropriate means (including release of portions of the site evaluation report or the entire site evaluation report).
- (e) 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 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, who is entitled to submit in writing her or his comments on the statement in the report to the persons who have received the report.

Rule 26. 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 may state:

- (a) Whether or not a specific school has submitted an application to the American Bar Association for provisional approval.
- (b) The procedural steps for consideration of an application, including:
 - (i) consideration of an application by the Accreditation Committee;
 - (ii) 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; and
 - (iii) the role of the House in such decisions.
- (c) 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 (b) of this Rule.

Rule 27. Information to be Furnished by Schools.

- (a) A law school shall provide in a timely manner all information requested by the Consultant, a site evaluation team, the Accreditation Committee and the Council.
- (b) Annual and site evaluation questionnaires are received in confidence by the Consultant, the site evaluation team, the Accreditation Committee and the Council.
- (c) Statistical reports ("take-offs") prepared from data contained in the annual questionnaires are for the use of the Council, the Consultant, and deans of ABA approved law schools and not for public release. Information provided in statistical reports is intended for exclusive and official use by those persons authorized by the Council to receive it.
- (d) An approved law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education denies an application for accreditation filed by the law school, revokes the accreditation of the law school, or places the law school on probation. If the law school is part of a university, then the law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education takes any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the

school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

Rule 28. Publication of List of Approved and Unapproved Schools.

The Council shall annually publish 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 a publication designated by the Council pursuant to Standard 509.

J. FEES

Rule 29. Fees.

The Council shall fix fees for:

- (a) Filing an application for site evaluation for provisional approval. 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;
- (b) Annual site evaluation of a provisionally approved law school;
- (c) Regular or special site evaluation of a fully approved law school;
- (d) Application for acquiescence in a major change in program or structure of an approved school as provided in Rules 18 or 19; and
- (e) Other services and activities of the Section.

K. REIMBURSEMENT

Rule 30. 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:

- (a) 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 reasonably priced air ticket. If the visited institution wishes to avail site evaluators of special air fares, it is suggested that the visited law school secure and supply the air ticket in advance of the visit.

(b) **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.

(c) **Incidentals** - Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**Criteria for Approval of
Semester Abroad Programs
for Credit Granting Foreign Segment
of Approved J.D. Program**

Adopted June, 1994
Amended June, 1996
Amended August, 1996

I. The Program

- A. The dean and faculty of the sponsoring law school shall assume full responsibility for formulating and administering the semester abroad program.
- B. The academic content of the semester abroad program must be approved by the faculty of the sponsoring school in the same manner as the curriculum of the sponsoring school's on-campus program.
- C. 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 sponsoring school.
- D. A substantial portion of the academic program must be related to the socio-legal environment of the host country or have an international or comparative focus.
- E. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.
- F. Except as modified by these Criteria or by necessary implication, the ABA Standards for the Approval of Law Schools and adopted Interpretations thereof, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to semester abroad programs.

II. Faculty and Staff

A. Program Director

- 1. The program shall be directed by a full-time, on-site director who holds an academic appointment from the sponsoring law school.
 - a. The director must be on site for the duration of the program.
 - b. The director may not participate concurrently in another program.
- 2. The director or other responsible member of the program faculty or staff shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.
- 3. The director shall be provided with appropriate assistance, including secretarial and student support services.

B. Faculty

1. In addition to the director, there shall be at least one additional faculty member from the full-time faculty of the sponsoring school who is present full time for the duration of the program.
2. Adjunct faculty members shall possess academic credentials equivalent to those of the faculty at the sponsoring law school and shall be appointed with the approval of the faculty at the sponsoring school.
3. Full-time and adjunct faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.
4. Faculty members shall be provided with adequate secretarial support services.
5. At least one member of the full-time faculty or on-site staff must:
 - a. Be fluent in both English and the language of the host country, and
 - b. Be familiar with the country in which the program is offered.

III. Educational Program

A. These Criteria apply to semester-long foreign programs offered by a law school.

B. Maximum Credit for Foreign Study

1. Although 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, the total credits in foreign segment programs shall not exceed one-third of the credits required for the J.D. degree at the school in which the student is regularly enrolled.
2. Granting of residency credit shall comply with the requirements of Standard 304.

C. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

D. Language of instruction

1. If instruction is not in English, students must be fluent in the foreign language in which courses are taught or provided with a translation.
2. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when

instruction is in English. For purposes of calculating required class minutes, classes in which a translation is necessary may not count more than fifty (50) percent of actual class time expended.

E. Special requirements for award of credit:

1. Class-hour credit may be awarded for extra-curricular lectures and field trips only when the content is academic in nature and related to the class for which the credit is awarded.
2. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and Interpretations thereof.

F. The sponsoring school shall determine whether specific prerequisites are required for enrollment in certain courses.

G. The program shall include visits to legal institutions in the host country.

IV. Library

A. In accordance with Standards 601 and 702, the program must have or must provide acceptable access to a library and study facility adequate for its academic program. This requirement may entail development and supervision of the library holdings by the sponsoring law school librarian.

B. Library holdings must be adequate to support the course offerings of the academic program, including any research component.

V. Students

A. The sponsoring school determines the academic criteria for admission to the program.

B. Only students who have completed one year of full- or part-time law study, and who are in good standing at an ABA-approved or state accredited law school, and whose admission is consistent with Standard 501 may enroll in law study for credit in a semester abroad program under these Criteria. Nothing in this Criterion requires a law school to admit such students; that determination remains in the discretion of a law school.

C. Students from schools other than the sponsoring school must furnish a letter from their dean or registrar certifying their current good standing.

VI. Physical Facilities

- A. An administrative office or offices must be provided through which students can effectively communicate with staff and faculty in a timely manner.
- B. The faculty shall be provided with office space adequate to achieve the purposes of the program.
- C. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.
- D. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.
- E. Adequate facilities for studying must be available to students.
- F. Housing
 - 1. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.
 - 2. If the program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VII. Cancellation or Termination of Programs

- A. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in application materials sent to prospective students.
- B. If a program is subject to cancellation, application materials must include information regarding what arrangements will be made in the event of cancellation, as well as any history of prior cancellations.
- C. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.
- D. State Department Advisories
 - 1. Consular Information Sheets
 - a. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; "Areas of Instability" must be included. If the Consular Information Sheet is revised during a program to announce an "Area of Instability" in the region in which the program is being conducted, the updated information must be distributed promptly to students.

b. If the program is held in an "Area of Instability," students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an "Area of Instability."

2. Travel Warnings

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event the program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

VIII. Disclosures

A. The following information must be provided to each prospective registrant in writing in a timely fashion, usually in the initial announcement or brochure, but, in any event, prior to the date when the student's deposit becomes non-refundable.

1. Dates, location(s), description of the program, and size of enrollment;
2. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services;
3. The number of students who participated in the program the previous year from the sponsoring institution and the number from other schools (if the program is open to other students);
4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;
5. Description of each course and number of credit hours;

6. Schedule of classes with days and times for each class;
 7. Requirements for student performance and grading method;
 8. Enrollment limitations on any courses offered and criteria for enrollment;
 9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;
 10. Descriptive biographies of program director and each teacher;
 11. Name, address, telephone, and fax number of an informed contact person at the sponsoring institution;
 12. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
 13. Description and location of classrooms and administrative offices;
 14. The extent to which the country, city, and facilities are accessible to individuals with disabilities; and
 15. Circumstances 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 changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all monies paid.

IX. Procedures for Approval

A. Established Programs

1. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every five years.
2. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire.

B. New Programs

1. A school seeking to establish a new program must submit an application in the form and at the time required by the Consultant's Office. The application shall contain the following information regarding the impact of the program on the sponsoring school:

- a. The number of full-time faculty teaching at the parent campus during each semester of the year in which the program would first be offered and whether this number is changed either semester as a result of the semester abroad program;
 - b. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;
 - c. The current accreditation status of the sponsoring school; and
 - d. A statement of how the program relates to the academic program and mission of the parent campus.
2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.
3. If the Accreditation Committee grants approval, the program will 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.
- C. Approval after the first year, if granted, is effective for five years. If it is determined that a program is no longer complying with the Criteria, its approval may be withdrawn.

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**Criteria for Approval of
Foreign Summer Programs
of ABA Approved Law Schools**

June, 1994
Amended June, 1996
Amended August, 1996
Amended December, 1999

I. The Program

- A. The dean and faculty of the sponsoring law school shall assume full responsibility for formulating and administering the foreign summer program.
- B. The academic content of the summer program must be approved by the faculty of the sponsoring school in the same manner as the curriculum of the sponsoring school's on-campus program.
- C. The academic content of the summer program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school.
- D. A substantial portion of the academic program must be related to the socio-legal environment of the host country or have an international or comparative focus.
- E. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.
- F. Except as modified by these Criteria or by necessary implication, the ABA Standards for the Approval of Law Schools and adopted Interpretations thereof, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to foreign summer programs.

II. Faculty and Staff

A. Program Director

- 1. The sponsoring law school must provide a director who will be present on site for the duration of the program.
- 2. Either the director or a member of the full-time faculty shall hold an academic appointment from the sponsoring law school.
- 3. The director may not participate concurrently in another program.
- 4. The director or other responsible member of the program faculty or staff shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

B. Faculty

- 1. There shall be at least one faculty member assigned to full-time duties with the program. This may be the same person as the director.

2. Faculty members shall possess academic credentials equivalent to those of the faculty at the sponsoring law school and shall be appointed with the approval of the faculty at the sponsoring school.

3. Full-time and adjunct 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 member of the full-time faculty or on-site staff must:

1. Be fluent in both English and the language of the host country, and
2. Be familiar with the country in which the program is offered.

III. Educational Program

A. Length of program

1. Foreign summer programs must provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.
2. The sponsoring school shall not permit any student to earn more than 1.5 semester credit hours for each week of the program nor to attend more than 220 class minutes per day.

B. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.

C. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes, classes in which a translation is needed may not count more than fifty (50) percent of actual class time expended.

D. Special requirements for awards of credit:

1. Class-hour credit may be awarded for extra-curricular lectures and field trips only when the content is academic in nature and related to the class for which the credit is awarded.
2. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and Interpretations thereof.

E. The sponsoring school determines whether specific prerequisites are required for enrollment in certain courses.

F. Maximum Credit for Foreign Study

1. Although 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, the total credits in foreign segments shall not exceed one-third of the credits required for the J.D. degree at the school in which the student is regularly enrolled.

2. Granting of residency credit shall comply with the requirements of Standard 304.

G. The program shall include visits to legal institutions in the host country.

H. If course materials, including all case, statutory, and text materials needed for full understanding of the course and completion of assignments, are not self-contained, then adequate library resources must be available.

IV. Students

A. The sponsoring school determines the academic criteria for admission to the program.

B. Only students who have completed one year of full- or part-time law study, and who are in good standing at an ABA-approved or state accredited law school, and whose admission is consistent with Standard 501 may enroll in law study for credit in a foreign summer program under these Criteria. Nothing in this Criterion requires a law school to admit such students; that determination remains in the discretion of a law school.

C. Students from schools other than the sponsoring school must furnish a letter from their dean or registrar certifying their current good standing.

V. Physical Facilities

A. The program must have a staffed administrative office or other mechanism in a place that is convenient to students and through which they may communicate effectively with staff and faculty in a timely manner.

B. Faculty members should be provided with appropriate work space.

C. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

D. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

E. If course work depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.

F. Adequate facilities for studying must be available to students.

G. Housing

1. If housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.
2. If the program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VI. Cancellation or Termination of Programs

A. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in the application materials sent to prospective students.

B. The following conditions must be met:

1. For cancellation that occurs after a deposit has been paid, the program director must use his or her best efforts to make arrangements for each student enrolled to attend a similar program, if the student so desires.
2. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

C. State Department Advisories

1. Consular Information Sheets

- a. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; "Areas of Instability" must be included. If the Consular Information Sheet is revised during a program to announce an "Area of Instability" in the region in which the program is being conducted, the updated information must be distributed promptly to students.
- b. If the program is held in an "Area of Instability," students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and

board payments utilized prior to the date the site was declared an “Area of Instability.”

2. Travel Warnings

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event of program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U.S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

VII. Disclosures

A. The following information must be provided to each prospective registrant in writing in a timely fashion, usually in the initial announcement or brochure, but, in any event, prior to the date when the student's deposit becomes non-refundable.

1. Dates, location(s), description of the program, and size of enrollment;
2. The nature of the relationship with the foreign institution other than the provision of facilities and minimal services;
3. The number of students who participated in the program the previous year from the sponsoring institution and the number from other schools (if the program is open to other students);
4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;
5. Description of each course and number of credit hours;
6. Schedule of classes with days and times for each class;
7. Requirements for student performance and grading method;

8. Enrollment limitations on any courses offered and criteria for enrollment;
 9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;
 10. A statement that it is unlikely that participation in a foreign summer program may be used to accelerate graduation and that students interested in acceleration consult their home schools to review this issue in light of Standard 304, Interpretation 304-4;
 11. Descriptive biographies of program director and each teacher;
 12. Name, address, telephone, and fax number of an informed contact person at the sponsoring institution;
 13. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
 14. Description and location of classrooms and administrative offices;
 15. The extent to which the country, city, and facilities are accessible to individuals with disabilities; and
 16. Circumstances 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 changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all monies paid.

VIII. Procedures for Approval

A. Established Programs

1. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every five years.
2. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire.

B. New Programs

1. A school seeking to establish a new program must submit an application in the form and at the time required by the Consultant's Office. The application shall

contain the following information regarding the impact of the program on the sponsoring school:

- a. A statement of finances for the proposed program, including income and expenditures, and an assessment as to the degree to which funding for the program affects the program of the parent campus;
- b. The current accreditation status of the sponsoring school; and
- c. A statement of how the program relates to the academic program and mission of the sponsoring school.

2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation.

3. If the Accreditation Committee grants approval, the program will 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.

C. Approval after the first year, if granted, is effective for five years. If it is determined that a program is no longer complying with the Criteria, its approval may be withdrawn.

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**Criteria for Approval of
Individual Student Study Abroad
for Academic Credit**

Revised June 1994
Amended February 1999
Amended December 1999

I. The Program

A. These Criteria are to be used by ABA-approved law schools for the occasional student who seeks approval to enroll in a foreign institution and to receive academic credit for such study. If the school wishes to grant credit to more than four students studying at a single foreign institution during the same academic year, then the school must apply for approval of a program, either under the Criteria for Cooperative Programs for Foreign Study or the Criteria for Semester Abroad Programs.

B. The Parent School

1. Only an ABA-approved school qualifies as a “parent school” under these Criteria.
2. The parent school shall develop and publish a statement that defines the educational objectives it seeks to achieve in allowing students to study abroad for academic credit.
3. The parent school shall assume responsibility for approving course work and monitoring the study undertaken by the student.
4. Prior to the commencement of study abroad under these Criteria, the parent school must receive written assurance from the foreign institution that the student’s proposed educational objectives can be achieved at that institution.

C. The Foreign Institution

1. The foreign institution shall be one that provides an academic program leading to a first degree in law.
2. The foreign institution shall be one that is (a) government sanctioned or recognized, if educational institutions are state regulated within the country, (b) recognized or approved by an evaluation body, if such an agency exists within the country, or (c) chartered to award degrees in law by the appropriate authority within the country.

D. Academic Content Approval and Standards

1. The student’s selection of courses must be approved in advance by the parent school.
2. The parent school shall review course materials and sufficient written work of each student to ensure that the program meets standards equivalent to those employed at the parent school.
3. Before commencing study at a foreign institution, the student and the faculty member at the parent school who will monitor the students study abroad shall develop a plan that defines the educational objectives sought to be achieved by

the student during the period of study abroad. The plan also shall specify the methods to be employed in evaluating the student's performance.

4. Before the study abroad commences, a representative of the foreign institution must give written assurance to the parent institution that the student's proposed objectives can be achieved at that institution.

5. The parent school shall review sufficient written work by the student to insure that his or her study has met its educational objectives and those of the parent school.

E. Fees

1. Pursuant to Council policy, the amount of any fee imposed by either the parent school or the foreign institution shall be rationally related to the cost of administering the service for which the charge is assessed.

2. The parent school shall make known to a student in an individual student study abroad program for academic credit any costs in addition to any tuition that are charged by the foreign institution, including any fee that is charged for transferring or receiving credit earned at the foreign institution.

II. Supervising the Student

In order to assure that each student's stated educational objectives are achieved:

A. A full-time faculty member at the parent school must effectively monitor the student's course of study; and

B. A full-time faculty member at the foreign institution must effectively supervise the student's course of study.

III. Faculty

A. The student's on-site supervisor abroad must be a resident full-time faculty member of the foreign institution in which the student is enrolled.

B. The parent school shall assure itself that faculty members at the foreign institution possess academic credentials equivalent to those of faculty members at the parent school.

IV. Educational Program

A. An exception to the Standards relating to class minutes and length of program is inherent in these Criteria.

B. To qualify for study abroad under these Criteria, a student must be fluent in the language of instruction.

C. Maximum Credit for Foreign Study

1. Although 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, the total credits in foreign segment programs shall not exceed one-third of the credits required for the J.D. degree at the student's parent school.
2. The granting of residency credit shall comply with the requirements of Standard 304.

D. The parent school shall determine whether specific prerequisites are required for enrollment in certain courses.

E. No credit shall be awarded for:

1. Activities such as visits to legal and government institutions except in instances in which the content of such activities is academic in nature and is related to the course in which the credit is awarded.
2. Externship placements (e.g., in a law firm, government office, or corporation.)

V. Students

A. The parent school shall determine the academic requirements for study under these Criteria.

B. Only students who have completed one year of full- or part-time study and who are in good standing at the parent school may enroll in law study for credit at a foreign institution under these Criteria.

VI. Cancellations, Terminations, Material Change in Program

A. Upon receiving notification from the foreign institution of cancellation of a course in which a student has been authorized to enroll pursuant to a pre-visit notification form, the parent school shall reexamine the student's study in light of its stated educational objectives and determine whether the foreign study continues to satisfy those objectives. If the parent school determines that the visit should proceed, it shall submit a revised pre-visit notification form to the ABA.

B. State Department Advisories

1. Consular Information Sheets

- a. The parent school shall supply to the student the U. S. State Department Consular Information Sheet for the country(ies) in which the student will be studying; "Areas of Instability" must be included. If, during the student's period abroad, the Consular Information Sheet is revised to announce an "Area of

Instability” in the region in which a student is studying, the updated information must be transmitted promptly to the student.

b. If a student undertakes study in an area that subsequently is determined to be an “Area of Instability,” the student must be permitted to withdraw upon learning that the site has been declared to be such an area. The parent school shall assist the student to obtain a refund of all fees paid except for room and board payments utilized prior to the date the site was declared an “Area of Instability.”

2. Travel Warnings

a. If a U.S. State Department Travel Warning for the country(ies) is issued prior to the commencement of a student’s study abroad, the study shall be canceled. The parent school shall assist the student to obtain a full refund of all fees.

b. If a U.S. State Department Travel Warning is issued for the country during the course of a student’s study, the study shall be terminated immediately. The parent school shall assist the student to obtain a refund of all fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

VII. ABA Requirements for Receipt of Credit by the Student

A. At least forty-five (45) days prior to the enrollment of the student in the foreign institution, a pre-visit notification form must be completed and submitted to the ABA.

1. The form must be signed by the dean of the parent school and sent to the Office of the Consultant on Legal Education to the ABA.
2. The pre-visit notification form shall include a statement of how the student’s study relates to the academic program and mission of the parent school.
3. If the parent school fails to submit a pre-visit notification form in a timely fashion pursuant to Criterion VII. A., above, the student shall not receive credit for work undertaken at a foreign institution.

B. The Accreditation Committee or its designee shall review the pre-visit notification form to determine whether the proposed course of study complies with these Criteria.

1. Upon completion of the compliance review, the Consultant on Legal Education shall notify both the parent school and the foreign institution of the result.
2. Absent a determination that the proposed course of study complies with these Criteria, credit may not be given for work undertaken at a foreign institution.

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**Criteria for Approval of
Cooperative Programs
for Foreign Study**

The Criteria for Approval of Cooperative Programs for Foreign Study are applicable where an ABA approved law school wishes to initiate a regularized program of study by its students in a particular foreign law school.

I. The Program

A. An ABA-approved law school may enter into an agreement with a foreign law faculty for a cooperative program for the award of academic credit to its students for study at the foreign institution.

1. The cooperative program must be based on a written agreement between the two institutions.
2. Absent a determination by the Accreditation Committee that a cooperative program complies with these Criteria, credit may not be given for participation in such a program.
3. The academic program must be related to the socio-legal environment of the country in which the foreign institution is located or have an international or comparative focus.

B. The Parent School

1. Only an ABA-approved law school qualifies as a parent school under these Criteria.
2. The academic content of the cooperative program must be approved by the faculty of the parent school in the same manner as the curriculum of the parent school's on-campus program is approved.

C. The Foreign Institution

1. The foreign institution shall be one that provides an academic program leading to a first degree in law.
2. The foreign institution shall be one that is (a) government sanctioned or recognized, if educational institutions are state regulated within the country, (b) recognized or approved by an evaluation body, if such an agency exists within the country, or (c) chartered to award degrees in law by the appropriate authority within the country.

D. Academic Content Approval and Standards

1. The academic content of the cooperative program for foreign study and the methods employed to evaluate student performance shall meet standards equivalent to those employed at the parent school.
2. The parent school shall review course materials and sufficient written work of each student to ensure that the program meets standards equivalent to those employed at the parent school.

E. Except as modified by these Criteria or by necessary implication, the ABA Standards for Approval of Law Schools, Council and Accreditation Committee Policies, and Rules of Procedure shall apply to cooperative programs.

II. Faculty and Staff

A. Program Director

1. The cooperative program shall be directed at its foreign site by an on-site director who shall be responsible to both the parent school and the foreign institution and who holds an academic appointment from either the parent school or the foreign institution.

a. If the director is a member of the foreign institution's faculty, he or she shall have spent a substantial period of time in residence at an ABA-approved school and shall have visited the parent school and demonstrated familiarity with its academic program prior to application for approval of the cooperative program.

b. If the director is a faculty member from the parent school, he or she shall have spent a substantial period of time in residence at the foreign institution prior to application for approval of the cooperative program.

c. If the director is a faculty member from the parent school, he or she may not participate concurrently in another foreign program.

2. The director shall be provided with appropriate assistance including secretarial and student support services.

B. Faculty

1. Faculty members at the foreign institution shall possess academic credentials equivalent to those of faculty members at the parent school.

2. A cooperative program may involve an exchange of faculty between the parent school and the foreign institution.

III. Educational Program

A. An exception to the Standards relating to class minutes and length of program is inherent in these Criteria.

B. To qualify for study abroad under these Criteria, a student must be fluent in the language of instruction.

C. Maximum Credit for Foreign Study

1. Although 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, the total credits in foreign segment programs shall not exceed one-third of the credits required for the J.D. degree at the student's parent school.
 2. The granting of residency credit shall comply with the requirements of Standard 304.
- D. The parent school shall determine whether specific prerequisites are required for enrollment in certain courses.
- E. The program shall include visits to legal institutions in the host country.
- F. No credit shall be awarded for:
1. Activities such as visits to legal and government institutions except in instances in which the content of such activities is academic in nature and is related to the course in which the credit is awarded.
 2. Externship placements (e.g., in a law firm, government office, or corporation).

IV. Library Resources

- A. The foreign institution shall have library resources that are both accessible and adequate to meet the needs of students enrolled in the cooperative program.
- B. If course work to be undertaken by students in the program depends on access to U.S. legal materials, the parent school is responsible for making such materials available.

V. Students

- A. Enrollment in the foreign segment of an approved cooperative program shall be limited to the parent school's own students. A cooperative program, however, may involve an exchange of students between the parent school and the foreign institution.
- B. The number of students enrolled in the program shall not exceed the number appropriate to the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational programs or goals.
- C. The parent school shall determine the academic requirements for study under these Criteria.
- D. Only students who have completed one year of full- or part-time study at the parent school and who are in good standing at the parent school may enroll in law study for credit at a foreign institution under these Criteria.

VI. Physical Facilities

- A. An administrative office or offices must be provided through which students can communicate effectively with staff and faculty.
- B. Classrooms shall be adequate to provide meaningful communication and exchange between students and faculty.
- C. Students shall be provided with adequate space for study.

VII. Housing

- A. If housing is made available by the program and it is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S., the housing must be described and information must be provided regarding the cost of better quality housing in the same area.
- B. If the cooperative program does not provide housing, information on the availability, approximate cost, and location of housing must be provided.

VIII. Cancellation of Program

- A. If a cooperative program is subject to cancellation for insufficient enrollment or any other reason, the circumstance under which cancellation will occur must be disclosed in the application materials sent to prospective students.
- B. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.
- C. State Department Advisories
 - 1. Consular Information Sheets
 - a. As a part of the registration materials for the program, the parent school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted; "Areas of Instability" must be included. If the Consular Information Sheet is revised during the program to announce an "Area of Instability" in the region in which the program is being conducted, the updated information must be distributed promptly to students.
 - b. If the program is held in an "Area of Instability" students must be permitted to withdraw upon learning that the site has been declared to be such an area. Students shall be refunded fees paid except for room and board payments utilized prior to the date the site was declared an "Area of Instability."

2. Travel Warnings

a. If, prior to the commencement of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly of the warning and be given an opportunity to withdraw from the program. Students who withdraw shall receive a full refund of all monies advanced within twenty (20) days after withdrawal. In the event the program is canceled, students shall receive a full refund of all monies advanced within twenty (20) days after the cancellation.

b. If, during the course of a program, a U. S. State Department Travel Warning is issued for the country(ies) in which the program is being conducted, students must be notified promptly of the warning and given an opportunity to withdraw from the program. Students who withdraw must be refunded fees paid except for room and board payments utilized prior to the date of withdrawal. If the program is terminated, students shall be refunded fees paid except for room and board payments utilized prior to the date the Travel Warning is issued.

IX. Disclosures

A. The following information must be provided to each prospective registrant in a timely fashion, usually in the initial announcement or brochure, but, in any event, prior to the date when the student's deposit becomes nonrefundable.

1. Dates, location(s), description of the program and anticipated size of enrollment;
2. Description of each course and the number of credit hours for which students may enroll;
3. Schedule of classes with days and times for each class in which students may enroll;
4. Requirements for student performance and grading methods;
5. Enrollment limitations, if any, on any courses offered and criteria for enrollment;
6. A statement that acceptance of any credit or grade for any course taken in the program is subject to determination by the parent school;
7. A descriptive biography of the program director and of each teacher offering a course in which the students may enroll;
8. Name, address, telephone and fax number, if available, of an informed contact person at the parent school;

9. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
 10. Description and location of classrooms and administrative offices;
 11. Extent to which the country, city, and facilities are accessible to individuals with disabilities;
 12. Circumstances under which the program is subject to cancellation, what arrangements will be made in the event of cancellation and information regarding prior cancellations.
- B. If changes are made in the course offerings or other significant aspects of the cooperative program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all fees paid.

X. Procedure for Approval

- A. The parent school shall submit an application for a cooperative program to the Accreditation Committee for approval.
1. A school seeking to establish such a program must submit an application in the form provided by the Consultant's Office.
 2. The Accreditation Committee will determine whether to approve for the first year of operation on the basis of the written submission.
 3. The program, if the Accreditation Committee approves, will 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.
- B. The application shall contain information concerning the impact of the program on the parent school, including information concerning:
1. The number of full-time faculty teaching at the parent school during each semester of the year in which the program would first be offered and whether this number is changed either semester as a result of the cooperative program; and
 2. A statement of finances of the cooperative program, including income and expenditures and an assessment as to the degree to which funding of the program impacts upon the program of the parent school.
- C. The application shall state how the cooperative program relates to the academic program and mission of the parent school.

D. Established programs previously reviewed and approved by the Accreditation Committee will be reevaluated with a site visit every five years. In the interim, monitoring of the program will be accomplished by completion of an annual questionnaire. If it is determined that a program is no longer complying with the Criteria, its approval may be withdrawn.

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**Statement of Ethical Practices in the Process
of Law School Accreditation**

1. Impartiality and Propriety

(a) Those who have significant responsibility in the process leading to accreditation of law schools serve a vital 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:

(i) initial accreditation by the American Bar Association, and

(ii) re-evaluation and continuation of American Bar Association accreditation.

(c) This statement applies to service as consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor renders (i) without fee; (ii) informally; and (iii) which he or she discloses fully to the other members of the accreditation 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, or by persons acting on behalf of the Consultant, (iv) or by a person acting in the normal course of his or her employment.

(d) This statement applies to:

(i) members of the Accreditation Committee of the Council on Legal Education and Admissions to the Bar of the American Bar Association;

(ii) members of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(iii) members of the professional staff of the Section of Legal Education and Admissions to the Bar of the American Bar Association, except as provided in subsection (c) above; and

(iv) a member of a site evaluation team or hearing commission accepting appointment as a consultant to a law school that he or she has evaluated or conducted hearings on, within two years after the site evaluation or while the Section of Legal Education and Admissions to the Bar still has under consideration matters developed by the site evaluation, whichever is longer;

(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 shall bring this statement 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 statement becomes effective. *(June 1997)*

2. Conflicts of Interest

(a) It is the Council's policy to avoid any conflict of interest or perceived conflict of interest arising because a person involved in the accreditation process has an associational interest in the law school or law school program under review by the Council or the Accreditation Committee. Thus, if a member of the Council or the Accreditation Committee is a dean or a regular faculty member of a law school under review, a former dean of a law school under review, a former faculty member of a law school under review (for a period of ten years following the termination of faculty status with that law school), or a graduate of the law school under review, she or he may not vote on the consideration of that school during her or his tenure on the Council or the Accreditation Committee. Furthermore, a dean or faculty member of a law school under review, a former dean of a law school under review, a former regular faculty member of a law school under review (for a period of ten years following the termination of faculty status with that law school), or a graduate of a law school under review may not serve on a site evaluation team or as a fact finder visiting that law school or law school program.

(b) In order that members of the Council and the Accreditation Committee may avoid the appearance of a conflict of interest not considered herein, any member of the Council or Accreditation Committee may recuse himself or herself from voting on any law school or law school program without the necessity of stating a reason therefor.

(c) For good cause stated, the dean of a law school (or law school program) under review may request that a member of a site evaluation team, or of the Council or the Accreditation Committee, recuse himself or herself from acting in such capacity. With regard to a member of a site evaluation team, the Consultant shall grant or deny such request based on the merits of the claim. With regard to a member of the Council or of the Accreditation Committee, the Chairperson of the Council or the Accreditation Committee, as the case may be, shall grant or deny such request based on the merits of such claim.

(d) A person who acts as a chairperson of a site evaluation team or as fact finder at a law school or of a law school program under review may be present and speak at the

Accreditation Committee's or Council's deliberations concerning such law school or law school program, if so requested by the Chairperson of the Council or the Accreditation Committee, as the case may be, or if a request therefor is received from said person and is granted by the Chairperson. *(June 1997)*

3. Procedures for Complaints Filed Against Council Members, Committee Members, Consultant's Office Staff, and Site Team Evaluators Pursuant to Section 2

(a) Any party aggrieved may file with the Consultant a written complaint alleging non-compliance with Section 2 of this Statement by a member of the Council, the Accreditation Committee, a staff member of the Consultant's Office, or a site team evaluator in relation to matters involved in the accreditation of that school. The complaint must be filed within one year of the complainant's learning of the facts comprising the allegation of non-compliance. Pursuit of other remedies does not toll the one calendar year limit.

(b) Unless the complaint is asserted against the Consultant, the Consultant shall dismiss the Complaint if the Consultant determines that it does not allege a violation of Section 2 of this Statement. If the Consultant does not dismiss the complaint, the Consultant shall forward it to the Chairperson of the Grievance Committee of the Council within 45 days after receipt of the complaint. The Consultant shall simultaneously forward a copy of the complaint to the person or persons against whom the complaint is asserted.

Each of the persons against whom the complaint is asserted may respond to the complaint by mailing a written response to the Chairperson of the Grievance Committee. Said response shall be mailed to the Chairperson of the Grievance Committee within 45 days after the date on which the Consultant mailed the complaint to said person.

The Grievance Committee shall meet to consider the complaint and any response or responses received. The complainant and the person or persons against whom the complaint is asserted may appear and present evidence. Thereafter the Grievance Committee shall render its decision. In the event that the Grievance Committee determines that there has been non-compliance with Section 2 of this Statement, it may also determine such relief, if any, as is appropriate to remedy the non-compliance. The decision of the Grievance Committee is final and is not subject to appeal within the Association. The Grievance Committee shall render its decision within 180 days after the Chairperson of the Grievance Committee receives the responses from all persons against whom the complaint is asserted or, if one or more responses are not received, the 45 days period for response has expired.

The Consultant shall inform the complainant and any person or persons against whom the complaint is asserted as to the Grievance Committee's action.

(c) All matters under this section shall be confidential, except as made public by the Council. This shall include all proceedings and deliberations of the Council and the Grievance Committee and all non-public documents and information received or generated by the American Bar Association. *(June 1998)*

4. Participation by the Council in Various Awards by ABA Entities

The Council will not participate either by lending its name, by co-sponsorship or by financial support to awards, competitions, seminars or meetings that are sponsored by other entities, inside or outside of the ABA, unless the Council determines that such participation will significantly advance legal education or the process of bar admission.

As the agency designated by the Department of Education to determine law school accreditation, and as the agency most heavily relied on by the highest courts of the states, as well as other admitting authorities, in bar admission matters, the mission of the Section is more sharply defined than that of most other ABA entities. This must constrict activities of the Section and cause it to refrain from activities creating, or appearing to create, conflicts of interest with its duties and responsibilities or diluting its focus on its mission. (June 1997)

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

Internal Operating Practices

1. Reimbursement of Section Expenses.

The officers of the Section and members of the Council may receive reimbursement for attending Section sponsored conferences. Officers of the Section receive reimbursement for attending meetings of Section Committees. Persons who are not officers of the Section are not entitled to reimbursement for attending Section committee meetings unless they are a member of the committee or have been requested by the chair of the Section to attend a committee meeting. *(June 1997)*

2. Public Proceedings.

Except as provided in Rules 6 and 26, all matters relating to the accreditation of a law school shall be confidential. This shall include proceedings and deliberations of the Accreditation Committee and Council and all non-public documents and information received or generated by the Association. Absent exceptional cause for confidentiality, all other proceedings, writings and documents of the Section of Legal Education and Admissions to the Bar shall be public, including the activities of the Council, the Consultant, and the various committees and other representatives of the Section of Legal Education and Admissions to the Bar. *(June 1997)*

3. Site Team Evaluators.

(a) **Qualifications** - The Council seeks to appoint persons who are competent and knowledgeable concerning legal education and the legal system to site evaluation teams. Each team normally consists of (i) a chairperson, who may be a legal educator, a legal practitioner or a judge; (ii) one or more legal academics; (iii) a person experienced with law libraries; (iv) a person experienced with law school clinics and professional skills programs; (v) a person who is a judge, legal practitioner or public representative; and (vi) a person who is a university administrator, other than a law school administrator.

(b) **Process** - The responsibility for selecting site evaluation team members rests with the Consultant for Legal Education. The Consultant should seek to develop the pool of potential evaluators in a variety of ways, including but not limited to correspondence with deans of law schools, members of the Council of the Section on Legal Education and Admissions to the Bar, members of the Section's Accreditation Committee, legal practitioners, judges, and organizations familiar with higher education. The actual selection of persons depends on the type of school to be visited, the location of the school, the particular issues which need to be reviewed at the school, and the need for multi-level diversity in the make-up of the teams.

(c) **Evaluation** - The Consultant should seek to evaluate the quality of work done by individual site evaluators. This may be accomplished by corresponding with the chair of the team and the dean of the school visited. The objective of this process should be the development of a pool of well-experienced site evaluators.

(d) **Training** - The Consultant is requested to conduct, each year, workshops to train evaluators (particularly new or relatively new ones), and chairpersons of site evaluation

teams. These workshops should cover the Council's Standards and Interpretations, the Council's Rules of Procedure, current matters of accreditation policy, process considerations for the conduct of an on-site inspection, and the drafting of the site team report. The Site Evaluators' Manual (as regularly revised and updated) is to be supplied to each site evaluator for authoritative information on the proper conduct of a site visit. *(June 1997)*

4. Notice of Schools and Programs to be Accredited.

The Consultant shall publish in the Syllabus a list of all law schools which are scheduled to be visited for sabbatical, provisional or full approval site evaluation visits. The notice should also state that interested persons may submit written comments regarding the school by a date certain determined by the Consultant. The Consultant may also publish such information in other media or formats as deemed appropriate. *(June 1997)*

5. Notification of Council Decisions.

In accordance with Council policy, the Consultant shall:

(a) Notify the Secretary of the Department of Education, the appropriate state licensing agency, the appropriate accrediting agency, and the public at the same time the Consultant notifies the law school of any decision to deny, withdraw, suspend or remove the approval or provisional approval of the law school.

(b) Notify the Secretary of the Department of Education, the appropriate state licensing agency, the appropriate accrediting agency, and the public, within thirty (30) days, of:

(i) a decision to grant provisional approval to a law school;

(ii) a final decision to deny, withdraw, suspend, or terminate approval or provisional approval of a law school;

(iii) a decision to place a law school on probation;

(iv) a decision by an approved or provisionally approved law school to withdraw from approved or provisionally approved status; and

(v) a decision by a law school to allow its approval or provisional approval to lapse.

(c) Make available to the Secretary of the Department of Education, the appropriate state licensing agency, the appropriate accrediting agency, and the public upon request, within sixty (60) days after final decision, a brief statement summarizing the reasons for the decision to deny, withdraw, suspend or remove the approval or provisional approval of a law school, and the comments, if any, which the affected law school may wish to make with regard to that decision. *(June 1997; June 2000)*

6. Due Regard for Decisions of Other Accrediting Agencies.

(a) The Council approves only those institutions that are legally authorized under applicable State law to provide a program of education beyond the secondary level.

(b) The Council does not usually renew the approval or provisional approval of a law school or a law school program during a period in which the school or its parent institution:

(i) is the subject of an interim action by a recognized institutional accrediting agency potentially leading to the suspension, revocation, or termination of accreditation or preaccreditation;

(ii) is the subject of an interim action by a State agency potentially leading to the suspension, revocation, or termination of the law school's or the parent institution's legal authority to provide postsecondary education;

(iii) has been notified of a threatened loss of accreditation for a law school or its parent institution, and the due process procedures required by the action have not been completed; or

(iv) has been notified of a threatened suspension, revocation, or termination by a State of the law school's or the parent institution's legal authority to provide postsecondary education, and the due process procedures required by the action have not been completed.

(c) In considering whether to grant provisional approval to a law school or law school program the Council takes into account actions by:

(i) recognized institutional accrediting agencies that have denied accreditation or preaccreditation to the law school or its parent institution; and

(ii) a state agency that has suspended, revoked or terminated the law school's or the parent institution's legal authority to provide postsecondary education.

(d) If the Council decides to grant or continue approval or provisional approval to a law school or law school program notwithstanding the above sections, the Council will provide the Secretary of the Department of Education a thorough explanation, consistent with the Council's Standards and Interpretations, regarding why the previous action by a recognized institutional accrediting agency or State does not preclude the Council's grant or continuation of approval or provisional approval.

(e) If a recognized institutional accrediting agency takes adverse action with respect to a dually-accredited law school or its parent institution or places either on public probationary status, or if a recognized programmatic accrediting agency takes an adverse action for reasons associated with the overall institution rather than the specific program

against a program offered by the parent institution or places the program on public probation, the Council may review its approval or provisional approval of the law school or law school program to determine if it should also take adverse action against the law school or the law school program.

(f) The Council will share with other appropriate recognized accrediting agencies and State agencies information about the approved or provisionally approved status of a law school or a law school program and any adverse actions it has taken against an approved or provisionally approved law school or law school program. *(June 1997)*

7. Submission of Information to Secretary of Education.

The Council shall submit to the Department of Education the following information:

(a) the Consultant's Annual Report,

(b) the ABA Guide to Approved Law Schools,

(c) the identity of any school that the Council has reason to believe is failing to meet its Title IV program responsibilities or is engaged in fraud or abuse, and the reason for the Council's concern,

(d) any proposed changes by the Council in the Rules of Procedure and the Standards,

(e) a copy, updated annually, of the Council's listing of approved law schools,

(f) upon request by the Secretary of Education, information regarding an approved law school's compliance with its Title IV, HEA responsibilities, and

(g) upon request by the Secretary of Education, a summary of the Council's major accrediting activities during the previous year. *(June 1997)*

8. Maintenance of Records of Site Visits.

The Consultant shall maintain a complete set of records for a sufficient period of time to cover at least the last two reviews of a law school or a law school's programs. The records shall include site evaluation and fact finder reports, law school responses to site evaluation and fact finder reports, the law school's most recent self-study, Accreditation Committee action letters, Council action letters, the law school's responses to such action letters, and documents relating to the House of Delegates' consideration of appeals from, or review of, Council actions. *(June 1997, December 1998)*

9. Notice of Proposed Changes to the Standards, Interpretations and Rules of Procedure.

The Council shall provide notice of proposed revisions or additions to the Standards, Interpretations and the Rules of Procedure of the Council to deans of approved law schools, chief justices, and directors of state bar admission authorities. Such notice shall be given at least fifteen (15) days prior to any scheduled hearing on the proposed revision or addition or fifteen (15) days prior to the date of the proposed action by the Council, if no hearing is scheduled on the revision or addition. Interested parties may comment on the proposed revisions or additions either at the hearing or by written comment. *(June 1997)*

10. Response to Department of Education Information Regarding Law School Compliance with Standards.

In the event that the Consultant should receive information from the Department of Education which raises issues about a law school's ability to comply with the Standards for the Approval of Law Schools and Interpretations, the Consultant will submit such information to the Accreditation Committee for consideration under Rule 11 of the Rules of Procedure, and for any subsequent action by the Committee as it may deem appropriate. *(June 1997)*

11. Handling of Electronic Data.

It is the practice of the Section not to provide information from data bases derived from the ABA Annual Questionnaire or ABA Site Evaluation Questionnaires without the written approval of the Consultant. The Consultant will ordinarily discuss any disclosure with the Questionnaire Workgroup or Questionnaire Committee before releasing such information. This practice is consistent with the need to maintain the confidentiality of information from these questionnaires. *(August 1997)*

12. Review of Standards, Interpretations and Rules.

The Standards Review Committee shall engage in an ongoing review of the Standards, Interpretations and Rules. As part of this process, proposals received by the Section for revisions to the Standards, Interpretations or Rules shall be referred to the Committee. The Committee shall hold public hearings and solicit testimony and written comments from interested constituencies, including, but not limited to, the highest appellate court of each state, the board of bar examiners of each state, presidents of universities affiliated with ABA-approved law schools, deans of ABA-approved law schools, deans of unapproved law schools known to the Consultant's Office, and organizations concerned with legal education. The Council shall make available to the public a written report discussing the results of this review. The Council shall initiate action to make any necessary changes to its Standards within 12 months of the discovery for the need of the change and shall complete the action within a reasonable period of time. *(August 2001)*

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

General Information

1. 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 Awaiting list.@
(June 1997)

2. 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. *(June 1997)*

3. Timely Grading of Law School Examinations.

Law schools should adopt and maintain policies for timely grading of law school examinations. It is urged that such policies provide for completion of the grading and notification of results to the students not later than 30 days following the last examination of the term. *(June 1997)*

4. Law School Policy Encouraging Faculty to Engage in Reasonable Post-Examination Review with Students.

It is recommended that a law school have a policy encouraging faculty members to engage in reasonable post examination review with students, preferably individual review upon request. Absent good cause, students should also have a right reasonably to review their examination papers. This does not mean that faculty members are obligated to review examinations individually with all students in every course. A reasonable policy may take into account the workload of individual teachers, the number of examinations in the course, the academic needs of the particular students requesting review, and the availability of review in courses throughout the school. Faculty members may choose to carry out such a policy using alternative means, including engaging in individual review of examinations upon student's request, by holding a general review concerning the examination open to all students, or by providing an outline or exemplar of good examination answers. *(June 1997)*

5. 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. *(June 1997)*

6. Retention of Records.

Law schools approved by the American Bar Association should retain admission, financial aid and placement records for a one-year period. *(June 1997)*

7. 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. *(June 1997)*

8. 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. *(June 1997)*

9. Student Complaints.

Each law school approved by the American Bar Association should communicate in written form to its students the manner in which it receives and responds to student complaints. *(June 1997)*

10. 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. *(June 1997)*

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

Prior Council Statements

1. **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.

2. **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. degree-holders who hold academic appointment in education institutions.

3. **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.

4. Operation Desert Shield/Desert Storm.

Resolved, that any student who leaves his/her law school prior to completion of a semester, quarter or session as a result of being called to active military duty in the armed forces of the United States in conjunction with Operation Desert Shield/Desert Storm, may be granted by any approved law school full credit for any half-completed quarter, semester or session which was interrupted by the call to active military duty. A law school may establish its own policies with respect to adequate completion of further work by the student.

**AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR**

**Distance Learning at
American Bar Association Approved Law Schools**

Distance Learning at American Bar Association Approved Law Schools

ABA-approved law schools may not grant credit for study by correspondence and may grant credit for distance learning study only pursuant to the Temporary Guidelines printed below. Standard 304(g).

In order to obtain a license to practice law in the United States, almost all law school graduates must apply for bar admission through a state board of bar examiners. Usually this board is an agency of the highest court in the jurisdiction, but occasionally the board is connected more closely to the state's bar association. The criteria for eligibility to take the bar examination or to otherwise qualify for bar admission are set by each state, not by the ABA or the Council for the Section of Legal Education and Admissions to the Bar. These bar admission authorities may have local rules that limit the extent to which study by correspondence or distance learning qualifies one for taking a bar examination.

TEMPORARY DISTANCE EDUCATION GUIDELINES (MAY, 1997)

At the Accreditation Committee meeting held on April 25-26, 1997 the Committee approved the attached Temporary Distance Education Guidelines. The desire of the Committee was to deal with the issue of distance education in a prompt manner and to obtain information to guide the development of permanent standards and interpretations for this area of education. In addition, the Guidelines remove the necessity of obtaining a waiver or approval from the Accreditation Committee for courses of the sort that are described in the Guidelines, although it may be necessary to obtain prior approval from the Consultant's Office.

With regard to courses described in sections 1, 2 or 4 it is not necessary to obtain prior approval from the Accreditation Committee or the Consultant's Office. However, it is expected that each course will be conducted in such a fashion as to comply with the principles of the Guidelines, including sections 5 and 6.

With regard to experimental courses described in section 3, prior approval is necessary. While it will not be necessary to obtain a waiver or approval from the Accreditation Committee, it will be necessary to obtain prior approval from the Consultant's Office in accordance with these Guidelines. As part of the authorization for the experiment, the school will be expected to report on the course's successes and difficulties, including the reasons therefor. This information will be used by the Technology Committee, the Standards Review Committee and the Accreditation Committee to suggest permanent standards and interpretations.

If a school should have, or desire to establish, a course which is not described in these Guidelines, it will continue to be necessary for the school to obtain a waiver or approval of the course from the Accreditation Committee.

Principles for Distance Education

Educating a student for a Juris Doctor degree is professional education of a most distinct variety. It involves more than the mere delivery of information or simply learning facts, history or even logic. During a law school education a student is expected to participate in a learning community

whereby he or she will ultimately learn, experience, and develop skills and knowledge that will advance the legal system, society and his or her career. This law school experience involves interaction with faculty not only in the classroom, but also in other places and at other times. Students also learn from each other by inquiry and challenge, review and study groups. In sum, law school is an educational process in which a student matures with the law and his or her ability to use and develop it.

As new methods of education develop, legal educators must be aware and ready to implement them in order to provide the best possible legal education to the greatest viable student body. In the last few years various methods of distance education have become available and, certainly, more will present themselves in the future. As legal educators we must consider which of these new methodologies provide appropriate legal education tools.

In a desire to gather information on distance learning for ultimate incorporation into the Standards, the Accreditation Committee of the Section on Legal Education and Admissions to the Bar has directed the Consultant's Office to consult with the law schools on the use of distance education in legal education. In addition it has authorized the Consultant to give permission to law schools to conduct experiments in legal education by the use of such methodologies, while keeping in mind the direction of Standard 304(g) that approved law schools may not grant credit for courses taken by correspondence study.

In the spirit of experimentation the Consultant's Office has developed the following guidelines and invites law schools to propose distance learning educational experiments. Such experiments may be authorized by the Consultant's Office only for an experimental period. The results of those experiments will be reported to a Committee on Technology which was recently appointed by the Chair of the Section. Ultimately that Committee will develop guidelines for the use of distance educational technology which will be submitted to the Standards Review Committee. The Standards Review Committee will consider the proposals and submit them for public debate and comment, and ultimately for adoption.

Guidelines for Distance Education

1. Site of reception — Experiments in which educational programs will be disseminated from one law school and received at another law school will generally comply with the principles of legal education as stated above. Also, if the locale at which the legal educational program is received has a law faculty of significant size, a student body of significant size and a library or information resource center of significant size, the program will generally comply with these principles of legal education. Thus, courses received at a law school facility from non-law school sites or other educational institutions will generally comply with these principles. It is not necessarily true that a faculty member must be present in the classroom or other reception facility.

On the other hand delivery of course work to a person's home or office would generally not be in compliance with these principles. Similarly, delivery to a site which merely has technical personnel to operate and maintain educational or transmission equipment, but does not have a law faculty, is not in compliance with the above principles. Delivery to a secondary site at which a faculty, students and a library or information resource center are to be located may require approval in accordance with the Standard 105 and Interpretation 105-1(11) regarding the

establishment of a branch campus. Also, because of the special developmental and interactive nature of first year courses, use of distance education for such course work will not usually be approved at the present time under these guidelines

2. Externships and clinical programs — The use of distance education may be particularly useful as a means of enhancing externships or clinical programs. Such externships and clinical programs may, for example, have classroom components which are difficult to deliver on campus at the law school site. The use of distance education technology in such cases may be designed to enhance a law student's education and provide greater efficiency. Thus, for example, externships which are physically located at some distance from the law school campus might employ distance delivery systems for the conduct of in-class sessions in a uniform and convenient fashion.

3. Limited exceptions — In the spirit of experimentation a limited exception may be granted for a course which is not in strict compliance with the requirements stated herein for faculty size, student size and/or a library or information resource facility. Such an exception will be granted on an ad hoc basis upon a showing of specific educational benefits to be provided by such a course while maintaining a minimum of the potential shortcomings noted in this document. However, a student may take only one such course (three credit hours) for the purpose of being applied toward the class hour and residence requirements of the Standards.

4. Level of program — Consideration will be given to the program for which the distance education is being offered. Thus, post J.D. programs such as LL.M. and S.J.D. programs may be considered differently from regular J.D. programs, since the maturation and educational process involved in a J.D. program have already occurred for the student.

5. Interactivity — As stated above, interaction between student and faculty is a crucial element to legal education. Thus, such interaction will be required.

6. Technology requirements — Technology of poor quality can be a serious hindrance to the delivery of a good educational program. All systems will be expected to operate in a manner which will enhance and not hinder education. To that end the law school will be expected, in its request for authorization to conduct an experiment, to describe the technology to be used, the type of facility from which the program will be delivered and the type of facility to which it will be delivered, the bandwidth and other technical information of any video delivery system, the nature of any computerized delivery system, and other related information.