28th Annual Deans’ Workshop

The Twenty-Eighth Annual Deans’ Workshop was held February 4-6, 1999, at the Beverly Hills Hilton in Beverly Hills, California. Dean John Attanasio, Southern Methodist University School of Law; Dean R. Lawrence Dessem, Mercer University School of Law; and Dean Stephen Zamora, University of Houston Law Center were the cochairpersons for the Deans’ Workshop this year. The ABA and those who participated in the conference owe a debt of gratitude for their efforts in coordinating a wonderful conference.

The Deans’ Workshop is designed to be a candid and off-the-record exchange of the views and expressions among the deans of ABA approved law schools. The meetings are closed meetings and no minutes are taken. Only deans of ABA approved law schools, the Chairperson of the Section of Legal Education and Admissions to the Bar, the Consultant, Deputy Consultant, President of AALS, Executive Director of AALS, Chairperson of LSAC and Executive Director of LSAC, were in attendance during the Deans’ Workshop. Typically, between 110 and 150 of the 181 deans attend the workshop annually. This year’s conference was no different with approximately 110 number of deans attending.

This year’s conference was divided into seven panels: Panel I: The Law School’s Role within the University Planning Process, Panel II: Strategic Planning within the Law School, Panel III: The Structure of Technological Decision Making, Panel IV: Budgeting for Information Technology, Panel V: Improving the Use of Information Technology, Panel VI: Technological Planning for the Future, and Panel VII: Planning One’s Deanship. The ABA would like to thank all those who participated in this event. We hope to see you next year.

Validation of Standards
Chapters 3 and 4—

Preliminary Proposals and Request for Comments

The Standards Review Committee convened on December 19-20, 1998, at its regularly scheduled meeting to continue its systematic review of the validity and reliability of the Standards. At this meeting the Committee focused on Chapter 3 of the Standards. Since Chapter 3 concerns the “Program of Legal Education” many people feel that it is the most important chapter of the Standards. After distributing their proposals to a variety of constituencies of legal education such as deans, chief justices, and bar examiners the Standards Review Committee convened again on January 30, 1999 to discuss chapter 3 and the comments received about the Committee proposals. In addition, the Committee began to review Chapter 4.

At the January 30, 1999 meeting, the committee revised its earlier proposed changes to Chapter 3. For your convenience, the current proposed changes made by the

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CONSULTANT

DOE Recognition

by James P. White

In the Fall 1998 issue of Syllabus, Council Chairperson Shepard’s column was entitled “DOE Designation Issues Nearly Settled.” Chief Justice Shepard observed that the “separate and independent” requirement of the United States Department of Education as applied to all recognized accrediting agencies seemed “like an insurmountable problem.”

The ABA Board of Governors and the Section officers have had many discussions on the matter and the Board created a working group that formulated a solution to the DOE requirement. As ABA House of Delegates Chair Robert J. Grey stated in a letter to members of the House of Delegates, “the ABA has proposed that to meet the ‘separate and independent’ requirement, the House will consider at the Midyear Meeting a Report with Recommendations from the Board of Governors that, if acted upon favorably by the House, will change the role of the House in accreditation decisions, from that of final judge to that of advisor to the Council. The House will consider all accreditation matters, and will refer back to the Council, with specified objections, those proposed decisions with which the House disagrees, but in each instance the final decision will be made by the Council after receiving the advice of the House. The revised procedures would preserve the qualifications of the Council as the nationally recognized accrediting agency.”

This proposal was reported to the Department of Education Accreditation and Eligibility Determination Division and considered by the Department’s National Advisory Committee or Institutional Quality and Integrity at its meeting on December 7, 1998. Third-party testimony supporting the ABA and Section was given by the executive director of the Association of American Law Schools, the Chair and President of the Law Schools Admissions Council, and a number of law school deans.

At its meeting the Advisory Committee accepted the Section’s report as follows:

Accept the report as a partial response to the Secretary’s letters, but continue to monitor very closely the Council’s and the ABA’s efforts to resolve the major problems discussed below by requesting that the agency submit two interim reports, due February 15, 1999, and August 15, 1999, detailing its progress in implementing its plan for restructuring its accreditation process that it described in the current interim report. Specifically,

(a) In the interim report due February 15, 1999, the agency should report on all actions taken between Continued on page 9
Legal educators from six African countries—Ethiopia, Ghana, Kenya, Malawi, Uganda, and Zambia—visited the United States in October 1998 on a program designed to strengthen the law school curriculum in priority areas identified by the African law schools. This study tour was part of the African Law Initiative B Law Faculty Curriculum Development Program, which is funded by the United States Information Agency Office of Citizen Exchanges.

The group arrived together in Washington and then split up to focus on the three priority areas: Women and the Law, Commercial Law, and Environmental Law. The group focusing on women’s legal issues comprised Akua Kuenyehia, the dean of the University of Ghana Faculty of Law; Maureen Nsewa from the University of Malawi Chancellor College Faculty of Law; and Eva Mukelebai from the Zambian Institute of Advanced Legal Education. Kyalo Mbobu from the University of Nairobi Faculty of Law in Kenya and Zekarias Keneaa from the Addis Ababa University Faculty of Law in Ethiopia focused on strengthening the commercial law curriculum. And Judy Obitre-Gama from the Makerere University Faculty of Law in Uganda worked on expanding the environmental law curriculum that she uses.

During the Washington program, Homer LaRue from the Howard University School of Law made an introductory presentation on American legal education and Robert Percival from the University of Maryland School of Law spoke to the group about the global harmonization of law teaching. The group visited the American University Washington College of Law, the George Washington University School of Law, the Georgetown University Law Center, and the Law Students in Court program, where roundtable discussions with faculty members focusing on the American law school curriculum, clinical legal education and international programs were organized. In addition, there were meetings at the ABA with members of the Individual Rights, Alternative Dispute Resolution, and other Sections. The delegation received a briefing on the work of the United States Supreme Court and a tour of the Court by General Suter, the clerk of the court.

The group then split up and began to focus more directly on curriculum development. The three women and the law participants traveled to Chicago, for a program organized by Cynthia Bowman of the Northwestern University School of Law. In Chicago, the visiting Africans worked closely with Northwestern Bowman and other Northwestern faculty to create a list of topics for a curriculum on women and the law and relevant materials for teaching these topics. The participants met with many Northwestern faculty and were exposed to relevant programs at the law school and outside such as Northwestern’s Children and Family Justice Center and the Cook County Juvenile Court and a Chicago sexual assault project. The participants were also exposed to and had the opportunity to work at the excellent collections at Northwestern’s Africana and law libraries. Substantial progress was made in Chicago on the development of the curriculum and there was also concrete planning for future mutually beneficial sister law school links between the University of Ghana Faculty of Law and the Northwestern University School of Law. During the next stage of the project, the women will meet in

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Law Libraries and Technology

by Richard A. Danner

While in New York City recently to seek funding for a major technology initiative at Duke, I took the opportunity to visit the newly renovated Rose Main Reading Room in the New York Public Library. Now technologically up to date in terms of access to electronic resources and capabilities for laptop use by library patrons, the Rose Reading Room still remains clearly what it has always been—a wonderful library reading room—a place providing both access to information and a community space for students, scholars, and others using information to develop knowledge and understanding.

How much and what kinds of space should a law school devote to its library in an era when law students own computers and can easily access databases of electronic legal information anywhere in the school or in their homes? Does a library that focuses increasingly less on print resources still play the central role of “lawyer’s laboratory” in the way it did when Langdell proclaimed the library’s importance to American legal education in the nineteenth century? Certainly, the Association of American Law Schools signaled that the library was less prominent as a physical place when it eliminated AALS’s minimum seating requirement for law school libraries in 1997. If books are less important to the practice of legal research, are academic law libraries becoming less important to the training and education of lawyers?

To provide law school librarians and administrators an opportunity to explore these questions, as well as more practical aspects of law library space planning and construction, the American Association of Law Libraries is sponsoring a conference on “Space Planning and Technology for Academic Law Libraries” on March 12-13, 1999, at the Duke Law School. Building on the ABA Section of Legal Education’s successful series of Bricks and Bytes (formerly “Books”) conferences, the AALL program will concentrate on the law library. The list of speakers includes law librarians and other law school administrators experienced in law library design and construction, as well as architects, consultants, information technologists, and representatives of other design and construction professions. The program is designed to provide expert presentations and opportunity for interaction between the experts and other participants.

In addition to providing practical advice and information for those in the process of planning for new library construction or renovation of existing library space, the AALL conference should also provide the opportunity to consider questions about all of the roles played by the library in legal education. It is more than a truism to suggest that libraries are not for books, but for people. Within the law school, we ought to consider how best to preserve the library’s function as a place for people to learn and to build community as we consider the impacts of technology on the future of the law school building.

Information about the conference program and registration is available on the AALL Website at <http://www.aallnet.org>.

Richard A. Danner is a Senior Associate Dean for Library and Computing and Research Professor of Law at Duke University School of Law.
FROM THE CHAIR

Our Evolving Policy on Distance Learning

by Randall T. Shepard

Surely the most common buzzword these days among those working on the education of lawyers is “distance learning.” Both law schools and continuing legal education organizations are regularly immersed in discussions about new uses of technology.

While new possibilities offered by the Internet seem to prompt much of this discussion, people use the term “distance learning” to cover a great variety of educational activities. The one thing we can probably say is that people touting “distance learning” are not talking about an instructor standing before a class of students physically present in the same lecture hall.

Some of what occurs under the rubric distance learning is familiar even if it is not ubiquitous, like national CLE programs using satellite television facilities. Other plans are more revolutionary, like the announcement by Kaplan Educational Centers, the big standardized-test coaching company, that it plans to launch a law school in which all the instruction would occur over the World Wide Web.

Our Section has staked out a useful and progressive position with respect to these new ways of teaching. Our position is elaborated in a document of several pages called the Consultant’s Temporary Distance Education Guidelines, adopted in 1997.

Our policy is characterized by its emphasis on both the quality of the educational experience and the value of experimentation in new techniques.

As for the quality of instruction, I am reminded of Dean Steven Smith’s observation that “in this field, visionaries and charlatans look a lot alike.” In my experience, distance learning is a label that covers everything from the most sophisticated interactive Internet arrangements all the way over to students being instructed the same way I took 7th grade social studies—long rows of desks plopped down in front of television screens.

Our policy affirms that the term distance learning is not a talisman in the presence of which everyone may stop thinking about the caliber of the education being provided. It asserts that the best learning occurs in a community of scholars and that this learning happens both inside the classroom and during the many other informal interactions with faculty and other students.

The Correspondence schools of yesteryear were, after all, partially interactive. Legal educators and the profession disapproved of them, thinking good learning required more. Thus, for example, we suggest that where the student is located when she receives instruction makes a difference. Receipt of instruction in a setting that involves a good number of available faculty and a substantial body of students, we believe, is more likely to produce a high quality experience. This notion reminds me of my own court’s discussion about CLE programs—lawyers learn in many ways, but some of the best occurs in group situations.

Principles like these may remain sensible over time, or they may not. The highest tech among us already make great claims about the convenience and effectiveness of education delivered to the office computer. The rapid evolution in techniques and policies based on our assessment of them make the second half of our Guidelines especially important. We do not merely anticipate experimentation, we invite it.

Last August, for example, the Council reviewed and acquiesced the first proposal for a law degree in which the instruction will be delivered entirely over the Internet. The Regent University School of Law sought our acquiescence for a master’s degree in international taxation to be earned completely online.

Our Accreditation Committee and our Technology Committee are interested in collecting information about these experiments and others. The dissemination of this information, which could well occur over the Section's splendid Website, should enrich the debate.

In short, I think we are well positioned in this brave new world to promote innovation and quality in legal education.

Distance Education

Please note that the Section is planning to offer a program on distance learning technology in the fall of 1999. The conference will be held in Indianapolis, Indiana on November 19–20, 1999. Also, please note that the Temporary Distance Education Guidelines, published in the Fall 1997 issue of Syllabus, are available on the Section’s Website. You will note that courses described in Sections One, Two and Four of the Guidelines do not require prior approval from the Accreditation Committee or the Consultant’s Office. However, it is expected that each course offered through distance learning technologies will be conducted in a fashion to comply with the principles of the Guidelines, including Sections Five and Six.

With regard to experimental courses described in Section Three, prior approval is necessary. A request to offer such a course, from ABA approved law schools, should be addressed to the Consultant’s Office.
Law School Development Conference for Deans and Administrators

The Committee on Law School Development for the Section of Legal Education and Admissions to the Bar is pleased to announce a Conference on Law School Development for Deans and Administrators. This Conference, more popularly known as the “Jackson Hole” Conference, was first held in Wyoming in 1992. The event has attracted an increased number of registrants each year it has been held. The Conference’s new location will be the Eldorado Hotel in beautiful Santa Fe, New Mexico, on May 25–28, 1999.

For more information: http://www.abanet.org/legaled

Kutak Committee Seeks Nominations for 1999 Award

The Section’s Kutak Award Committee invites suggestions of individuals whom it should consider for the Kutak Award in 1999. The annual Robert J. Kutak Award is given to an individual who has “met the highest standards of professional responsibility and has demonstrated substantial achievement toward increased understanding between legal education and the active practice of law.” Talbot “Sandy” D’Alemberte was the recipient of the award in 1998. The 1999 Kutak Award will be presented in August at the 1999 ABA Annual Meeting in Atlanta, Georgia.

The Kutak Award Committee is chaired by the honorable Henry Ramsey, Jr. Other committee members include Dean Nina S. Appel, William R. Rakes, Esq., Harold Rock, Esq., Barbara Ruud, Honorable Rosalie R. Wahl, and Sharp Whitmore, Esq. It would be useful to the Kutak Award Committee if the recommendation would describe the activities that especially qualify the individual for the award. Even though the Committee expects to receive suggestions about a number of highly qualified individuals, it can recommend only one name for recognition by the Council. Recommendations received for the 1999 award will be carried forward for consideration in future years.

Suggestions may be sent, by April 1, 1999, to the Honorable Henry Ramsey, Jr., 2955 Avalon Avenue, Berkeley, CA 94705, or to James P. White, Consultant on Legal Education, to the American Bar Association, 550 West North Street, Suite 349, Indianapolis, IN 46202.

From left, James P. White, Patsy Palmer (Mr. D’Alemberte’s wife) and Sandy D’Alemberte.
Committee Nominations Sought

One of the important functions of the Chairperson of the Section of Legal Education and Admissions to the Bar is the appointment of members of Section committees. The Chairperson seeks committee membership from the three components of Section membership: legal educators, practicing lawyers, and judges. The Section provides a wide range of services to legal education and the profession. Much of this service emanates from the work of the committees of the Section. Section resources are very limited and committee members’ expenses are reimbursed in accordance with ABA guidelines. Often committee meetings are held in conjunction with other activities in order to contain costs.

In making appointments of new members to Section committees, the Chairperson will balance continuity of membership with the perspective that new members can contribute. Committee appointments are for 1999-2000.

The following are the committees for which the Chairperson seeks suggestions for membership:

- Accreditation
- Bar Admissions
- Communications Skills
- Continuing Legal Education
- Curriculum
- Diversity in Legal Education
- Government Relations and Student Financial Aid
- Graduate Legal Education
- Law Libraries
- Law School Administration
- Law School Facilities
- Prelaw
- Professionalism
- Skills Training
- Standards Review
- Student Services
- Technology

Please send your suggestions by May 1, 1999, to either Robert K. Walsh or James P. White, c/o Consultant’s Office, 550 West North Street, Indianapolis, Indiana 46202.

U.S. News and World Report Law School Rankings

The U.S. News and World Report distributed its annual survey to selected legal educators, practitioners and judges in the fall. As you know, the Council of the Section of Legal Education and Admissions to the Bar together with our sister organizations have questioned the validity of any such survey.

The published statement of the Council is as follows:

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 Sections 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.

Council Nominations Sought

The Section’s Nominating Committee chaired by Rudolph C. Hasl invites suggestions of individuals whom it should consider for appointment to the Council. Please send any nominee suggestions, by late spring, to Rudolph C. Hasl or to James P. White, American Bar Association, 550 West North Street, Suite 349, Indianapolis, IN 46202.
**AALS Report**

**Section Committees Meet**


Lizabeth A. Moody is Dean at Stetson University College of Law in St. Petersburg, Florida. Dean Moody also serves as the Section’s Chairperson for the Prelaw Committee and the vice-chairperson for the Section’s Accreditation Committee. Dean Steven R. Smith is Dean of California Western School of Law, a Council Member, and Cochairperson of the Questionnaire Committee for the Section.

Assistant Dean Denise Purdie is the Assistant Dean of Student Affairs at Howard University School of Law and Chairperson of the Section’s Student Services Committee.

Dean Herma Hill Kay is Dean at the University of California School of Law-Berkeley, Boalt Hall and Chairperson of the Section’s Diversity Committee. Professor Judith Resnik is a professor at Yale Law School and a Diversity Committee Member.

James P. White, Consultant, and Philip S. Anderson, ABA President

J. Richard Hurt, Deputy Consultant, and Philip S. Anderson, ABA President
Prelaw Committee Report

by Dean Lizabeth A. Moody

The Prelaw Committee met on January 9, 1999, in New Orleans at the time of the Annual Meeting of the Association of American Law Schools. At its meeting, the Committee reviewed the Statement on Preparation for Legal Education and discussed a number of revisions. In general, the Committee is satisfied with the Statement in its present form; however, the members are currently reviewing some of the suggestions for language and format changes, particularly to strengthen the emphasis on professionalism. The Committee continues to search for better and more inclusive ways to distribute the Statement on Preparation for Legal Education. The Statement is now included on the Section’s Website, in LSAC publications, regional Prelaw Advisors publications, and the American Bar Association Approved Law Schools publication. The Committee continues to be interested in publishing a free-standing brochure that could be distributed to undergraduate faculty members and bar associations. The Committee also is interested in developing broader distribution to high schools and freshmen in four-year and community colleges and would appreciate suggestions for reaching these sources.

The Committee continues to have a liaison member from the Prelaw Advisor’s National Council (PLANC). Dr. Jim Riley of Regis University is presently the PLANC liaison. At the New Orleans meeting, he reported on the plans for the National Conference to be held in San Diego on November 16–19, 2000. The Prelaw Committee was asked to participate in the program and to send representatives to the meeting. Professor Riley also stated that the Committee should continue to have some presence at as many of the regional APLAs as possible. Dean Rodney Smith attended the PLANC meeting in Philadelphia last March. Professor Greg Mark attended the NAPLA meeting in Connecticut, and Professor Kevin Saunders attended the WAPLA meeting in Park City, Utah. Our Committee is received graciously at these meetings and accorded a place on the program to discuss the ABA’s interest in issues affecting prelegal education.

It has been suggested that we seek to have a member of the Prelaw Committee appointed to the ABA Committee on Public Education, either as a regular member or as a liaison. It would be helpful if the Council would suggest such an appointment to the President-elect of the ABA who has a number of vacancies to fill on the Public Education Committee. The Prelaw Committee has worked with that Committee on preparing materials for public distribution.

Finally, the Committee has again requested the Deans’ Letter on Law School Rankings text be amended to include prelaw advisors as resource persons. Philip Shelton, President of LSAC, has agreed to make an effort to include such a reference in this year’s letter.

Lizabeth A. Moody is Dean at Stetson University College of Law in St. Petersburg, Florida. Dean Moody also serves as the Section’s Chairperson for the Prelaw Committee and the vice-chairperson for the Section’s Accreditation Committee.

CONSULTANT—DOE Recognition

Continued from page 2

the submission of the current interim report and the February 1999 meeting of the ABA’s House of Delegates related to the implementation of its plan to restructure its accreditation process, including the results of the deliberation of the House of Delegates on the plan at the February meeting; and

(b) In the interim report due August 15, 1999, the agency should report on all actions taken between the February 1999 and August 1999 meetings of the House of Delegates related to the implementation of the plan, including the results of the deliberation of the House of Delegates at its August 1999 meeting.

In addition, in the interim report due August 15, 1999, the agency should report on the results of its review of Chapters 3 and 4 of the Standards, in accordance with its validation plan and a more open process of Standard setting.

Because the major problems are so serious and cause the agency to be in noncompliance with certain statutory requirements, failure of the agency to implement its plan to restructure its accreditation process according to the schedule provided in its current interim report and in substantially the same form as presented in that report could result in the institution of an enforcement action to limit, suspend, or terminate the agency’s recognition.

At its Midyear Meeting the Board of Governors recommends that the House of Delegates adopt new procedures to be applied when considering Reports and Recommendations from the Council of the Section with respect to adoption or amendment of Standards and Rules of Procedure and the approval of law schools by the American Bar Association or the removal of law schools from the approved list of ABA approved law schools. In essence, in the words of Robert Grey, this proposal “will change the role of the House in accreditation decisions, from that of final judge to that of advisor to the Council.”

At the meeting of the House the Section recommends certain changes in the Rules of Procedure and Standards to conform to the proposed relationship between the Council and the House of Delegates. We believe that adoption by the House of both the Board of Governors and Council’s proposals will place the Council in compliance with the requirements of the Department of Education.
VALIDATION OF STANDARDS CHAPTERS 3 AND 4—PRELIMINARY PROPOSALS AND REQUEST FOR COMMENTS

Continued from page 1

Standards Review Committee in Chapter 3 and 4 are being included in Syllabus in order to reach a wide audience and to allow interested parties to comment on the proposed changes. The comments should be addressed to the Consultant’s Office, American Bar Association, 550 West North Street, Indianapolis, IN 46202. Thereafter the Committee will make changes as are appropriate and submit its recommendations to the Council. Please note that the proposed changes are only preliminary at this junction. The Committee will make its recommendations to the Council at the Council’s June meeting. The Council will then circulate and conduct hearings before taking final action at its August meeting. For updates and information about future hearing sites please visit the section’s website.

Chapter 3
PROGRAM OF LEGAL EDUCATION

Standard 301. OBJECTIVES.

(a) A law school shall maintain an educational program that is designed to qualify its graduates for admission to the bar and to prepare them to participate effectively and responsibly in the legal profession.

(b) A law school shall maintain an educational program of a law school that shall be designed to prepare the students' graduates to deal with both 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) A law school shall offer to all students in its J.D. program:

(1) instruction in these subjects-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 the core of the law school curriculum;

(2) an educational program designed to provide its graduates with basic competence in legal analysis and reasoning, legal research, problem solving, and oral and written communication;

(3) at least one rigorous writing experience; and

(34) adequate opportunities for instruction in professional skills.

(b) A law school shall require of all students in the J.D. degree program 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) The educational program of a law school shall provide students with adequate opportunities for study in seminars or by directed research and in small classes.

(d) A law school shall offer 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.

(e) A law school should encourage and facilitate its students to participate in pro bono activities and provide opportunities for them to do so.

(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(a)(34). (August 1996)

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 insure that it prepares the school’s graduates to participate effectively and responsibly in the legal profession.

Standard 303. SCHOLASTIC ACHIEVEMENT; EVALUATION.

(a) A law school shall have
(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 may be evaluated by written examinations of suitable length and complexity, term papers or other written documents. Evaluation also may include assessment of performances of students in the role of lawyers in which students are able to demonstrate their proficiency in the professional skills in which the students have received instruction. (August 1996)

**Interpretation 303-2:**

The evaluation of scholastic achievement shall include a written examination of suitable length and complexity in every course for which credit is given, except:

(1) Clinical and simulation courses and

(2) Courses involving extensive written work, such as moot court, legal writing and drafting seminars, and individual research projects. (August 1996)

**Standard 304. COURSE CREDIT; RESIDENT STUDY.**

(a) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 1,120 class hours, including external study meeting the requirements of Standard 305, extending over not fewer than three academic years for a full-time student or four academic years for a part-time student.

(b) An academic year shall consist of not fewer than 140 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.

(c) A law school shall not award full-time residence credit to a student who does not devote substantially all of the student's working hours to the study of law or engages in employment for more than 20 hours per week, whether outside or inside the law school. Regular and punctual class attendance is necessary to satisfy residence credit and class hour requirements.

(d) To receive full residence credit for an academic period, a full-time student shall be enrolled for not fewer than ten class hours a week and must receive credit for not fewer than nine class hours, and a part-time student shall be enrolled for not fewer than eight class hours a week and must receive credit for all eight class hours. If a student is not enrolled in or fails to receive credit for the specified number of hours, the student may receive residence study 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.

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

(f) A law school shall not grant credit for study by correspondence.

**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. One hundred and forty days of instruction shall be offered in the academic year and the academic year shall extend into at least eight months. (August 1996; August 1997)

**Interpretation 304-2:**

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

1) Not fewer than 900 hours of the 1,120 hours of study required for a J.D. degree shall be in courses in residence at the law school;

2) The remaining 220 hours 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 three full-time or four part-time academic years by earning not more than one semester, or one quarter of residence credit for taking summer courses, if (i) the student meets the class hour requirements of this Standard; (ii) the student, if full time, meets the employment limitations of this Standard; and (iii) the summer instructional programs in which the student enrolls total no
fewer than 70 semester days, or 47 quarter days, over two or more summers during which classes are regularly scheduled in the law school. (August 1996)

Interpretation 304-5:
A “class hour” of instruction is 50 minutes of class time or equivalent. A semester hour of credit requires not fewer than 700 minutes of instruction time plus time for an examination; a quarter hour of credit requires not fewer than 450 minutes of instruction time, plus time for an examination. Eighty semester hours of credit require not fewer than 1120 class hours plus 80 hours for examinations. Equivalents in the case of academic work outside the classroom shall meet the criteria of Interpretation 305-2. (August 1996)

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. Classes shall be scheduled to ensure that full-time students are engaged in full-time study. 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 individuals enrolled as full-time students devote substantially all working hours to the study of law, including the implementation of policies relating to class scheduling, attendance, limitation on employment, and time devoted to job interviewing. The law school shall also take steps to control absenteeism by students involved in placement interviewing. (August 1996)

Interpretation 304-8:
A student who is in a part-time status for part of the student’s study and full-time for the other part of the study shall complete a proportion of each program sufficient to satisfy the requirements for residence study. (August 1996)

[PROPOSED REVISED STANDARD 304 & INTERPRETATIONS]
(a) An academic year shall consist of not fewer than 140 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 1,120 class hours, 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 class hours a week and must receive credit for eight class hours. In order to graduate in six semesters a student shall be enrolled in each semester for not fewer than ten class hours a week and must receive credit for nine class 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 apports a student’s effort to the usual residence period.

(e) Regular and punctual class attendance is necessary to satisfy residence credit and class 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 Rules of Procedure and Criteria adopted 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)

Interpretation 304-2:
In a joint degree program between a law school and another school or college:

(1) Not fewer than 900 hours of the 1,120 hours of study required for a J.D. degree shall be in courses in residence at the law school.

(2) The remaining 220 hours 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 hour 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 70 semester days, or 47 quarter days, over two or more summers during which classes are regularly scheduled in the law school. [August 1996]

Interpretation 304-5:
A “class hour” of instruction is 50 minutes of class time or equivalent. A semester hour of credit requires not fewer than 700 minutes of instruction time plus time for an examination; a quarter hour of credit requires not fewer than 430 minutes of instruction time, plus time for an examination. Eighty semester hours of credit require not fewer than 1120 class hours plus 80 hours for examinations. Equivalents in the case of academic work outside the classroom shall meet the criteria of Interpretation 305-2. [August 1996]

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) If 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, the time spent in these studies or activities may be counted in satisfying the residence and class hour requirements, if the conditions of this Standard are satisfied.

(b) Residence and class hours credit granted shall be commensurate with the time and effort expended by and the educational benefits to the student.

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

(d) Each study or activity and the participation of each student therein shall be conducted or approved and periodically reviewed by a member of the faculty member to assure that it achieves achievement of its the educational objectives and that to assure that the credit awarded is commensurate with the time and effort expended by and the educational benefits to the student. 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 schools to supervise or assist in the supervision or review of a field placement program.

(e) The approval and periodic review of field placement programs shall take the following factors into account:

(1) the stated goals and methods of the program

(2) 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;

(3) classroom component;

(4) prerequisites for student participation;

(5) number of students participating;

(6) amount of credit awarded to each student;

(7) evaluation of student academic achievement;

(8) qualifications and training of field instructors;

(9) evaluation of field instructors;

(10) visits to field placements or other comparable communication among faculty, students and field instructors.

(ef) Not fewer than 900 hours 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.

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.

Interpretation 305-2:
A law school may not grant credit to a student for participation in a law school 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]

Interpretation 305-3:
(a) A law school that has a field placement program that permits or
requires student participation in
studies or activities away from the
law school, except foreign pro-
grams, shall develop, and publish
and communicate to students and
field instructors a statement that
describes the educational objectives
of the program. Among the objec-
tives of these programs may be
instruction in professional skills,
legal writing, professional respon-
sibilities, specific areas of the law,
and legal process. The educational
objectives shall be communicated
to the students and field
instructors.

(b) These programs shall be
approved by the same procedures
established by a law school for the
approval of other parts of its cur-
riculum and shall be reviewed peri-
docally in accordance with those
procedures and in light of the edu-
cational objectives of the program.

(eb) A field instructor or a full-
time faculty member shall engage
the student on a regular basis
throughout the term in a critical
evaluation of the student's field
experience.

(ec) In a full placement pro-
gram, as the number of students
involved or the number of credits
awarded increases, the level of
instructional resources devoted to
the program should also increase.
The school and the Accreditation
Committee shall evaluate programs
in light of the following factors:

(1) adequacy of instructional
resources;
(2) classroom component;
(3) prerequisites for student
participation;
(4) number of students
participating;
(5) amount of credit awarded
to each student;
(6) evaluation of student acade-
mic achievement;
(7) qualifications and training of
field instructor;
(8) evaluation of field instruc-
tor; and
(9) visits to field placements.

(ed) Additional requirements
shall apply in the following
circumstances:

(1) If in a field placement
for which students are supervised
solely by a field instructor and not
by a faculty member is responsible
for the direct supervision of stu-
dents, the following criteria apply:

(4a) A student may not partici-
(p) the field instructor's
performance.

(5c) A contemporaneous
classroom component is preferred.

(6) Teaching credit given
shall be commensurate with the
instructional responsibilities of the
full-time faculty member in relation
to the number of students and the
credit hours granted.

(f) In extraordinary circum-
stances a law school may apply to
the Accreditation Committee for
permission to use a law school
administrator or a part-time faculty
member whose experience makes
the individual qualified to fulfill the
functions of a full-time faculty
member within the meaning of this
Standard.

(42) In a field placement
program that awards academic
credit of more than six credit
hours per semester, the following
additional criteria apply:

(4a) A classroom or tutorial
component taught by a faculty
member is required. If the class-
room or tutorial component is con-
temporaneous, the law school
shall demonstrate that the educa-
tional adequacy of its alternative
(which could be a pre- or post-field
placement classroom or tutorial) is
functionally and educationally
equivalent to the classroom expe-
rience involving full-time faculty
members. The alternative may be a
meaningful pre- or post-field place-
ment experience involving full-time
faculty members. The classroom
component may be satisfied by reg-
ular tutorials conducted by a full-
time faculty member.

(2) The law school shall
conduct a written appraisal of
each program at least every three
years to evaluate whether the
program is meeting its stated edu-
cational objectives.

(4b) The law school shall
ensure that there is regular careful
and persistent monitoring by a full-time faculty member of the academic achievement of each student. This generally shall include an on-site visit in each field placement by a full-time faculty member in the course of the field placement. The school shall document this monitoring. (February 1993; February 1995; August 1996)

(a) The Accreditation Committee shall closely scrutinize field placement programs in which the amount of academic credit awarded is substantial. The student/faculty ratio of the placement is high, the field placement is at a significant distance from the school, or the field placement is initiated by a student rather than by the faculty.

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, and Procedures 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 it is fully approved and the quality of its J.D. degree program meets the requirements of the Standards. The additional degree program may not detract from a law school’s ability to maintain a sound 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 have 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) In any event, a single division law school in its first year of operation shall have not 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 as many additional faculty members as are necessary to meet the educational needs of the law school.

(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 out-
side 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 under Standard 405(c) 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 equivalent 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) Students who are registered in a part-time program are computed on a full-time equivalency basis, so that three part-time students are counted as two full-time students.

(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.

(4) Only for the purpose of computing full-time equivalent student/faculty ratio, any part-time student who is registered for fourteen or more credit hours per week during any semester or quarter shall be counted as a full-time student during that term. (December 1987, August 1996)

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 on a full-time or part-time basis to enrich its educational program. Appropriate use of practicing lawyers and judges as faculty requires that a law school provide them with orientation, guidance, monitoring, and evaluation.

**Interpretation 403-1:** Appropriate use of practicing lawyers and judges as part-time faculty requires that a law school provide them with orientation, guidance, monitoring, and evaluation. A law school may make appropriate use of qualified part-time faculty to provide professional skills instruction. (August 1986)

**Standard 404. FACULTY RESPONSIBILITIES.**

(a) A law school shall establish policies with respect to a 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 sufficient 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) Under Standard 405(a), law schools employing full-time legal writing instructors or directors shall provide conditions sufficient to attract well-qualified legal writing instructors or directors.

**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 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 clinical program. (August 1996)

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 professional skills program. (August 1984; August 1996)

**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)

[PROPOSED REVISION
STANDARD 405 & [INTERPRETATIONS]

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

(b) A law school shall have established and announced policies designed to afford full-time faculty members, including clinical and legal writing faculty, whatever security of position and other rights and privileges of faculty membership as may be necessary to (i) attract and retain a competent faculty, (ii) provide students with a program of legal education that satisfies the requirements of Chapter 3 of these Standards, and (iii) safeguard academic freedom. The form and terms of security of position and other rights and privileges of faculty membership may vary with the duties and responsibilities of different faculty members.

**Interpretation 405-1:**

A law school that has a system of tenure:

(a) shall not have a fixed limit on the percent of faculty that may hold tenure; and

(b) shall have a comprehensive system for evaluating candidates for promotion and tenure, including written criteria and procedures that are made available to the faculty.

**Interpretation 405-2:**

Attraction and retention of competent clinical faculty members presumptively requires a form of security of position, appropriate opportunities to participate in law school governance, and other rights and privileges of faculty membership that are reasonably similar to that provided to full-time non-clinical faculty members. This Standard and its Interpretations do 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, or in a program funded predominantly from external sources. “A form of security of position reasonably similar to that provided to full-time non-clinical faculty members” may include:

(a) a separate tenure track with standards and responsibilities appropriate to clinical teaching. Under such 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 clinical program.

(b) a renewable long-term contract. Such a contract 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 professional skills program.

**Interpretation 405-3:**

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 405-4:**

It is not a violation of academic freedom for a member of the law faculty to be required to adhere to such general duties as course assignments, committee assignments, office hours, teaching schedules, and examination schedules. (August 1979; August 1996)
THE AFRICAN LAW INITIATIVE

Continued from page 3

Ghana for a workshop that will aim to advance the development of new women and the law curriculum and to fully incorporate the African legal traditions represented at the workshop.

Kyalo Mboobu and Zekarias Keneaa worked intensively on commercial law curriculum with Professor Daniel Bradlow and other professors at the American University Washington College of Law as well as having meetings at other institutions such as the World Bank. One major interest was international commercial arbitration and other dispute resolution mechanisms. Kyalo Mboobu developed an arbitration course for use at the University of Nairobi. Mboobu and Keneaa then traveled to Seattle where Jon Eddy, an attorney at the firm of Graham and James and an adjunct professor at the University of Washington and Seattle University, organized their program. While in Seattle, they met with a variety of commercial law faculty at both universities as well as meeting with local government and business officials. The next step is a workshop on commercial law teaching that will be held in Addis Ababa, Ethiopia, during the first quarter of 1999.

Judy Obitre-Gama from the Makerere University Faculty of Law worked on the environmental law curriculum. Ms. Obitre-Gama visited both the University of Maryland School of Law and the University of Florida School of Law. At Maryland, she worked closely with Professor Robert Percival, director of the Environmental Law program, met with a wide variety of faculty and students with environmental law interests, and visited the environmental law clinic. Ms. Obitre-Gama then visited the University of Florida (which has an ongoing link with Makerere University), where Professor Don Peters was her host. In addition to environmental law, the focus at Florida was largely on clinical legal education. Ms. Obitre-Gama also had meetings at environmental organizations in Washington, including the EPA, the Environmental Law Institute, and the World Resources Institute. A workshop on environmental accountability is being planned at the Makerere University Faculty of Law for early in 1999.

During the month that they were in the United States, the six African visitors made substantial progress on developing new curriculum. They gathered a large amount of information and U.S. teaching materials and made many important connections (both with Americans and with other Africans on the program) that will be of future benefit. They expressed enthusiasm for the opportunities generated by the program, and a commitment to follow up so that their visit to the United States will lead to concrete improvements in the courses at their law schools. The next stage will be the three workshops in Africa to continue the curriculum development work. The result it is hoped will be improved law school curricula in Africa, enhanced capacities for training at the law schools, and lawyers who are better prepared to practice in their increasingly open societies and in an interconnected world.

Visiting the Vietnam Memorial from left are Maureen Nsewa, Zekarias Keneaa, and Kyalo Mboobu.
## Mark Your Calendar

### FEBRUARY 1999
- 3-9 ABA Midyear Meeting
- 4-6 ABA Workshop for Deans of ABA Approved Law Schools
- 5 Standards Review Committee Hearing
- 6-7 ABA Council Meeting
- 12-14 ABA Bar Admissions Committee Meeting
- 13 ABA Workshop for Site Evaluators
- 25-27 ABA Section Presidents, Provosts & Deans’ Conference

MARCH 1999
- 5-6 ABA Conference on Graduate Legal Education for Foreign Lawyers
- 23-25 ABA Accreditation Committee

APRIL 1999
- ABA/AALS/LSAC Deans’ Meeting
- Mayflower I Meeting
- Mayflower II Meeting
- ABA Law School Development Conference

MAY 1999
- 19 ABA/AALS/LSAC Deans’ Meeting
- 19 Mayflower I Meeting
- 20 Mayflower II Meeting
- 25-28 ABA Law School Development Conference

JUNE 1999
- 5-6 ABA Council Meeting
- 9-13 ABA Seminar for New Law School Deans
- 10-13 ABA Associate Deans Law School Administrative Workshop
- 25-27 ABA Accreditation Committee Meeting

JULY 1999
- 16-18 ABA Bar Admissions Committee

AUGUST 1999
- 5-11 ABA Annual Meeting
- 5-6 ABA Council Meeting
- 6 ABA Kutak Award Reception
- 7 ABA Section Program
- 7 ABA Section Annual Meeting

SEPTEMBER 1999
- 9 ABA Site Evaluation Orientation
- 10 ABA Site Evaluation Chairpersons’ Workshop
- 11 ABA Site Evaluators’ Workshop

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- Proposed Standards
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### Editor’s note:
In the Spring 1998 issue of *Syllabus* I reported to you that Russell Glidden, the wonderful Art Director for *Syllabus* for the past 14 years, had been promoted to Director of Design and Production, ABA Publishing. Unfortunately, Michelle Crisanti who followed Russ as the Art Director for *Syllabus* for the past two issues has also taken a position elsewhere.

Jill Ingber has replaced Michelle as the Art Director for *Syllabus*. Prior to working with *Syllabus* Jill was the Graphics Coordinator for the American Academy of Pediatric Dentistry. Welcome aboard, Jill!