The African Law Initiative continues to provide assistance to African law schools and to facilitate greater interaction between African and American legal educators and institutions. With funding from the United States Information Agency Office of Citizen Exchanges, the program is now into its fifth year, and clinical legal education and curriculum development are the priority areas. Curriculum development workshops have been held over recent months in Ghana, Kenya, and Uganda. Clinical legal education assistance reached a milestone with the inauguration of a legal aid clinic in Uganda, and progress on practice-based methods of teaching law is also being made at law schools in other participating countries.

Kampala, Uganda: The Law Development Center Legal Aid Clinic

A legal aid clinic was officially opened on March 23, 1999 on the campus of the Law Development Center (LDC) in Kampala, Uganda. This clinic, which is the first of its kind in the region, will focus on children's rights and juvenile justice issues. Students from the LDC, Uganda's post-graduate professional training institution, have now begun to work on cases, providing free and sorely-needed legal services. The clinic is open to juvenile offenders, children in need of care and protection and indigent suspects being held in pre-trial detention. The "Children Statute" of 1996 is the governing law on children in the country. By providing legal representation to children, the LDC clinic will help to give this statute real meaning in the lives of children in Uganda, while at the same time empowering LDC students through experience with and training on the critical lawyering skills and professional and social responsibility issues.

First Deputy Prime Minister Kategaya, Minister of Justice and Constitutional Affairs Mayanja Nkangi, United States Ambassador

Continued on page 3
CONSULTANT

Growth in Post-J.D. Programs

by James P. White

In his column, Chief Justice Shepard reports a current concern and discussions of the Council of the Section regarding eligibility to sit for a bar exam by persons who have not obtained the first degree in law from an American law school. As he has observed over the past eight years the great growth in American legal education, in those law schools approved by the American Bar Association, has been the LL.M. or the advanced degree for lawyers trained in other countries. There are currently 73 such programs in the 181 ABA approved law schools offering the JD degree. In fall, 1998 there were a total of 2,174 students enrolled in these programs.

Again, as Chief Justice Shepard points out, the ABA through its Section of Legal Education and Admissions to the Bar does not accredit these programs, but rather acquiesces in their establishment.

Standard 307 states:

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.

(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.

And, Interpretation 307-2 makes clear that the ABA process is not an approval process

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)

Rule 18 of the Rules of Procedure for Approval of Law Schools by the American Bar Association sets forth the procedure which must be followed if a law school wishes to establish a degree program in addition to the J.D. degree.

Continued on page 18

In late April and early May, Chief Justice Randall T. Shepard, Chairperson of the Section, sent a letter to all the state Chief Justices, liaison judges, and Directors of Boards of Bar Examiners, clarifying the ABA’s role in post-J.D. programs. This letter can be viewed on the Section’s website at www.abanet.org/legaled.
Nancy Powell, and other officials attended the opening of the clinic. Ambassador Powell said that she was pleased that “my government is able to help make available legal services to the most disadvantaged members of Ugandan society,” and she recognized the ABA for its role, through the African Law Initiative, in the clinic’s development. The clinic has now received grants totaling over $500,000 from the Ford Foundation in Nairobi and the United States Agency for International Development (USAID) in Kampala.

While legal aid has been in the prospectus of the LDC since 1970, because of resource constraints, and the national crisis in Uganda during a large portion of the 1970s and 1980s, this important part of the mission of the LDC had never been carried out. In 1998, the African Law Initiative sent Robert Golten from Boulder, Colorado (an Adjunct Professor at Denver University and a widely experienced clinical law and environmental law specialist) to Uganda to work for two months at the LDC. The origins of this new clinic are in this two-month period. Golten worked assiduously to lay the groundwork for the project among the students and faculty at the LDC, and in the wider legal, governmental and non-governmental communities in Uganda. Widespread enthusiasm and support were generated at all levels.

After Bob Golten departed Uganda, the African Law Initiative supported Susan Taylor, a Kampala-based, British-born, and American-trained attorney, to carry on the work of Golten and to bring the project to fruition. Taylor succeeded in this mission and is now serving as Technical Advisor for the clinic.

An advisory board made up of representatives from the academic, government, NGO, and donor communities has been formed. John Mary Mugisha, President of the Uganda Law Society and Chair of the Department of Continuing Legal Education and Legal Aid at the LDC; P.T. Kakama of the Save the Children Fund, Joe Oloka-Onyango, Dean of the Faculty of Law at Makerere University, and Justice Solome Bossa, are among the board members. The advisory board has appointed a Ugandan clinic manager and staff.

In February 1999, a workshop was held at the LDC which focused on a series of issues related to the start-up of the clinic. Three American clinical specialists involved in this two-month period participated in this workshop: Bob Golten; Don Peters, from the University of Florida School of Law; and Louise McKinney, from the Case Western Reserve University School of Law and currently based in Nairobi. The visiting American professors made presentations on clinical teaching methodologies and consulted with the clinic managers and staff on the practical issues involved in running the clinic.

The opening of this clinic is an important milestone in the project’s work on clinical legal education in Africa, which has been ongoing for several years. The African Law Initiative is continuing to provide support to this project as it evolves and becomes an integral part of the Law Development Center experience and a recognized provider of legal services in Uganda.

Kampala, Uganda: Environmental Accountability Workshop

Environmental law is an area of growing importance overall in Africa and in the context of legal education – a field that is at the intersection of and crucial to attempts to build the rule of law and sustainable development. There have been growing numbers of requests from African law schools for assistance in the development of environmental law curricula. The project has responded to these
requests by setting up attachments at United States law schools for visiting African environmental law specialists. Most recently, a workshop on environmental accountability was held from March 8–10, 1999 in Kampala, Uganda. This workshop was planned and conducted by the African Law Initiative in cooperation with the Makerere University Faculty of Law and the University of Maryland Environmental Law Program. Judy Obitre-Gama from the Makerere University Law Faculty had visited the United States in October 1998 and it was during this visit that the outline of the agenda was developed. The focus of the workshop was on the implementation and enforcement of environmental law, on ensuring that, as Assistant Dean Lilian Tibatemwa-Ekirikubinza said at the workshop opening, the right to a clean environment “does not remain merely words on paper.” Professor Robert Percival, Director of the University of Maryland Environmental Law program and Karin Krchnak, the Director of the ABA/CEELI Environmental Law program, led sections of the workshop, and brought important perspectives from their work in other developing countries.

The workshop participants were a diverse group, including private practitioners, legal educators, government officials, and representatives from a variety of environmental and legal aid NGOs. The program had segments on (1) environmental goals and values, (2) the principle of environmental accountability, (3) environmental law in Uganda, (4) environmental agencies and institutional structures, (5) human rights and the environment, (6) enforcement and compliance systems of environmental law in Uganda, (7) the role of non-governmental organization in the implementation and enforcement of environmental law, and (8) environmental education. In addition, there was a simulation exercise based on an actual case involving the illegal dumping of hazardous waste. Reading materials were distributed on environmental enforcement and implementation in Africa, Europe, and the United States and the historical development of environmental laws and environmental law teaching in the United States.

The importance of public participation and the role of NGOs was repeatedly stressed during the workshop. There was spirited participation by the environmental NGOs in Uganda, including Environment Alert, Greenwatch, the National Association of Professional Environmentalists (NAPE) and others. The workshop succeeded in bringing together lawyers and non-lawyers on a major area of common concern. There was discussion about the limitations of the National Environment Management Agency and other government agencies, and because of this the crucial role for NGOs and the public.

Environmental education, in all its aspects including legal education and public education more generally, was an important theme throughout the workshop, and many teaching strategies were shared and discussed.

One practitioner said, following the workshop, that he is “better placed now to handle environmental issues and litigation,” and another commented that “the area of environmental law and its application is still new to many of those I advise for which reason I have benefited and shall better my advocacy skills.” The African Law Initiative has followed-up on the workshop by sending materials to some of the legal educators and NGO representatives who participated in the workshop.

Lake Bogoria, Kenya: University of Nairobi Law Faculty Curriculum Seminar

The African Law Initiative provided the major funding for a comprehensive curriculum review seminar undertaken by the University of Nairobi Faculty of Law at Lake Bogoria, Kenya from March 1–5, 1999. Lake Bogoria is a secluded location in the rift valley, a five hour drive north of Nairobi, where the faculty could reflect and deliberate without the distractions of Nairobi. The faculty came together to reconsider the overall mission of the law faculty and to plan the reform of the curriculum so that the law graduates are prepared to practice effectively in the changed global as well as local environments.

The seminar was the first review of the curriculum undertaken since the 1989 Lake Naivasha seminar.
Among the major recommendations, which have not yet been fully approved, are more clinical courses, including mandatory courses on Legal Research and Writing, Oral and Written Advocacy and Legal Practice and several elective skills courses: Trial Advocacy, Alternative Dispute Resolution, and a Public Interest Clinic. While there is widespread support for these new courses, much work remains to be done before they are all a reality.

Much of the credit for organizing the seminar goes to Louise McKinney from Case Western Reserve University School of Law and Dr. Francis Situma, the chair of the organizing committee at the University of Nairobi Faculty of Law. Louise McKinney has participated in past African Law Initiative activities in both Kenya and Ethiopia and is currently a Fulbright Fellow based at the University of Nairobi Faculty of Law. She has been working to develop clinical courses at the law faculty and the new clinical courses, which were enthusiastically recommended, are one result of her work. Several of the faculty members from the University of Nairobi have participated in past African Law Initiative programs on clinical legal education in either the U.S. or Africa, and they are currently working closely with Professor McKinney to fully incorporate practice-based teaching into the curriculum.

There were various other recommendations for changes to or streamlining of the curriculum, including the introduction of new courses. Refugee law, communications law, and international commercial arbitration are three of the recommended courses. A number of other issues were discussed at the seminar, including issues of student welfare, the management of the law faculty, and other administrative issues. In addition to the Nairobi law faculty members, a number of students also participated in the seminar, as well as the university librarian, the Principal of the School of Social Sciences, and a lecturer from the Faculty of Law at Moi University in Eldoret, Kenya.

Since many of the law faculty spend the great majority of their time practicing law and are rarely on campus, this was a rare opportunity for the University of Nairobi law faculty to get together and reflect on their mission and their curriculum. While not all of the law faculty attended the workshop, a substantial portion did, and they commented on how valuable it was for them to have the opportunity. The process is continuing, and the final recommendations and changes implemented will be based largely on the work done at Lake Bogoria.

**Accra, Ghana: Gender and Law Workshop**

A workshop was held on Gender and Law from December 8–10, 1998 in Accra, Ghana. This workshop, which was chaired by Akua Kuenyehia, Dean of the Faculty of Law at the University of Ghana, and Professor Cynthia Bowman from the Northwestern University School of Law, continued the work that was begun during the October 1998 US training program. The agenda followed the list of topics for a Gender and the Law syllabus for Africa that was generated during the October 1998 program. In addition to law faculty members from the University of Ghana, participants in the workshop included NGO representatives and law faculty members from two other law schools in Africa: Maureen Nsewa from the University of Malawi Faculty of Law and Damalie Esther Naggita from the Makerere University Faculty of Law. The final syllabus and course materials will contain sections on a wide range of issues affecting women, including family law, domestic violence, rape, employment discrimination, reproductive rights, inheritance, and many other topics. Comparative perspectives from different regions of Anglophone Africa and different traditions will be incorporated.

The Northwestern University School of Law intends to expand and strengthen its partnership with the University of Ghana Faculty of Law. In March, a group of 17 students, along with Professor Bowman visited the Faculty of Law and other organizations in Ghana. Professors Bowman and Kuenyehia intend to continue their work of gathering materials relevant to women and the law in the African context and eventually to edit and publish this collection. In addition, a variety of other faculty exchanges are planned between the two institutions.

Michael Wolf is the Project Director for the African Law Project. He can be contacted at (202) 662-1966 or mwolf@abaceli.org for more information.
# 1999 ABA Foreign Summer Program Site Visits

During this summer the Consultant’s Office on Legal Education to the American Bar Association will coordinate the following site evaluations for foreign summer abroad programs. Interested persons may submit written comments regarding a school or a program to the Consultant’s Office. The comments should be sent to the Consultant’s Office by August 1, 1999.

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<tr>
<th>LAW SCHOOL</th>
<th>LOCATION</th>
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<tr>
<td>Cornell University</td>
<td>Paris, France</td>
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<td>Capetown, South Africa</td>
<td>June 21–July 20</td>
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<td>Hamline University</td>
<td>Bergen, Norway</td>
<td>May 24–June 15</td>
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<td>Modena, Italy</td>
<td>July 5–June 27</td>
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<td>Loyola University—Los Angeles</td>
<td>Beijing, China</td>
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<td>Roger Williams University</td>
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Undergraduate Debt Appears to Be Affecting Entering Law Students' Choices

As part of Access Group, Inc.'s core mission—providing access to funding for graduate and first-professional* education—we are committed to understanding the factors that influence students' education choices and how they finance those choices. To that end, we have published a monograph entitled Student Borrowing, Debt Burden, and Default: The Special Case of First-Professional Students in the 1990s. The study was carried out by Dr. Samuel M. Kipp, III, formerly Executive Director of the California Student Aid Commission. Dr. Kipp is a historian and policy analyst whose scholarly focus is higher education finance. For the readers of Syllabus, we have excerpted portions of the study that examine the impact of undergraduate borrowing on decisions to pursue law school and on students' choices of schools.

Overview

Although the evidence is indirect and suggestive rather than definitive, it seems clear that the increasing cost of undergraduate and first-professional education, and the resulting need to borrow heavily, are discouraging more students from continuing on to first-professional school, particularly low- and modest-income dependent students and most older, nontraditional undergraduates. Additional research is needed before we will have more complete answers. Nevertheless, some trends have emerged.

- Overall, the number of undergraduates who borrow is increasing, and so is their average indebtedness.
- In general, those who borrow as undergraduates are somewhat less likely than those who did not borrow as undergraduates to enroll in graduate or first-professional school immediately after completing their bachelor's degree.
- Among law and other first-professional students, the proportion who had borrowed as undergraduates and their average undergraduate indebtedness have both dropped sharply. The average undergraduate indebtedness of first-year, first-professional students dropped by more than 18% between 1992-93 and 1995-96. In other words, fewer people who already owe money, especially those with large undergraduate debts, are choosing to go on to law and other first-professional programs.
- Those who had borrowed as undergraduates and still went on to continue their education were much more likely in 1995-96 to enroll in professional school at lower-cost public institutions.
- Over half of all law students in 1995-96 were new borrowers who had not needed student loans as undergraduates. Most were from more affluent backgrounds, attended private colleges as undergraduates, and then borrowed heavily to enroll in higher-cost private law schools.

Borrowing for Law School Is More Necessary Than Before, Because Costs Are Higher.

There is growing evidence that undergraduate borrowing is having a serious impact on subsequent decisions about whether to enroll in graduate or first-professional school, including law school. Borrowing from private loan programs such as the Access Group or from relatives plays a critical role in financing first-professional degrees, particularly for students enrolled at private institutions. That role will continue to grow as the cost of attendance for more programs exceeds annual federal loan limits ($18,500/year for graduate and professional students). Congress did not increase these annual borrowing limits when it reauthorized the Higher Education Act in 1998, despite the fact that the cost of attendance already exceeds federal loan limits at 70% of all ABA-accredited law schools.

Undergraduate Borrowers Appear Less Likely to Go to Law School.

Although undergraduate borrowing increased overall in the early and mid-1990s, there was an opposite pattern among students who completed first-professional school in those years. Specifically, the proportion of law graduates who had borrowed as undergraduates decreased from 50% in 1992-93 to 33% in 1995-96. In other words, students who already owe thousands of dollars for college appear to be less likely to borrow more for graduate or first-professional school.

Is Undergraduate Debt Merely Delaying or Permanently Discouraging Enrollment in First-Professional School?

Among bachelor's degree recipients in 1992-93, those who had borrowed as undergraduates were slightly less likely than nonborrowers to apply to graduate or professional school immediately after graduating, and the percentage of graduates reporting that their undergraduate debts were their major reason for not applying increased as debt levels rose.

* Law

Special Award to be Presented to Deborah Rhode

In February, the ABA Board of Governors approved a request to present a special award to Deborah Rhode, immediate past president of the Association of American Law Schools. This special award recognizes her commitment to pro bono during her presidency. Ms. Rhode made pro bono the priority for her term by directing the attention of AALS and its members on the critical role pro bono plays in law schools. She wrote and spoke about the need for law schools to focus on their pro bono commitment at every available opportunity.

Ms. Rhode began her term by appointing a Pro Bono Commission to study the current state of pro bono and public service activities in law schools and to develop recommendations for AALS to further the expansion of law school pro bono activities. She subsequently obtained a grant from the Open Society Institute to provide the necessary funding to support the comprehensive implementation and completion of this effort.

The Commission developed a report entitled “Learning to Serve: The Findings and Proposals of the AALS Commission on Pro Bono and Public Service Opportunities” which sets forth the central conclusion that law schools need to do more to build broader cultures of commitment to pro bono. As a result of the Commission’s work, two significant developments have arisen. First, AALS will create a new section on public service to serve as a forum for exchanging information and ideas. Secondly, AALS has created two new staff positions that will be funded by a second large grant from the Open Society Institute for the next year and possibly for the next two years.

The new staff members will launch the new section and function as a resource for law schools that are creating or expanding pro bono programs. In addition, the new staff members will develop a national clearinghouse of information about law school pro bono activities. They will develop printed materials and a website about model programs and policies and they will work with other groups involved in promoting pro bono programs, such as the ABA Standing Committee on Pro Bono and Public Service, the National Association for Public Interest Law and Pro Bono Students America.

Thus, Ms. Rhode’s efforts will have a long-lasting and important impact on law school pro bono initiatives. Thanks to Ms. Rhode, more law students will be offered the opportunity to learn about the importance of pro bono public service before they begin the practice of law. The special award will be presented to Ms. Rhode at the Pro Bono Publico Awards Assembly Luncheon on August 8, 1999 at the ABA Annual Meeting. Tickets for the event may be purchased at the Annual Meeting.
Whether this was a short-term adjustment to the recession and a weak job market for new law graduates or the beginning of a long-term trend is not yet clear. In any event, law schools are likely to be among the first to feel the impact of this trend, because 72% of those who enroll in law school typically enroll within two years of receiving their bachelor's degrees.

Undergraduate Debt Also Appears to Be Affecting the Choice of Law School.

The choice of first-professional school sector changed dramatically between 1993-94 and 1995-96, particularly for students who had borrowed as undergraduates. As recently as 1993-94, having college loan debts did not appear to deter those who enrolled in first-professional school from selecting more expensive private institutions and incurring even more sizeable student loan debts. By the mid-1990s, however, more undergraduate borrowers who subsequently enrolled in first-professional schools were selecting less expensive institutions. Among public-institution graduates who had borrowed as undergraduates yet went on to enroll in first-professional school, the percentage enrolling at lower-priced public institutions jumped from 41% to 66% between 1993-94 and 1995-96. There was a corresponding drop, from 59% to 34%, in the number enrolling at higher-priced private law and other first-professional schools. Among private-institution graduates who had already borrowed, the percentage enrolling for first-professional school at public institutions increased from 36% to 44%.

Conversely, lack of debt appears to increase choice: In both 1993-94 and 1995-96, public-institution baccalaureate recipients who had not borrowed as undergraduates were nearly as likely to be enrolled in first-professional school at a private institution as at a public institution. And the more affluent graduates had little apparent need to be cost-conscious: The percentage of first-year professional students who had graduated from private institutions without borrowing and who then enrolled at higher-priced professional schools at private institutions jumped dramatically, from 51% to 70%.

Undergraduate Borrowers May Be More Likely to Drop Out.

The average undergraduate indebtedness of first-year professional students in 1992-93 and 1993-94 was higher than the average undergraduate debt of those who graduated from first-professional programs in 1995-96. Because most of these graduates had begun professional school in 1992-93 or 1993-94, this pattern suggests that those who had borrowed more as undergraduates were somewhat more likely to drop out of professional school before completing their degrees than those who had borrowed less or not at all.

Conclusion

The increasing cost of post-baccalaureate education and the growing reliance on borrowing to pay for it are sobering enough. On top of the current shifts in job market dynamics and changes in earnings and career expectations, they’re downright ominous. These trends are transforming first-professional education, and we believe they warrant the close attention of all educators who want to preserve access to legal education and maintain its vitality for the coming century.

*First-professional degree programs include law, dentistry, medicine, other health-related fields (including chiropractic, optometry, osteopathic medicine, pharmacy, and veterinary medicine). Law students make up about 40-45% of all first-professional students.

Because we believe that the trends identified in Dr. Kipp’s analysis have potentially far-reaching implications for law schools, we have sent a complimentary copy to the deans of each of our member law schools.

If you do not have access to that copy or would like to order a personal copy for $9.95, please call Mary Bradley at 800-282-1550, ext. 4172, to request an order form. You may pay by check, money order, or credit card.

Changing the Role of the House of Delegates in Accreditation Decisions

The House of Delegates of the American Bar Association, at its February 8, 1999 meeting, upon recommendation of the ABA Board of Governors, adopted changes that modify the role of the House of Delegates in accreditation decisions. For your convenience, a copy of the Board of Governor’s report and recommendation to the House of Delegates is available on the Section’s website.

The ABA Board of Governors approved this recommendation, in principle, on July 31, 1998 and finally approved it on February 5, 1999. On October 16, 1998, Robert J. Grey, Jr., Chair of the ABA House of Delegates notified each member of the House of Delegates that they would be requested to take action on this matter at the February 1999 ABA Midyear Meeting.
### Annual Meeting Schedule At-a-glance

**Section of Legal Education and Admissions to the Bar**  
Renaissance Atlanta Hotel-Downtown  
Annual meeting schedule at-a-glance

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<tr>
<td>590 West Peachtree Street N.W.</td>
<td>404.881.6000</td>
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<td>Atlanta, GA 30308-3586</td>
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Section office located on the second floor in the Piedmont Room  
Hours: Thursday, 8/5/99 10:00am - 5:00pm  
Friday-Sunday, 8/6/99-8/8/99 7:00am - 5:00pm

**Thursday, August 5, 1999**  
Council meeting 1:00pm-5:00pm  
Atlanta Ballroom “B”

**Friday, August 6, 1999**  
Council Meeting w/continental breakfast 7:00am-5:00pm  
2nd fl./Atlanta Ballroom “B”

Council Meeting Lunch 12:00pm-2:00pm  
2nd fl./Atlanta Ballroom “D”

Public Hearing on the Standards 2:00pm-5:00pm  
2nd fl./Atlanta Ballroom “C”

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**Saturday, August 7, 1999**

### ABA/AALS/LSAC Dean’s

**Abar/AALS/LSAC Dean’s Breakfast for Deans of ABA**

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**Sunday, August 7, 1999**

**Skills Training**

**Communication Skills Committee Program**

*Note: Annual Business Meeting follows immediately afterwards*
Accreditation Site Visits by J. Richard Hurt

Since joining the Consultant's Office in July, 1998, I have been integrally involved with the Accreditation Project of the Section of Legal Education and Admissions to the Bar. This project includes site evaluation visits to each fully approved law school every seven years, annual visits to provisionally approved law schools, initial reviews of law schools seeking ABA approval, reviews of post-J.D. programs, and evaluation of all foreign programs. This year, 33 schools were scheduled for their seven year sabbatical review, five provisional schools face an annual evaluation, and five schools applied for provisional approval. Since each team is usually composed of seven members, this means that there are approximately 300 site evaluators served this year. This does not include individuals who reviewed post-J.D., foreign and other special programs.

Unlike the majority of accreditation systems, the American Bar Association relies strictly on unremunerated volunteers to serve as site evaluators. Each team is typically composed of law professors, law librarians, law school deans, a judge or practicing attorney and a university administrator. Efforts are made to select some team members from law schools similarly situated to the school being reviewed as well as to insure ethnic and gender diversity on the team.

The process of assembling a team begins by selecting a date for the visit from a list of possibilities provided by the school to be reviewed. A chair of the team must then be selected who is available on one of the dates preferred by the school. With dates and a chair secured, we then begin assembling a team that has the appropriate background for the school to be reviewed and are available and willing to serve.

Since I came into this process mid-cycle, with all the dates for the sabbatical visits established, the chairs selected, and a number of team members already recruited, I assumed the remaining positions could be filled in short order. What I soon discovered was that often, potential team members have to call you back before committing to serve on a team, and often, as many as four or five prospects have to be called to fill one position on a team. Even after teams are complete, individual members may have conflicts arise that prevent them from participating in the site visit, with their withdrawal from the team coming too late to secure a replacement.

Persons who are asked to serve on a site evaluation team should give careful consideration before agreeing to do so. These individuals will need to devote an enormous amount of time studying materials in preparation for the visit, participating in the actual visit to the school which involves four full days, and writing a portion of the report on areas assigned to them. Over the years, a core group of deans, librarians and faculty have contributed untold hours as site evaluators, some serving on two teams a year. Chances are quite good that the last time your law school had a site evaluation by the American Bar Association, one or more of these individuals were on the team.

In recent years, the Consultant's Office has made a concerted effort to broaden the pool of potential site evaluators, soliciting nominees from deans and other persons interested in the process. Workshops for new evaluators are conducted twice a year, with the training viewed as a prerequisite for serving on a team for the first time. During the past year, there were 60 new site evaluators, representing 20% of team members. While the pool has expanded, additional recruits must be added if the Accreditation Project is to remain viable. For those who have not served on a site evaluation team, let me suggest several reasons you should consider volunteering to do so:

1. OBLIGATION. While some individuals believe ABA accreditation is too intrusive, others feel the Standards are not strong enough. The current process is a balanced approach that has produced an approval process recognized by every jurisdiction as meeting the educational requirements for admission to the practice of law. For that recognition to continue, those of us who are in legal education as well as members of the legal profession at large have an obligation to insure the ongoing integrity of this project.

2. EDUCATION. The strength of the Accreditation Project is its peer review nature. Participation in the site evaluation process provides the opportunity to share as well as receive insights into legal education. If the process works as it should, the law schools represented on the team as well as the law school being reviewed should benefit from the site evaluation.

3. SERVICE. The site evaluation process provides one of the best service opportunities directly related to legal education itself, providing multiple benefits.

As we begin a new cycle by selecting teams for the 1999-2000 year, I hope you will carefully consider becoming a part of this process, if you are not already. We also would welcome your nominations of individuals who you think would make an invaluable contribution to the process.
2000 edition of the ABA’s Guide to Law Schools is Now Available!

We are pleased to announce the availability of the 2000 edition of the Official American Bar Association Guide to Approved Law Schools. The book is a result of much work and cooperation between the staff of the Consultant’s Office, the Section’s Questionnaire Committee, individual law schools, other legal organizations, and state boards of bar examiners.

As a result, we hope and expect the book to be used as a resource by law schools, prospective students, parents, placement guidance personnel, and attorneys.

We believe that the information contained in this book is the most accurate, timely, and comprehensive ever published on American law schools. Standard 309, modeled after Department of Education regulations, requires law schools to publish basic consumer information in a fair and accurate manner reflective of actual practice. The book contains a wealth of information on law schools, including admission data, tuition, fees, living costs, financial aid, enrollment data, graduation rates, composition and number of faculty and administrators, curricular offerings, library resources, physical facilities, placement rates and bar passage data. Each school had several opportunities to review and correct data contained in the book pertaining to their school. We feel that the information therein is as accurate as can be without conducting individual school audits.

If you are interested in objective data supplied by ABA-approved law schools as part of the accreditation process or if you are advising people who need this type of information—you should buy this book.

The book is available in bookstores throughout the nation and the ABA Service Center at 6801 Georgia Avenue, Silver Spring, MD 20906. Publisher: Macmillan USA, 430 pp; ABA Product Code 8209065 [2084]; ISBN 0-89089-281-4.
Comprehensive Guide to Bar Admission Requirements Now Available

The 1999 edition of the Comprehensive Guide to Bar Admission Requirements is now available at the ABA Service Center and on the Section's website. It is published each year by the Section and the National Conference of Bar Examiners. It sets out the rules and practices of all U.S. jurisdictions for admission to the bar by examination and on motion, that is, legal education, character and fitness, bar examinations, and special licenses. Supplemental information follows each chart. Product Code: 5290087 (99ED), Price: $7.50. To order, Call the ABA Service Center at (800) 285-2221. Or, view the same information on the Section's Website at http://www.abanet.org/legaled.

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DIRECTORY OF STATE BAR ADMISSION ADMINISTRATORS
Changes to Bylaws

At the June meeting of the Council of the Section, the Council voted to recommend proposed changes to the Section’s Bylaws that will be presented to the Membership during the August ABA Annual Meeting. The purpose of the proposed changes will be to strengthen the Council’s compliance with Department of Education regulations. The General Counsel and outside counsel for the ABA both concur on the appropriateness of the proposed changes. A redlined copy of the Bylaws identifying the proposed revisions can be viewed on the Section’s website or obtained from calling Donald Quarles in the Section Office in Chicago at (312) 988-5684.

Article I
Section 2, line 9
Delete “and subject to the approval of the House of Delegates”

Section 2(a)
Redesignate this provision Section 2(c); at the beginning of the section, insert “With respect to other matters,”

Section 2(b)
Redesignate the language preceding the first semicolon as Section 2(a); redesignate the language following the semicolon as Section 2(b)

New Section 2(a), line 1
After “standards[,]” insert “that, upon becoming effective after review by the House of Delegates, are”

New Section 2(b)
Capitalize “to”; after “approval[,]” insert “the national”

Section 3, line 4
Delete “a law school” and insert “the national”

Section 4, line 4
After “successive[,]” insert “three-year”

Article IV
Section 1(a), lines 3–5
Move the last sentence of Section 1(a) to be revised and incorporated in a new section (b), which reads as follows:

“(b) The Council shall develop separate budgets for the Accreditation of Law Schools Project and for its other activities. Both budgets shall be prepared pursuant to the generally established accounting principles used by the Sections and entities within the Association. The Accreditation of Law Schools Project budget itself, however, will not be subject to review or consultation by the Board of Governors or any other entity outside the Section. The budget for the other activities of the Section will be subject to the Association’s regular budget process. With respect to those other activities, the Council shall not authorize commitments for expenditures in a fiscal year that would exceed the income and reserves of the Section for that fiscal year without approval of the Board of Governors.”

Reletter following sections in article.

Section 3, line 4
Delete “a law school” and insert “the national”

Section 4, line 4
After “successive[,]” insert “three-year”

Article V
Section 9, line 3
Insert “/or” following “and”; insert “Section” preceding “Staff”

Article VIII
Section 2(a), line 9
Delete “a law school” and insert “the national”

Article X
Line 3
Insert the following language after

“American Bar Association”: “Actions taken pursuant to Article I, Sections 2(a-b) of these Bylaws shall become effective after review by the House of Delegates, as set forth in the Rules of Procedure for the Approval of Law Schools.”
Proposed Changes to the Standards

As discussed in the last issue of Syllabus the Standards Review Committee reviewed Chapters Three and Four during the 1998-1999 academic year pursuant to the Section's Validity and Reliability Plan. The Committee met on the following dates:

- October 17, 1998; December 19-20, 1998; January 30, 1999; and March 27, 1999. At these meetings, the Committee reviewed the numerous written comments it received and the transcripts from the public hearings conducted, thus receiving input from various constituencies including: individual law school Deans, Faculty members, and Chief Justices; the American Law Deans Association (ALDA); the Clinical Legal Education Association (CLEA); the Legal Writing Institute; and the Association of Legal Writing Instructors.

To date, four public hearings have been held on proposed changes to Chapters Three and Four: the first on January 7, 1999, at the Annual Meeting of the Association of American Law Schools in New Orleans, Louisiana; the second on February 5, 1999 at the Mid-Year Meeting of the American Bar Association in Los Angeles, California; the third on February 27, 1999 following the Conference of Presidents, Provosts and Deans in Chicago, Illinois; and the fourth on May 19, 1999 in conjunction at the Annual Meeting of the American Law Institute in San Francisco, California. Prior to these hearings, notice of the hearings and the text of proposed changes were distributed to: Chief Justices of State Supreme Courts; Bar Examiners; University Presidents; Deans of ABA approved Law Schools; and other groups such as ALDA. Deans have been asked to share copies of the proposed changes with their faculties. Proposed changes were also published in the last issue of Syllabus. In addition, the proposed changes have also been posted on the ABA website making them available to the public for comment.

To ascertain the status of the proposed changes and/or the action taken by the Council at its June meeting please visit the Section’s website at www.abanet.org/legaled.
Joe E. Covington Prize for Scholarship in Bar Admissions Topics—Call for Submissions

The National Conference of Bar Examiners (NCBE) is proud to announce the Joe E. Covington Prize for Scholarship in Bar Admissions Topics. The award, which carries a $5,000 prize, will be given to the author of a submission that reflects research and theory relating to one of the following three topics chosen for consideration this year:

2. How Can the Bar Examination and Bar Admission Processes Enhance the Professional Commitment of Newly Admitted Lawyers to Integrity, Civility, and the Advancement of Basic Societal Values in the Practice of Law?
3. Bar Admissions in the 21st Century: Should the Bar Admission Process Be Changed?

The award honors Joe E. Covington, a former dean of the University of Missouri-Columbia Law School who was the first Director of Testing for the NCBE. The NCBE’s Multistate Bar Examination (MBE) was created and launched largely through his vision and perseverance.

The contest is open to any and all professionals and students involved or interested in bar admissions topics. Judges interested in the bar admission process, current and former bar examiners and administrators, psychometricians, law professors, law students, and graduate students are encouraged to submit articles.

Each applicant should submit two paper copies of the article, an electronic copy of the article on a 3½" diskette, and a resume detailing the applicant’s education and professional experience. The article should include endnotes or author-date references, or both, and should conform to the conventions of the Chicago Manual of Style, 14th ed., or The Bluebook: A Uniform System of Citation, 16th ed.

The selection of the winning submission will be made by the NCBE’s Editorial Advisory Committee, a panel with extensive experience in bar admissions issues. The decision of that committee will be final. The submissions will be judged on originality, scholarship, technical accuracy and the quality and organization of the writing. The winning submission will be considered for publication in The Bar Examiner, the NCBE’s professional journal. Other submissions may also be considered for publication.

Application submissions and questions should be addressed to:
Annie Walljasper
National Conference of Bar Examiners
646 West Washington Ave., Suite E
Madison, WI 53703-4702
Phone: (608) 280-8550

In an effort to provide an exchange of information about degree programs in addition to the J.D. for lawyers trained in other countries, the Section Committee on Graduate Legal Education sponsored a program at Duke University Law School in March on “Graduate Legal Education for Foreign Lawyers.” Over one hundred deans, LL.M. program directors, foundations and government representatives and foreign legal educators participated in this conference. Major topics included: “LL.M. Programs: Issues for the 21st Century”; “Funding U.S. Legal Educators for Foreign Lawyers”; “Sponsorship and Financial Aid”; “Evaluators and Recruitment of Foreign Lawyers to Graduate Programs”; “Overcoming the Barriers”; “Approaches to Academic Training Foreign Lawyers” including specialized courses for foreign lawyers and foreign lawyers in the regular curriculum, and “Designing Careers for the Global Market, Employment and Admission to the Bar.”

It is obvious from these topics that the thrust of the program was how to offer programs for foreign lawyers that are both meaningful and of good quality. The conference was an effort to assist law schools and in part to reflect the growing concern of the Council and Legal education community on quality control of advanced degree programs offered by ABA approved law schools.

There was not a discussion of courses which might be offered for foreign lawyers who might seek admission in an American jurisdiction. In his recent letter to Chief Justices and bar examiners, Chief Justice Shepard stated that “the ABA Accreditation process does not evaluate in any way whether the post-JD degree program provides the basic legal principles and skills determined to be necessary to provide the public with the assurance of a competent practicing bar.”

We hope that these columns, letters and the Duke conference clarifies the role of the Council in post-JD education in American law schools of foreign lawyers.
The vast increase in the number of masters programs in American law schools and the decision of two jurisdictions to allow persons to sit for the bar examination without having obtained the basic J.D. degree have led the Section to a review of bar admission and accreditation practices.

The Section’s legal education and bar admissions activities have long complemented each other. The American Bar Association and state bars worked throughout the first part of this century to assure that people licensed to practice law have a basic law school education. The transfer of legal education from law offices to academic institutions was purposeful and ultimately almost ubiquitous.

For the ABA and our Section, this process meant two things. First, it led to a formal system of ongoing accreditation of law school programs leading to a J.D. Second, it meant a series of activities in support of bar admissions authorities (law boards and state supreme courts), all of whom ultimately accepted ABA accreditation as the basic tool for their work.

Note that the ABA has never accredited law school programs other than the J.D. The Section does take note when a school begins a new post-J.D. program like an LL.M., under a procedure that merely examines whether the resources being committed the effort will degrade the quality of the J.D. program being offered. This danger of degradation is rarely realized, of course, so the ABA almost always “acquiesces” in the school’s decision to start a post-J.D. program.

This also means, of course, that someone holding only an LL.M. from an American law school has not “graduated from an ABA-accredited law school” as that term has been commonly used in bar admissions circles. The ABA does not examined the breadth of instruction or the academic quality that an LL.M. represents, and neither the Council, its Accreditation Committee, or its Bar Admissions Committee regard an LL.M., standing alone, as a platform adequate “to qualify its graduates for admission to the bar and to prepare them to participate effectively in the legal profession.” One can say all this and still support masters programs as valuable additions to the education available to lawyers holding the J.D.

To be sure, there is always a market demand for programs that may represent a short-cut to holding an American law license. The market demand in the current environment comes from two very different segments of the profession. One segment is the high-end international practice, a field in which American lawyers are seeking greater access to markets in Europe and Asia. The other segment is immigration-driven, a field in which persons with what Americans regard as “college degrees in law” arrive here and wish to hang out a shingle.

How the ABA and state admitting authorities should account for these market forces is still a work in progress. Our Bar Admissions Committee and the Section’s Long-Range Planning Committee have spent much of their energy this year examining the options.

In the meantime, the Council has asked me to remind bar admitting authorities that the ABA has not evaluated whether any particular LL.M. degree program provides the basic legal principles and skills necessary to provide the public with the assurance of a competent practicing bar. □

JOE E. COVINGTON PRIZE FOR SCHOLARSHIP
Continued from page 18

Facsimile: (608) 280-8552.
All applications must reach NCBE before November 30, 1999.
The NCBE reserves the right, in its sole discretion, to withhold the award of the prize for any year in which its Editorial Advisory Committee determines that none of the submissions merits the award, or to divide the prize between two or more submissions for any year in which the Editorial Advisory Committee determines that those submissions are equally worthy.

The National Conference of Bar Examiners is a nonprofit organization whose missions include providing information on admissions standards and practices to bar examiners and other interested professionals, working with other institutions to develop reasonable educational and character standards for eligibility for bar admission, providing standardized examinations for use by bar examiners and administrators, and conducting education programs for those interested in bar admissions. For more information on NCBE programs or materials, visit the website at www.ncbex.org.
Editor's Note: First, I would like to thank Jill Ingber for doing a wonderful job with Syllabus since she recently took over the design/layout part of the production. Second, I would like to apologize for the tardiness of the Spring issue. Due to a variety of reasons I was not able to assemble the material until late in the Spring. In any event, I hope to have the Summer issue out by the end of August so that it is still published in the Summer. I am expecting the Summer issue of Syllabus/Consultant's Digest to contain a wealth of bar admission type information that has never been published by our office.