Is There a Disconnect Between the Academy and the Private Practice of Law?

By Pauline A. Schneider, Chairperson

In this, my first column as the new chairperson of the Section of Legal Education and Admissions to the Bar, I want to thank a few folks and share some observations from my perspective as a private practitioner who has spent a significant portion of the past 15 years looking at legal education through both the accreditation lens and practicing lawyer’s periscope.

It is fitting that I begin by acknowledging my predecessor, Tom Sullivan, for his stellar leadership of the Section this past year. Tom has been a stalwart in legal education for many years and I thank him for his service and for providing sound guidance and thoughtful direction to the Council. I also thank the Nominating Committee and members of the Section for your vote of support in electing me. Finally, I applaud the hard working, dedicated staff in the Consultant’s Office and the Consultant, John Sebert, for their efforts in support of legal education and admissions to the bar. Those of us who are the volunteers in this effort understand that we could not do our jobs without them.

As August came to a close and September descended upon us, ads in the newspapers announcing “Back to School Sale” signaled that another school year was upon us. As a non-academic, I was reminded that I look to external indicia of the arrival of a new academic year, and not to the eager faces of students in a classroom or mingling in the hallways outside the faculty lounge or the dean’s office. This reminder also caused me to reflect, not for the first time, on some of the differences between the academy and the private practice of law and to wonder again if there may be a disconnect between what goes on in the hallowed halls of America’s law schools and what the reality is in law offices, whether private, corporate or governmental, across the nation today. Let me explain.

I begin with how our students are taught and by whom because I sense that this is where the disconnect begins.

Provisional Approval for St. Thomas

By Joe Puskarz, Editor

During the ABA Annual Meeting, the House of Delegates of the American Bar Association concurred with the action of the Council of the Section of Legal Education and Admissions to the Bar, in granting provisional approval to St. Thomas School of Law in Minneapolis, Minnesota.

The law school operates a full-time law program and teaches...
Message from Outgoing Chairperson

By E. Thomas Sullivan

Race Consciousness as a Public Good
This has been an important year for legal education in the United States. The Supreme Court's decision in Grutter v. Bollinger is in many respects as historic as Brown v. Board of Education. For the first time a clear majority of the Court has held that racial diversity in higher education is a compelling governmental interest. As a consequence, race can be taken into account in the admission process, even without a demonstrative showing of past discrimination.

The Constitution is race-conscious; it distinguishes "between policies of oppression and measures designed to accelerate de facto equality." As long as there is an individualized, qualitative assessment of an applicant's record, without numerical, mechanistic, or quantitative requirements, race may be considered a factor, among many, in the admission process.

The use of race in this way, the Court reasoned, is a public good, particularly as higher education is a means to ensure that people of racial and ethnic backgrounds participate in the democratic experiment of this Republic. As Justice O'Connor observed on the death of Justice Thurgood Marshall, "Justice Marshall imparted not only his legal acumen... but also his life experiences, constantly pushing and prodding us to respond not only to the persuasiveness of legal argument but also to the power of moral truth." As a public good, the long-term consequences of having a diverse student body are clear: education creates positive benefits for the whole of society, as well as the specific individual receiving the education.

Investing in human capital is one of the most important values of any society and one of the most effective means to promote democratic understanding and social justice. In many respects, our constitutional democracy depends on an inclusive approach to achieving a well-educated, engaged citizenry. In Grutter, Justice O'Connor said, with respect to the connection to law schools, "In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity."

As I have written before, because American law schools are the gatekeepers of the legal profession and society as a whole, I hope the law schools' admission policies and practices, as encouraged by the newly revised ABA Standard 503, will begin experiments to embrace the full thrust of the Grutter opinion. We need admission processes that utilize a broader definition of merit than largely the LSAT: "Merit, however defined, surely means more than performance on a standardized test." Revised Standard 503 now offers law schools the incentive to consider improving the admission process. Grutter gives confidence to a reexamination of who and how we admit the next generation of lawyers and leaders for our country.

Other important changes this year in legal education and before the Council include: 1) changes to standards regarding provisional approval for schools; 2) clarity concerning requirements to publish consumer information; and importantly, 3) improvements on the quality of the oversight of foreign programs, and 4) new streamlined procedures affecting the accreditation of the J.D. and post-and non-J.D. programs, including annualization of the accreditation fee structure. Our goal in each of

Notes
2. It has been reported that, when asked at the Constitutional Convention in Independence Hall on September 17, 1787, whether we had "a republic or a monarchy," Benjamin Franklin said, "A Republic, if you can keep it." Documents Illustrative of the Formation of the Union of the American States, Government Printing Office, 1927.
Section Survey Will Study Law School Curriculum

By Camille deJorna, Associate Consultant

The Curriculum Committee of the Section on Legal Education and Admissions to the Bar will launch what it expects to be the most comprehensive survey of law school curricula in the last decade. The 2003 Curriculum Survey is web-based and will be available to law schools in mid-September. The committee, chaired by Catherine Carpenter, a professor at Southwestern Law School, designed the survey to collect detailed curriculum information from ABA-approved law schools.

The committee seeks to learn of changes, innovations or trends in law school curricula over the past ten years, particularly since the issuance of the McCrate Report. The survey covers requirements for graduation, first-year requirements, upper division course offerings, as well as information on post-J.D. and non-J.D. programs. The committee plans to capture information on recent initiatives, including distance education, upper level legal writing programs, and simulation skills courses.

Preliminary reports from schools participating in the external pre-test of the survey have been positive. One survey is allowed per school and will take approximately 30-minutes to complete. Historic information is provided automatically if your school submitted an Annual Questionnaire for the 1992-93 academic years.

The committee plans to review the data, prepare a report and distribute the findings at the 2004 ABA Annual Meeting in Atlanta, Georgia. We appreciate your participation in the upcoming survey.
This past year was another productive year for the Council, its committees, and the Consultant’s Office. As has become my custom, I wish to take this opportunity to inform the members of the Section, and those interested in legal education and bar admissions, of some of the most significant developments of this year.

**Accreditation Activities**

Much of our effort is directed toward regularly reviewing the substance of the Standards to which approved law schools must adhere and the processes by which our accreditation functions are exercised. During the past year, significant improvements in those processes and revisions to the Standards were adopted.

**Task Force on Accreditation Processes**

The Task Force on Accreditation Processes completed its review of the ways in which the Council, the Accreditation Committee, and the Consultant’s Office exercise oversight of fully approved law schools to ensure compliance with the Standards for Approval of Law Schools. Tom Sullivan, professor and dean emeritus of the University of Minnesota Law School and the 2002-03 chairperson of the Council, led the Task Force. The Final Report of the Task Force reflected a substantial amount of comment and discussion among law school deans and faculty, members of the Council and Accreditation Committee, and others with an interest in legal education. At its June 2003 meeting, the Council adopted all of the recommendations contained in the Final Report.

Several significant changes were made to the accreditation process. The fees that law schools pay to support the process were restructured. Beginning with the 2003-04 academic year, fully approved schools will pay an annual fee, and will pay an annual fee for each approved foreign program that the school operates. These annual fees replace the prior system in which law schools were assessed a large fee once every seven years when the school has its sabbatical site evaluation, and were also assessed substantial fees each time an inspection was undertaken of a foreign program operated by the school. The new annual fee system will benefit both the Section (by providing a consistent and predictable stream of income from the schools) and the schools (because it is easier to budget a regular annual obligation than a large periodic one).

The Council also approved changes to streamline the process for review of applications for acquiescence in the creation of post-J.D. programs. Under the new procedures, the Accreditation Committee has the power to grant acquiescence in post-J.D. programs (rather than also requiring that such applications also be considered by the Council), and acquiescence applications will be considered on the paper record, without requiring a report of a fact-finder prior to the decision on acquiescence. The new process will be considerably less burdensome on schools while still ensuring an appropriate level of oversight of new post-J.D. programs.

The ABA House of Delegates in August concurred in all of the revisions to the Standards and Rules necessary to accomplish these revisions to our accreditation procedures. These changes in the Standards and Rules of Procedure are discussed on page 20 in this issue.

**Foreign Programs Task Force**

The Foreign Programs Task Force (chaired by Professor Laura Gasaway of the University of North Carolina School of Law) also concluded its work this year. As a result of the work of the Task Force and Council action, the several set of criteria that provide for foreign law study by students in ABA-approved law schools have been updated and restated. One of the major changes is that site evaluations of foreign programs of approved law schools will now occur in the fifth year after initial approval of the program and then every seven (rather than five) years thereafter. This and other adopted changes in the oversight of foreign programs should reduce significantly the burdens on schools while still assuring effective oversight of those programs.

**Continuing Revision of Standards, Interpretation and Rules of Procedure**

The Council, at its June 2003 meeting, approved several changes to the Standards, Interpretations and Rules of Procedure. One of the most significant was a revision of Standard 503 dealing with a law
school admission test. That revision clarifies the requirement that law schools require all applicants to take an admission test by providing that a school could use an admissions test other than the Law School Admission Test if the school establishes that the other test would be a valid and reliable test to assist in assessing an applicant's ability to satisfactorily complete law school. The revised Standard and Interpretations also state clearly that the Standards do not mandate the weight that a law school should give an admission test in making admission decisions, and that many facts about an applicant's experience and background also may be relevant to law school admission decisions.

In December 2002, the Council finally adopted new Standards, Interpretations and Rules of Procedure that provide more clear guidelines concerning acquiescence in the establishment of Branch and Satellite campuses, and in changes of ownership of approved law schools. Both types of matters are coming before the Council and the Accreditation Committee with increasing frequency, and it was thought appropriate to provide more detailed regulations in these areas.

The ABA House of Delegates also concurred in all of these revisions to the Standards, Interpretations and Rules of Procedure. These changes in the Standards and Rules of Procedure are discussed on page 20 in this issue.

Accreditation Activities
As of the start of the 2003-04 academic year, 187 institutions that confer the first degree in law (normally the J.D.) are approved by the ABA. During this academic year, the Council granted full approval to the University of Nevada, Las Vegas, William S. Boyd School of Law and provisional approval to the University of St. Thomas School of Law in Minneapolis, Minnesota. Twenty-two site evaluation visits took place this year, involving the service of 141 volunteers as site team members.

Questionnaire Revisions
The ABA Questionnaires provide an essential core of information that assists both in determining whether law schools comply with the Standards and in providing extremely useful information about legal education throughout the United States. This year, under the leadership of the Questionnaire Committee (chaired by Steve Smith, dean of California Western School of Law), significant revisions were made to many of the questionnaires. The most substantial project involved revising all of the questionnaires related to foreign programs in light of the revisions to the Criteria for Foreign Programs. In the process, the foreign program questionnaires also were significantly shortened.

Service Functions
It is important to recognize that, in addition to our regulatory functions, the Council, its committees and the Consultant's Office also each year provide important and extensive service to legal education, the bar admissions community, and the legal profession. Some of the most important of those activities for 2002-03 include the following:

Diversity Issues
The major focus of the Council and the Consultant's Office in this area was to assist in persuading the Supreme Court that the University of Michigan Law School admissions policies, which were challenged in Grutter v. Bollinger, were constitutional. The Council joined with three other ABA entities to recommend to the ABA Amicus Committee and the Executive Committee of the Board of Governors that the ABA file an amicus brief, as it had in the Sixth Circuit, urging the Supreme Court to uphold Michigan Law School's admissions practices. The Consultant and the Chair of the Council then worked closely with those preparing the ABA brief, particularly the Section of Individual Rights and Responsibilities and the ABA General Counsel. The ABA brief was filed and we all were gratified that the Court's decision resoundingly reaffirmed the approach of Justice Powell in Bakke and clearly approved, at least for a substantial number of years, the constitutionality of using race as a factor in higher education admissions decisions for the purpose of achieving a racially diverse student body.

Law Student Debt Issues
The Council continues to focus on the matter of law student borrowing and high debt loads on graduation. Its Government Relations Committee worked with the ABA Commission on Loan Forgiveness and others on initiatives at the federal level to improve the borrowing opportunities of law students and the repayment options of law graduates. Our two major priorities continue to be: 1) to improve the Income Contingent Repayment (ICR) option in the federal loan programs by reducing from 25 to 15 years the time after which the remaining debt would be forgiven for those with relatively low income and who have worked a significant period of time in government service or for non-profit entities; and 2) to increase the annual unsubsidized loan limit for graduate and professional
students from the present $10,000 to $30,000. This work will continue through the process of the reauthorization of the Higher Education Act.

Out-of-the-Box Committee
The Section's Out-of-the-Box Committee, chaired by Dean John Attanasio of Southern Methodist University School of Law, this year produced four papers that were intended to stimulate law faculties and deans to think critically and creatively about the challenges and opportunities facing legal education. The four papers focused on: The Structure of Legal Education and the Legal Profession (including multidisciplinary practice, competition and globalization), Diversity, Information Technology, and the Cost and Financing of Legal Education. The papers were distributed to all law school deans and published in the *Journal of Legal Education*—52 J. Legal Educ. 473—527 (2002). The committee is planning a conference to encourage broad discussion of some of the ideas that have been generated during the committee's work. The conference, co-sponsored by Dedman School of Law of Southern Methodist University, will be held in Dallas, Texas, Thursday evening, April 15, through Saturday afternoon, April 17, 2004.

Conferences and Workshops
The Section supported a number of valuable conferences and programs during the past year:

Workshop for Chairpersons of Site Evaluation Teams, and Workshop for New Site Evaluators and Schools Undergoing a Site Evaluation. In September 2002 the Section conducted its annual workshop for chairpersons of site visit teams for the 2002-03 year. In February 2003 the Section offered a workshop for first-time site evaluators and representatives of schools that will have a site evaluation within the next year or two. In past years, separate workshops were offered for new site evaluators and for school representatives. It was both efficient and effective to combine them into one program, and the new format will be continued during the coming year.

Deans' Workshop. The annual Workshop for Law School Deans was held at the ABA Mid-year Meeting in Seattle. This two-day meeting attracted about 125 of the 186 deans of ABA-approved law schools. The theme of the 2003 Workshop was "Change and the Academy." Dean Nancy Rapoport of the University of Houston Law Center and Dean Stuart Deutsch of Rutgers University-Newark co-chaired the Workshop.

Bricks, Bytes and Continuous Renovation. Two hundred and seventeen participants attended this three-day program in March at Suffolk University in Boston, Massachusetts. The program addressed planning for new construction and major renovations of law schools. It also focused on the challenge of "continuous renovation"—making incremental changes as needed to adapt to technology and other changing requirements of legal education. Associate Dean John Deliso of Suffolk University Law School chaired the conference.

Conference on Law School Development. The Section conducted its bi-annual conference on law school development and fund-raising in May 2003 at Jackson Lake Lodge in Jackson, Wyoming. This three-day program attracted 325 law school deans, chief development officers, members of development staffs, a few fund-raising consultants and others to discuss broadly law school development and fund-raising matters. The co-chairs of the planning committee were Dean Pat Hobbs of Seton Hall School of Law and Martin Shell, associate vice president for development at Stanford University. More about this conference is reported on page ten in this issue.

Seminar for New ABA Law School Deans. The Section sponsored the 11th annual Seminar for New ABA Law School Deans at the end of May in Jackson, Wyoming, following the conclusion of the Law School Development Conference. The seminar explored topics important to new law school deans, including relations with faculty, senior staff, central administration and the legislature, student services, law school finances, and development and alumni relations. Dean David Van Zandt of Northwestern University Law School chaired the planning committee.

Annual Meeting Programs.

Section Publications and Web Site
The annual *Official Guide to ABA-Approved Law Schools* offers detailed, easy-to-read information that enables prospective law students to compare statistics of all ABA-approved law schools. Produced in cooperation with the Law School Admission Council since 2001, the *Official Guide* includes information on admission data, tuition, fees, living costs, financial aid, enrollment data, graduation rates, composition and number of faculty and administra-
tors, curricular offerings, library resources, physical facilities, placement rates, bar passage data, post-J.D. programs, and more. In addition, a complete search of data contained in the book can be accessed via the Internet at http://officialguide.lsac.org.

Another widely referenced Section publication is the annual Comprehensive Guide to Bar Admission Requirements, co-published with the National Conference of Bar Examiners. This book sets out the rules and practices of all U.S. jurisdictions for admission to the bar by examination and on motion, including information on legal education and character and fitness requirements, bar examinations, special licenses, and similar information. The entire contents can be viewed online at www.abanet.org/legaled/baradmissions/bar.html.

The Section's web site, found at www.abanet.org/legaled, continues to be one of the most-viewed sites in the "abanet.org" domain, averaging between 20,000 and 30,000 visitors per month. Major Section publications and key legal education information are all available on the Section's web site. This year, the web site was completely redesigned to improve navigation and readability. Other new features include a "news" section that provides timely information about current interest, and improvements to the "upcoming events/conferences" section that facilitates online registration.

Major Projects for 2003-04
The Standards Review Committee, under the leadership of Professor Michael Davis of the University of Kansas School of Law, will be assisting the Council in undertaking a comprehensive review of the Standards during 2003-05. During 2003-04, the committee plans to focus its attention primarily on those standards related to the program of legal education (Part 3 of the Standards) and faculty (Part 4 of the Standards). The committee encourages suggestions as to revisions it should consider to the Standards, and particularly to Parts 3 and 4. Please send suggestions to Deputy Consultant Barry Currier: currierb@staff.abanet.org.

The Curriculum Committee, chaired by Professor Catherine Carpenter of Southwestern University School of Law, has prepared a major web-based survey of law school curricula that will be administered this fall. The article on page three provides more information about this important survey, which should provide the most comprehensive data about law school curricula in many years.

As usual, the Section will sponsor a number of conferences and workshops during 2003-04 to assist law school administrators in providing effective and creative leadership for legal education. A complete listing of our 2003-04 programs appears on page 25 in this issue.

Staff Developments
I regularly report in Syllabus on any changes to the 13-person staff of the Consultant's Office. This summer, two of our fine staff members left us for other opportunities.

Our accreditation assistant, Kate Hasler, departed at the end of July to pursue graduate studies in creative writing at Columbia University, New York. At the end of June, the assistant to the deputy and associate consultants, Kim Gordon, moved to Nashville, Tennessee, for a new job there. Kate and Kim have been valuable members of our staff, and we wish them every success in their new ventures.

We are pleased to welcome one new member of the staff, Naomi Beeman. She is a graduate of Yale University, with a B.A. in literature, German and English, and has taught English in Germany. Naomi will be serving in dual capacities, as Accreditation Assistant and as Assistant to the Deputy and Associate Consultants, until the search for the other open position is completed this fall.

Concluding Comments
The Council and the Section were extremely fortunate this year to have the leadership of another excellent chair of the Section, Tom Sullivan, professor and dean emeritus at the University of Minnesota Law School. Tom presided at Council meetings with skill and grace, and he provided key leadership on many of the matters that have been reported in this column—particularly the adoption of the Report of the Task Force on Accreditation Processes and the revisions that were made to Standard 503. He also was generous and extremely helpful in offering advice and counsel to me and my colleagues on the staff. And he did all of this while supposedly enjoying his sabbatical after retiring from the deanship at Minnesota. We are all in his debt.

We are pleased to welcome our 2003-04 chair, Pauline A. Schneider of Hunton & Williams in Washington, D.C. Pauline during her career has demonstrated an extremely strong commitment to improving legal education and the bar admissions process through, among other roles, her service as chair of the Accreditation Committee, chair of the Access Group Board, and as a member of the Council since 1999. I know you will be interested in Pauline's perceptive insights concerning legal education, and I am very much looking forward to working with her this year.
Pro Bono Begins in Law School

Students Learn Practical Skills Before Becoming Lawyers

By Joe Puskarz, Editor

Many students enter law school with a common goal ‘to help people.’ From serving senior citizens or homeless families to working in a public defender’s office, pro bono activities train students to work with different socioeconomic backgrounds before becoming lawyers.

It is further considered that students’ exposure to pro bono service leads to a commitment and professional career in public service. That exposure begins in law school, and the ABA Standard 302(e) recommends, “that law schools encourage and provide opportunities for student participation in pro bono activities.”

Law schools are in the position to bring together public and private resources, such as community groups, businesses and government agencies, which encourage students to serve the unmet needs in the community. Such programs also establish a welcoming partnership between the local community and the school.

Through pro bono training, law students learn that lawyers have a commitment to improve the law and the profession, and meet the obligation to help the legal needs of millions of Americans who are economically disadvantaged or unable to fairly obtain legal assistance.

The American Bar Association’s parameters of pro bono for practicing lawyers are found in Rule 6.1 of the ABA Model Rules of Professional Responsibility. The rule expresses that “a lawyer should aspire to render at least 50 hours of pro bono publico legal services per year and should voluntarily contribute support to organizations that provide legal services to persons of limited means.”

For law students, pro bono programs in the legal education community help sensitize the need to help the poor, develop professionalism skills, provide substantive classroom discussions, and enhance legal practice skills, such as trial preparation, writing and research. Pro bono programs also inspire students to continue public service well after graduation.

For example, Jennifer Kramer and Danielle Beckworth, from Villanova University School of Law in Pennsylvania, were awarded the St. Thomas of Villanova Award for outstanding commitment to pro bono work and for representing their client after graduation in 2002.

"Their client, one of Uganda’s boy soldiers, was denied asylum and Jennifer and Danielle took his appeal to the U.S. Court of Appeals for the 3rd Circuit,” said Doris Del Tosto Brogan, associate dean for academic affairs. “As a result, the boy soldier received temporary status.”

When the private attorney helping both women on the case could no longer provide assistance, Jennifer and Danielle continued to represent their client on their own time and money. One continued her trial court clerkship while focusing on the case and the other turned down a job with the INS. Both were an inspiration to the law school to begin the St. Thomas Villanova Award program, which provides forgiveness of Villanova Law School Loans or provides a cash award.

In its report "Learning to
Serve: The Findings and Proposals of the AALS Commission on Pro Bono and Public Service Opportunities,” the AALS Commission on Pro Bono and Public Service Opportunities recommends “that law schools make available to all law students at least once during their law school careers a well-supervised law-related pro bono opportunity and either require the students’ participation or find ways to attract the great majority of students to volunteer.”

According to the Directory of Law School Public Interest and Pro Bono Programs, pro bono legal service is required in 30 ABA-approved law schools. These schools require students to complete 20-70 hours of pro bono legal services as a condition for graduation. Eighty-three institutions offer formal voluntary programs and 34 offer independent student projects.

The Directory is available through the web site of the ABA Standing Committee on Pro Bono and Public Service and its project, the Center for Pro Bono, at www.abaprobono.org. The Directory presents information on public interest and pro bono programs in 147 of the 188 ABA-approved law schools. It helps prospective law students attracted to public interest find the law school according to their interests. The Directory also assists law schools to develop and implement stronger pro bono and public interest programs.

Many of the ABA-approved law schools provide students with excellent pro bono programs in a variety of emphasis, such as working on behalf of the homeless, working with domestic violence victims, or working on civil rights issues. Most law schools offer some level of public interest programs as a condition for graduation, a community referral system, or a student-run project.

At American University Washington College of Law in Washington, D.C., for example, students pledge to complete 75-hours of pro bono and community service work at organizations working on behalf of underrepresented populations through the school’s Pro Bono Honors Pledge Program. Students are allowed to complete up to 25 hours of their 75 hours in non-legal community service work, which enables first-year law students to participate in the program immediately.

“Washington College of Law provides up to 12 incoming students each year with a three-year, full-tuition scholarship through the Public Interest and Public Service Scholars Program,” according to Charlene E. Gomes, public interest coordinator. “Scholars are selected on the basis of demonstrated commitment to public interest and public service and agree to spend three of their first five years out of law school in full-time public interest or public service employment.”

Northeastern University School of Law requires students to complete either a 385-hour public interest co-op program, one of the law school’s clinical courses, or a 30-hour legal project in a public interest environment or law firm.

Under Northeastern’s Cooperative Legal Education Program, students complete their first year of academic studies and for the remaining two years students alternate every three months between working as legal interns and attending full-time classes as part of the pro bono program.

At Fordham University School of Law in New York, the Public Interest Resource Center is the law school’s clearinghouse for all students, faculty and staff who volunteer to provide legal assistance for the underprivileged and in civil rights causes. The student-run pro bono group projects involve death penalty defense, immigration, police misconduct and other vital issues.

In an effort for students to contribute to pro bono services after graduation, law schools should continue to enhance programs that attract students to volunteer. Law schools are the best resources to train students for future involvement as practitioners and should provide adequate recognition and rewards for public service activities. To learn about current pro bono programs in other schools or how to facilitate new programs, visit the ABA Standing Committee on Pro Bono and Public Service web site at www.abaprobono.org.

Notes

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significant number of deans and development professionals again converged upon Jackson Lake Lodge in Wyoming on May 27 – 30, 2003, to attend the seventh conference for deans and development officers sponsored by the Section of Legal Education and Admissions to the Bar.

The three-day program attracted 325 attendees to discuss law school development programs and fund-raising issues.

The opening plenary panel sessions were highly received, especially "Making the Case for Support of Legal Education" moderated by Dean Kathleen M. Sullivan of Stanford Law School. The panelists represented current and former deans from a wide range of law schools in the United States who talked about fund-raising and communication strategies on why legal education strongly needs philanthropic support.

The second day's opening breakout and subsequent plenary session: "Deans are from Venus, Development Officers are from Mars," was a new undertaking at the conference. It focused on the relationship building process between chief development officers and deans of law schools.

"We had never before broken out the attendees into job categories consisting of deans, chief development officers and external relations staff," said Martin Shell, associate vice president of development at Stanford University and conference co-chair. "We had devoted a major portion of the morning to the topic of how best these three groups communicate with each other. The plenary session was such a success folks wanted it to continue well past its scheduled conclusion."

"The quality of the programming has risen each time because this profession continues to mature at our law schools," said Dean Patrick Hobbs of Seton Hall University School of Law and conference co-chair. "The conference attracts a large percentage of the deans and provides them a chance to visit with peers from other schools in a relaxed environment."

The Law School Development Committee attempted to create a conference agenda that included new and emerging issues, in addition to focusing on the meat and potatoes of good development work. "We felt that the conference program must have a good mix of both the old and new. We wanted to keep it fresh for returning participants but provide solid training for people who are new to development in the law school environment," said Shell.

E. Thomas Sullivan, professor and dean emeritus, University of Minnesota Law School and outgoing chair of the Section of Legal Education and Admissions to the Bar, was presented with the Elwin Award for his outstanding leadership in law school development.

Dean Patrick E. Hobbs of Seton Hall University School of Law and Associate Vice President Martin Shell of Stanford University both co-chaired the development conference.

The other members of the Law School Development Committee included Associate Dean Harry B. Ash (Cornell Law School),
Dean Steven C. Bahls (Capital University Law School), Assistant Dean Dexter A. Bailey (University of Washington School of Law), Dean Katharine T. Bartlett (Duke University School of Law), Assistant Vice President James R. Bullock (Wake Forest University), Associate Vice President James R. Conry (Georgetown University Law Center), J. William Elwin, Jr., Esq. (Sherman and Sterling), Assistant Dean Vicki Fleischer (University of Arizona College of Law), Professor David H. Ibbeken (University of Virginia School of Law), Senior Vice President Christian G. Kersten (Albany Law School of Union University), Dean Jeffrey S. Lehman (University of Michigan Law School), Dean Janice L. Mills (North Carolina Central University), Associate Dean Linda B. Nelson (Columbia University Law School), Associate Dean Schott G. Nichols (Harvard University Law School) and Director of Capital Giving Brian S. Thomas (Hamden-Sydney College).

ABA Celebrates the 50th Anniversary of Brown v. Board of Education

This year marks the 50th anniversary of the landmark United States Supreme Court decision in Brown v. Board of Education, which began the process of ending legal segregation in the nation’s public schools. The ABA has appointed a commission in honor of the celebration, which will be directed by Harvard Law Professor Charles Ogletree.

ABA President Dennis W. Archer has launched the “Dialogue on Brown v. Board of Education,” a series of conversations with high school students across the nation. A number of law schools will be commemorating this event with lectures and community programs to help celebrate the landmark decision.

The Section of Legal Education and Admissions to the Bar would like to assist President Archer’s celebration by gathering and promoting law school programs that will take place over the next year regarding the Brown decision.

If your school is sponsoring such a program, please send the name of the program, event description, your school’s name and web site address to Joe Puskarz, manager of publications and technology at puskarzj@staff.abanet.org. The section will include a list of such programs on its web site, and the winter issue of Syllabus will report more fully on these events.

In Retrospect

- May 17, 1954: U.S. Supreme Court Justice Earl Warren delivered the unanimous ruling in the landmark civil rights case declaring that separate educational facilities are inherently unequal and violate the 14th Amendment to the United States Constitution, which guarantees all citizens “equal protection of the laws.”

- October 26, 1992: Congress passed Public Law 102-525 establishing a National Historic Site at Monroe Elementary School in Topeka, Kansas. Monroe was the segregated school attended by Linda Brown, the lead plaintiff’s daughter.

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The following statistical charts compare the average total amount of gifts and grants, including the alumni giving rate, average non-alumni contributions and the average largest single gift given to ABA-approved law schools over a five-to-ten year period.

The statistics are based on answers to questions in Part 1, Section 7 and Part 6, Section 2 of the Annual Questionnaire.

The average total gifts and grants reported by ABA-approved law schools rose 17.4% from 1996 to 2001. The average total amount of gifts and grants reported by all public ABA-approved law schools grew at a higher rate (20.7%) than private schools (14.6%) over the same time period.

Alumni giving rates for all ABA-approved law schools decreased over a 10-year period (1991-2001) by 18.9%. Private ABA-approved law schools showed a larger decrease (23.7%) than public ABA-approved law schools (16.1%). The alumni-giving rate for all ABA-approved law schools rose from 1991 to 1996 (from 18.5% to 19%), but dropped from 1996 to 2001 (from 19% to 15%).

The average number of non-alumni donors increased for all ABA-approved law schools from 1991 to 2001 by 47.4%. Public ABA-approved law schools showed a 52.4% increase in non-alumni donors for the same period while private ABA-approved law schools showed a 44.6% increase.

The average dollar amount of the largest single gift increased for all ABA-approved law schools by 105% from 1991 to 2001. Private ABA-approved law schools showed an 111.9% increase while public schools showed a 93% increase.
Standards Rules of Procedure for Approval of Law Schools

The 2003-04 edition of the Standards Rules of Procedure for Approval of Law Schools is available for purchase. The publication sets forth the standards that law schools must meet to obtain ABA approval. The edition reflects all changes and/or revisions made at the August 2003 Council/Annual Meeting.

Request ABA product code: #5290084(03ED)

Publication Chapters

- Standards for Approval of Law Schools and Interpretations
- Rules of Procedure for Approval of Law Schools
- Criteria for Approval of Foreign Summer Programs
- Criteria for Approval of Foreign Abroad Programs for Credit Granting Foreign Segment of Approved J.D. Program
- Statement of Ethical Practices in the Process of Law School Accreditation
- Council Statements


The 2004 edition of the Official Guide to ABA-Approved Law Schools is a result of much work and cooperation between the staff of the Consultant's Office on Legal Education and the Law School Admissions Council (LSAC).

The book is published as a resource for law schools, prospective students, placement, and guidance personnel. The information contained in the Official Guide is the most timely and comprehensive data on American law schools. Standard 509, modeled after the Department of Education regulations, requires law schools to "publish basic consumer information in a fair and accurate manner reflective of actual practice."

The updated edition contains a wealth of information, including admission data, tuition, fees, library resources, financial aid, J.D. enrollment, bar passage rates, and other valuable data.

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Publication Chapters

- Being a Lawyer
- Law School Admissions Process
- Applying to Law School
- Choosing a Law School
- Opportunities in Law for Minority Men and Women
- Accreditation Process
- Financing Your Legal Education
- Admissions to the Bar
- Finding a Job
- Post J.D. Programs
- Legal Education Statistics

Order your copy today! Call the ABA Service Center at (800) 285-2221 or visit the Section's Web site at www.abanet.org/legaled.
Dean Nina S. Appel of Loyola University Chicago School of Law was honored with the Kutak Award from the American Bar Association Section of Legal Education and Admissions to the Bar for her outstanding devotion and contributions to legal education and the profession.

The 2003 recipient delivered her award speech to an audience of 80 deans, legal educators and judges at the August ABA Annual Meeting in San Francisco.

"When I was a child, my grandfather would reflect upon the many changes he had witnessed during his life and assured me that in my lifetime I would witness a man walking on the moon. As he had predicted he died before that signal event, but I have often reflected on his prescience, which frankly, I did not believe in any way," said Appel during her acceptance speech.

"I think of that today, because if someone would have predicted when I was a law student, that many years hence I would receive this Kutak Award, I would have been equally incredulous."

Appel joined the Loyola law school in 1973 as a professor of law, and became associate dean in 1976, serving the capacity until she became dean in 1983. She is among the longest-serving deans at ABA-approved law schools and is the longest currently serving woman dean.

"Nina entered law school at a time when there were few women enrolled and has been a steady role model for both women and others from underrepresented groups in the profession," said Associate Dean and Professor Peter Winograd at the University of New Mexico School of Law. "Few have left such an extensive trail of helpful footprints on so many aspects of legal education, and she is an inspiration to us all."

Appel has been recognized for her creative assessment of the needs of the legal profession and legal education, and is credited with developing such innovative programs at Loyola as the Health Law Institute, the Business Law Institute, and the Civitas Child Law Program.

Tom Sullivan, professor and dean emeritus, University of Minnesota Law School and outgoing chair of the Section of Legal Education and Admissions to the Bar, refers to Dean Appel as a renaissance woman, teacher and scholar. "As one of our most senior law school deans and the most senior woman law school dean in the country, Nina has been a leader and builder in a law school that has had a great tradition of rigorous intellectual analysis, social justice, and community service."

Appel has devoted her considerable talents to fulfilling leadership roles in legal education nationally. In her role as officer, including chair, of the ABA Legal Education Section, she has advocated expansion of skills training opportunities in law school curricula. She has been active in organizations including the ABA Committee to Study the Law School Approval Process and the Council on Legal Education Opportunity.

Appel has been honored with the Distinguished Columbian in Teaching Award this year and was named to Today's Chicago Woman Hall of Fame in Education in 2002. She was a Stone Scholar at Columbia University School of Law, where she received her law degree in 1959. She was an undergraduate student at Cornell University, where she was elected to Phi Beta Kappa.
2003-2004 Council Members Elected

At the Section's annual business meeting in August, the following people were elected or re-elected to serve on the 2003-2004 Council of the Section of Legal Education and Admissions to the Bar.

Pauline Schneider, Esq., Chairperson (automatic under the Bylaws), is a partner in the Washington, D.C., office of the law firm of Hunton & Williams. Her practice is primarily transactional, focusing on public finance and real estate development. She holds a B.A. from Glassboro State College, a Master of Urban Studies from Howard University and J.D. from Yale Law School. Ms. Schneider is a former president of the District of Columbia Bar Association and is a member of the American Bar Association House of Delegates. She is chair of the ABA Committee on Election Law, a former chair of the Section's Accreditation Committee, a Fellow of the American Bar Foundation and a member of the American Law Institute. Ms. Schneider was a 1999 recipient of the Margaret Brent Women Lawyers of Achievement Award. She has served on the Council since 1999.

Honorable Elizabeth B. Lacy, Chairperson-elect, has been a justice on the Supreme Court of Virginia since 1989. She holds a B.A. from Saint Mary's College of Notre Dame, Indiana, a J.D. from the University of Texas School of Law, and an LL.M. from the University of Virginia School of Law. Justice Lacy is a former deputy attorney general of Virginia and a former judge on the Virginia State Corporation Commission. She serves on the board of directors of the American Judicature Society and she is an adjunct professor at the University of Richmond, T.C. Williams School of Law. She has served on the Council since 2000.

Dean Steven R. Smith, Vice-Chairperson, is president, dean and professor of law at California Western School of Law in San Diego. He received his J.D. and M.A. (economics) degrees from the University of Iowa. He has taught at the law schools at Cleveland State University and the University of Louisville and is former dean of Cleveland State and former acting dean of the University of Louisville. Dean Smith has written widely in the areas of law and ethics in medicine and mental health services. Special research interests include confidentiality and privilege, withholding treatment, malpractice, mental health care delivery and expert witnesses. He has served on a number of national and state boards, recently served as chair of the

Honorable Solomon Oliver, Jr., Secretary Nominee (Two-Year Term), serves on the United States District Court for the Northern District of Ohio. He received his B.A. degree from the College of Wooster and his J.D. from New York University School of Law. Judge Oliver served as a law clerk for the late Judge William H. Hastie of the U.S. Third Circuit Court of Appeals. Prior to his appointment to the court, Judge Oliver was a professor of law and associate dean at Cleveland-Marshall College of Law of Cleveland State University. He has also served as chief of the Civil Division and chief of Appellate Litigation in the U.S. Attorney's Office for the Northern District of Ohio. Judge Oliver formerly served on the Standards Review Committee and was a member of the American Law Schools Committee on Accreditation, and is a member of the Ethics Committee on the American Psychological Association. Dean Smith has served on the Council since 1997, serves as the Chairperson of the Section's Questionnaire Committee, and was formerly a member of the Standards Review Committee.

Professor and Dean Emeritus E. Thomas Sullivan, Immediate-Past Chairperson (automatic under the Bylaws), is Irving Younger professor and dean emeritus at the University of Minnesota Law School. He is former dean of the University of Arizona College of Law and former associate dean of the Washington University School of Law. He is a Fellow of the American Bar Foundation and a member of the American Law Institute. Dean Sullivan holds a B.A. from Drake University and a J.D. magna cum laude from Indiana University School of Law where he served as articles editor of the Indiana Law Review. Dean Sullivan has served on the Council since 1994.
ber of the ABA Litigation Section’s Task Force on the Jury System. He has served as a Trustee at the College of Wooster. Judge Oliver has served on the Council since 1997.

**AT-LARGE COUNCIL MEMBER NOMINEES**

**Re-election to Three-Year Term: Honorable Sidney S. Eagles, Jr., Council Member**, serves as chief judge of the North Carolina Court of Appeals. He received his J.D. from Wake Forest School of Law. Prior to his appointment to the court, he served in North Carolina as deputy attorney general, counsel to the House Speaker, and engaged in private practice with the firm Eagles, Hafer & Hall and as a solo practitioner. Judge Eagles was the former North Carolina Bar Association president, chair of the North Carolina Judicial Standards Commission, and the 1993-94 chair of the ABA Appellate Judges Conference. He has served as a member of the ABA House of Delegates since 1992, served on the Section’s Standards Review Committee from 1999-2002, and has served on the Council since 2002.

**Re-election to Three-Year Term: Jerome C. Hafer, Council Member**, is a partner in the Jackson, Mississippi office of Phelps Dunbar, LLP, which has offices in Louisiana, Mississippi, Texas, Florida and England. He practices in the areas of business/corporate/commercial law with a particular emphasis on representing agri-business industries. He has also served as president of the Washington County Bar Association. He is a member of the American Law Institute and a member of the American Judicature Society and a fellow of the Mississippi Bar Foundation. Since 1979 he has served as chairperson of the Mississippi Board of Bar Admissions from 1989-2000 as a member of the Board of Managers of the National Conference of Bar Examiners. In 1998-99 he served as chair of the National Conference of Bar Examiners. Mr. Hafer received his undergraduate degree, summa cum laude, from Rice University where he was a member of Phi Beta Kappa and president of the Student Association. He attended Oxford University in Oxford, England, as a Marshall Scholar, obtaining a BA/MA with First Class Honors in Modern History. Mr. Hafer attended law school at Yale University, where he served as Associate Editor of the *Yale Law Journal*. Mr. Hafer is the author of a number of published books and articles. He has served on the Accreditation Committee from 1998-2002, and the Council since 2000.

**Re-election to Three-Year Term: Professor Randy A. Hertz, Council Member**, is a professor of law at New York University School of Law. Professor Hertz holds a B.A. from Carlton College, and a J.D. from Stanford University, where he was a member of the editorial Board of the *Stanford Law Review*. He clerked for Chief Justice Utter of the Washington Supreme Court. He served as a public defender in the District of Columbia from 1980 through 1985. He is editor-in-chief of the *Clinical Law Review*. He served as consultant to the MacCrate Task Force on Legal Education and as a reporter to the Wahl Commission on the Accreditation of Law Schools. He has served on the Council since 2000 and previously was a member of the Section’s Standards Review Committee.

**Re-election to Three-Year Term: Distinguished Professor & Dean Emerita Lizabeth A. Moody, Council Member**, served as chairperson of the Accreditation Committee and is Dean Emerita and Distinguished Professor at Stetson University College of Law. She holds an A.B. from Columbia and a J.D. from Yale. She practiced in Bridgeport, Connecticut and Cleveland, Ohio. She is a former professor and interim dean at Cleveland State University, Cleveland Marshall College of Law. She is a former president of the Cleveland Bar Association and was honored in receiving the Ohio State Bar Medal, the highest award given by the Ohio Bar Association. She has served as president of Law School Admission Services and executive director of the Law School Admissions Council. She is a Fellow of the American Bar Association, and a member of the American Law Institute. She has served on the Council since 2000.

**Re-election to Three-Year Term: Peter A. Winograd, Council Member**, is associate dean and professor at the University of New Mexico School of Law. Dean Winograd received an A.B. from Brown University, a J.D. from Harvard Law School and a LL.M. from New York University. He served as director of admissions and assistant dean at New York University Law School, associate dean at Georgetown University Law School and director of law programs at the Educational Testing Service. He is a member of the Phi Beta Kappa. He is a former president of the Law School Admissions Council. In 1999 he received the Section’s Robert J. Kutak Award. Dean Winograd has served on the Council since 2000, chairs the Section’s Committee on Government Relations, and is a member of the Section’s Questionnaire Committee.

**Election to New Three-Year Term: Hulett H. Askew, Esq. Council Member**, is the executive director of the Chief Justice’s Commission on Professionalism and director of the Office of Bar Admissions of the Supreme Court of Georgia. He received his B.A. from University of North Carolina at Chapel Hill and his J.D. from Emory University.
School of Law. Mr. Askew has been a legal services lawyer at the local, regional and national levels for 22 years. He worked for the Legal Services Corporation in Washington and from 1983 to 1990 was the director of the Civil Division for the National Legal Aid & Defender Association. In 1993, President Clinton appointed Mr. Askew to the board of directors of Legal Services Corporation. He serves on the American Bar Association Standing Committee on Professional Discipline and is currently vice-chair of the Section's Accreditation Committee; he served previously on the Section's Bar Admission Committee.

**Election to New Three-Year Term: Dr. John L. Lahey, Council Member (Public Member)**, is president of Quinnipiac College. Previously he was executive vice president of Marist College. Dr. Lahey received his undergraduate and master's degree in philosophy from the University of Dayton, a Ph.D. in philosophy from the University of Miami, and he has a second masters degree in higher education from Columbia University. He frequently serves on evaluation teams for both the New England and Middle States Associations of Schools and Colleges. He served on the Section's Accreditation Committee from 1996-2002.

**Election to New Three-Year Term: Honorable Ruth V. McGregor, Council Member** is vice chief justice of the Arizona Supreme Court. She received her B.A. degree, summa cum laude, from the University of Iowa in 1964 followed by a M.A. in 1965. She received her J.D., summa cum laude from the Arizona State University College of Law in 1974. In 1974, Vice Chief Justice McGregor entered private practice with the Phoenix firm of Fennemore Craig. In 1981, she accepted a clerkship to Justice Sandra Day O'Connor, returning to Fennemore Craig in 1982, where she continued to practice in the areas of civil trial, administrative and appellate cases in both state and federal jurisdictions. She became a judge of the Arizona Court of Appeals in 1989, serving as vice chief judge from 1993-1995 and chief judge from 1995-1997, and she was elevated to the Arizona Supreme Court in 1997. Justice McGregor currently serves on the Section's Standards Review Committee.

**DELEGATE TO ABA HOUSE OF DELEGATE NOMINEE**

**Re-election to One-Year, Non-Voting, Term: Norman Redlich, Esq., Section Delegate**, is Of Counsel at Watchtell, Lipton, Rosen and Katz in New York, New York. Mr. Redlich, former Dean of New York University Law School, is Judge Edward Weinfeld Professor of Law Emeritus at NYU. Mr. Redlich is a former Chairperson of the Council of the Section of Legal Education and Admissions to the Bar. He was a member of the ABA Commission on Opportunities for Minorities in the Profession. He also was a member of the Council of the ABA Section of Individual Rights and Responsibilities. He has served as Chairperson of the Lawyers Committee for Civil Rights Under Law. He has written widely in the field of professional responsibility. He is a Fellow of the American Bar Foundation, a Fellow of the Institute of Judicial Administration and Board member of the Legal Aid Society and the Practicing Law Institute. Dean Redlich holds a B.A. from Williams College and a LL.B. from Yale Law School, and a honorary LL.D. from John Marshall Law School. In 1996, Dean Redlich received the Section's Kutak Award in recognition of his outstanding contributions to increased collaboration between legal education and the practicing bar.

**LAW STUDENT DIVISION MEMBER NOMINEE**

**Re-election to One-Year Term: Dr. Irving Freeman, Law Student Division Representative to Council**, is enrolled at Duquesne University School of Law while continuing his work as director of medical education and research at Mercy Hospital of Pittsburgh. His work at Mercy Hospital includes coordinating the internal evaluation process and overseeing accreditation activities for all medical education programs. Dr. Freeman received an A.B. degree in political science from the University of Michigan, an M.A. in educational leadership from Eastern Michigan University, and a Ph.D. in higher education from University of North Texas. His dissertation concerned accreditation and the then new "institutional effectiveness" criterion of the Southern Association for Colleges and Schools. His minor area of study was educational research/statistics relevant to high stakes testing such as bar examinations. Dr. Freeman served as Law Student Division Member of the Council during 2002-03.

**SEPTEMBER 2003 - SYLLABUS - 17**
Affirmative Action in Law School Admissions: What Directions After Grutter v. Bollinger?

By Camille deJorna, Associate Consultant

Recently the Supreme Court upheld in a 5-4 decision the use of affirmative action in Michigan’s law school admissions process. This was the most significant decision on affirmative action since the Supreme Court’s ruling in Bakke. The Court ruled 6-3 against Michigan's undergraduate admissions process in Gratz v. Bollinger.

On Saturday, August 9, Tom Sullivan, professor and dean emeritus, University of Minnesota Law School, and chair of the Section, moderated a panel on the impact of Grutter v. Bollinger on law school admissions—providing a preliminary analysis of the Court’s decisions. Sullivan opened the discussion by asking: “how far will the concept of critical mass go” following this decision?

The program, held at the 2003 ABA Annual Meeting in San Francisco, was co-sponsored by the Section of Legal Education and Admissions to the Bar, and the Section of Individual Rights and Responsibilities. Over 75 law professors, lawyers, administrators and members of the public attended the program.

The five-member panel discussed issues raised by the rulings, including what constitutes a critical mass, and how the Court now views the concept of ‘narrowly tailored’. The panel also discussed the impact of Grutter on allocating resources for scholarships and for hiring faculty of color.

While the law school policy did not rely on specific numbers of students to achieve diversity, the University of Michigan argued that “by enrolling a critical mass of underrepresented minority students, they sought to ensure their ability to make unique contributions to the character of the law school.”

The Court concluded in Grutter that “the law school’s goal of attaining a critical mass of underrepresented minority students does not transform its program into a quota.”

“‘Critical mass’ will now be viewed as a flexible concept that depends on what’s right in the university’s judgment in order to serve its mission and educational purpose,” said Panelist James E. Coleman, professor of law at Duke University School of Law. “Attaining a diverse student body is at the heart of the law school’s proper institutional mission.”

Racial classifications in the past were viewed as constitutional if they were “narrowly tailored to further a compelling governmental interest.” The Court in Grutter held that the law school’s use of race in admissions decisions to achieve diversity as an educational benefit is a constitutional use. Sullivan explored with the panel what remained of ‘narrowly tailored’ after Grutter.

Panelist and Dean W.H. ‘Joe’ Knight of the University of Washington School of Law commented that “narrowly tailored is now more expansive for all applicants. Justice O’Connor’s decision says we ought to put more weight on a larger range of factors for all students. As long as you don’t use race as a proxy, law schools can create their own mission and can pay attention to ‘special factors’ that exist in their region.”

Professor Charles Fried of Harvard University School of Law, on the other hand, said that Grutter abandons the “narrowly tailored” test as traditionally understood.

Chief Justice William Renquist wrote in Gratz that the policy in the undergraduate case that treated whole groups of applicants differently based solely on their race “is not narrowly tailored to achieve the interest in educational diversity and violates Title VI.” Michigan used mechanical procedures in the undergraduate admissions process, including a selection index that “evaluated applicants according to a point system.”

The Court wrote in the undergraduate decision that “a race conscious admissions program must remain flexible enough to ensure that each applicant is evaluated as an individual and not in a way that makes an applicant’s race or ethnicity the defining feature of his or her application. The importance of this individualized consideration in the context of a race conscious admissions program is paramount.”

Panelist Toni M. Massaro, dean and professor of law, University of Arizona, James E. Rogers College of Law, said “that one way to avoid the problems outlined in Gratz may be to have a presumptive admit process as the first step followed by a “holistic review” at the next step.”

The panel also explored Grutter’s implications for faculty hiring, distributing scholarships and financial aid and explored how the court rulings would affect schools in states that have legislation or referenda that ban the use of race in the admissions process. Panelists believed that this would be an opportunity for the legislature in Washington, for example, to take another look at Proposition 200 in light of Grutter.

One consequence of Grutter, offered Phil Shelton of LSAC “is for schools to talk more broadly about what constitutes diversity and what constitutes merit. Some
schools relied on race alone in admissions abusing Bakke; others have misused the LSAT test.” Perhaps the most important consequence of Grutter Shelton went on to say, “is a genuine sense of relief that we can now use race appropriately in law school admissions. We can focus our efforts and our resources on creating and maintaining diversity rather than defending it.”

The panel included James E. Coleman, Jr., professor of law and senior associate dean for academic affairs, Duke University School of Law and primary drafter of the ABA amicus brief; Charles Fried, professor of law, Harvard University School of Law; Toni M. Massaro, dean and professor of law, University of Arizona, James E. Rogers College of Law; W.H. Knight, Jr., dean and professor of law, University of Washington School of Law; Philip D. Shelton, president and executive director, Law School Admission Council.

"After the JD”—Study to Follow Young Lawyers Over 10-Years

By John Sebert, Consultant on Legal Education

Another Section program at the Annual Meeting in San Francisco focused on the "After the JD" research project. This ambitious project is a collaborative effort of the NALP Foundation, the American Bar Foundation and the Law School Admission Council. The project provided a detailed picture of those who were initially admitted to practice throughout the United States during 2000 and the first two years of their practice experience. It is the most comprehensive study ever undertaken of those entering the legal profession, and subsequent parts of this longitudinal study will follow the initial subjects during the ten-year period after their admission to practice.

AJD researchers provided the first report of the results of the initial portion of their study. They surveyed a carefully selected sample of all of those initially admitted to practice during 2000 and received 4,340 responses—about ten percent of those initially admitted to practice nationally during 2000. This large sample was highly representative of the national population of young lawyers in many respects: gender; racial and ethnic background; geographic area; and type of practice.

The preliminary results reported included a wealth of information on the family backgrounds of the new lawyers, the nature and locations of their current jobs, how they obtained those positions, and their levels of satisfaction with their decisions to become lawyers. A formal written report of these initial results will be available for distribution this fall.

Those presenting the research results were: Paula Patton, president of the NALP Foundation; Gita Wilder, social research scientist at LSAC; Ronit Dinovitzer, ABF project manager for the AJD Project; Professor Joyce Sterling, University of Denver School of Law; Bryant Garth, ABF executive director; and Professor Richard Sander, UCLA School of Law.

Other panelists offered comments on some of the implications of the initial results for legal education and the legal profession: Dean Judith Areen, Georgetown University Law Center; Associate Dean Richard Geiger, Cornell Law School and chair of the LSAC Board of Directors; Dean Jeffrey Lewis, St. Louis University School of Law; and Pauline Schneider, Hunton & Williams, and incoming chair of the Section of Legal Education and Admissions to the Bar. Abbie Willard, ABF director of external affairs, moderated the program, which was attended by a large and appreciative audience.
Report on the 2002-2003 Changes to the ABA Standards for the Approval of Law Schools and the Rules of Procedure

Responsibility for the Standards for the Approval of Law School and the associated Rules of Procedure rests with the Council of the Section on Legal Education and Admissions to the Bar ("Council"). The Council relies in the first instance on the Standards Review Committee ("Committee") to consider questions and issues referred to it by the Council. The Committee also develops its own agenda and has other matters and issues referred to it by the Accreditation Committee, the Office of the Consultant on Legal Education, and other persons with an interest in legal education.

The Committee met three times during the 2002-2003 year. The Council reviewed reports from the Committee at its December 2002 and June 2003 meetings. At the December meeting the Council approved and published for comment and review proposed additions and changes to the Standards, Interpretations, and Rules. These proposals were sent to deans of ABA-approved law schools, presidents of colleges and universities with approved law schools, deans of unapproved law schools, chief justices of state supreme courts, and bar examiners. The proposals were published on the Section's web site. Comment and critique were invited.

Public hearings were held to receive oral comment on the proposals at the January Annual Meeting of the AALS, the February Mid-year Meeting of the ABA, and the May Annual Meeting of the ALI in Chicago. Comments in writing or by email were also solicited. All comments received were forwarded to the Committee and the Council.

The Committee adopted its final recommendations to the Council in May. The Council reviewed the Committee's recommendations at its June meeting and adopted the changes that are discussed here. The House of Delegates of the ABA concurred in these changes in August 2003 at the Annual Meeting of the American Bar Association.

The chairperson of the Standards Review Committee is Professor Michael Davis of the University of Kansas School of Law. The Committee is composed of practicing lawyers, judges, experienced law teachers, law school deans, university administrators, and bar examiners. The collective experiences of the committee members and other received information formed the bases upon which the Standards were reviewed. The Council of the Section of Legal Education and Admissions to the Bar, which has the ultimate authority for changing the Standards, is equally representative of the legal profession and the academy and also includes public members.

The Council approved five substantial changes to the Standards, Interpretations and Rules of Procedure during the 2002-2003 year. In December 2002 the Council adopted a series of changes concerning Branch and Satellite campuses and changes in ownership of law schools. In June 2003 the Council adopted (a) a set of changes relating to the accreditation process; (b) a new Interpretation dealing with "classroom" instruction; (c) a revised Standard and new Interpretations concerning law school admissions tests; (d) a revised and restated Rule of Procedure for student complaints; and (e) several miscellaneous clarifying amendments. The branch/satellite and change of ownership changes became effective in February 2003 upon the concurrence of the ABA House of Delegates in those changes at the ABA Mid-year Meeting. All of the other changes became effective in August 2003, following the concurrence of the ABA House of Delegates in the Council's action at the ABA Annual Meeting.

Commentary discussing these changes is available on the Section's web site www.abanet.org/legaled/standards/standards.html

The Council in June 2003 approved amendments, additions, and restatements for the following Standards, Interpretations, and Rules of Procedure:

- Interpretation 102-5 and 102-6: clarifying amendments to language
- Interpretation 102-9: add new Interpretation
- Interpretation 304-9: add new Interpretation
- Standard 503 and Interpretations 501-1 to –3: modified language and add new Interpretations
- Interpretation 509-3: add new Interpretation
- Rule of Procedure 24: modification and restatement of Rule

Standard 102. PROVISIONAL APPROVAL.

(a) A law school is granted provisional approval if it establishes that it is in substantial compliance with each of the Standards and presents a reliable plan for bringing the law school into full compliance with the Standards within three years after receiving provisional approval.
(b) A law school that is provisionally approved may have its approval withdrawn if it is determined that it is not in substantial compliance with the Standards or if more than five years have elapsed since the law school was provisionally approved and it has not qualified for full approval. In extraordinary cases and for good cause shown, the Council may extend the time within which the law school shall obtain full approval.

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

Interpretation 102-1:
Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval.

Interpretation 102-3:
A student at a provisionally approved law school and an individual who graduates while the school is provisionally approved are entitled to the same recognition given to students and graduates of fully approved law schools.

Interpretation 102-4:
An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution.

Interpretation 102-5:
A provisionally approved law school shall state in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students its bulletin and catalog that it is a provisionally approved law school. Similarly, when it refers to its approval status in publicity releases and communications with all students, applicants or other interested parties, it shall state that it is a provisionally approved law school.

Interpretation 102-6:
An unapproved law school seeking provisional approval must include the following language in all of its printed and electronic materials generally describing the law school and its program and in any printed and electronic materials specifically targeted at prospective students in its bulletin:

The Dean is fully informed as to the Standards. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved.

Interpretation 102-7:
In most jurisdictions an individual cannot sit for the bar examination unless he or she has graduated from a law school fully or provisionally approved by the American Bar Association. However, the determination of qualifications and fitness to sit for the bar examination is made by the jurisdiction’s bar admission authorities.

Interpretation 102-8:
A law school seeking provisional approval shall not delay conferring a J.D. degree upon a student in anticipation of obtaining American Bar Association approval.

Interpretation 102-9:
An individual who matriculates at a law school that is provisionally approved or who is a student enrolled in a law school at the time that it receives provisional approval and who completes the course of study and graduates from that school within a typical and reasonable period of time is deemed a graduate of an approved school, even though the school loses its provisional approval status while the individual is enrolled in the school.

Standard 304. COURSE AND RESIDENCE CREDIT.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000 minutes of instruction time, except as otherwise provided. At least 45,000 of these minutes shall be by 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 credit was earned. Law schools may, however, allow credit for distance education as provided in Standard 306. Law schools may also allow credit for study outside the classroom as provided in Standard 305.

Interpretation 304-9:
In calculating the 45,000 minutes of “regularly scheduled class sessions” for the purpose of Standard 304(b), the time may include:

(a) In a seminar or other upper-level course
other than an independent research course, the minutes allocated for preparation of a substantial paper or project if the time and effort required and anticipated educational benefit are commensurate with the credit awarded; and (b) In a law school clinical course, the minutes allocated for clinical work so long as (i) the clinical course includes a classroom instructional component, (ii) the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school, and (iii) the time and effort required and anticipated educational benefit are commensurate with the credit awarded.

Standard 503. ADMISSION TEST.
A law school shall require each all applicants to take an acceptable test for the purpose of a valid and reliable admission test to assist the school in assessing the applicant's capability of satisfactorily completing the school's educational program. A law school that is not using the Law School Admission Test sponsored by the Law School Admission Council shall establish that it is using an acceptable test.

Interpretation 503-1:
A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall establish that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's educational program.

Interpretation 503-2:
This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant. Other relevant factors that may be taken into account include undergraduate course or study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

Interpretation 503-3:
A pre-admission program of course work taught by members of the law school's full-time faculty and culminating in an examination or examinations, offered to some or all applicants prior to a decision to admit to the J.D. program, also may be useful in assessing the capability of an applicant to satisfactorily complete the school's educational program, to be admitted to the bar, and to become a competent professional.

Standard 509. BASIC CONSUMER INFORMATION.
A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

Interpretation 509-1:
The following categories of consumer information are considered basic:
(1) admission data;
(2) tuition, fees, living costs, financial aid, and refunds;
(3) enrollment data and graduation rates;
(4) composition and number of faculty and administrators;
(5) curricular offerings;
(6) library resources;
(7) physical facilities; and
(8) placement rates and bar passage data.

Interpretation 509-2:
To comply with its obligation to publish basic consumer information under the first sentence of this Standard, a law school may either provide the information to a publication designated by the Council or publish the information in its own publication. If the school chooses to meet this obligation through its own publication, the basic consumer information shall be published in a manner comparable to that used in the Council-designated publication, and the school shall provide the publication to all of its applicants.

Interpretation 509-3:
Standard 509 requires a law school fairly and accurately to report basic consumer information whenever and wherever that information is reported or published. A law school's participation in the Council-designated publication referred to in Interpretation 509-2 and its provision of fair and accurate information for that book does not excuse a school from the obligation to report fairly and accurately all basic consumer information published in other places or for other purposes.

Interpretation 509-4:
All law schools shall have and make publicly available a student tuition and fee refund policy. This policy shall contain a complete statement of all student tuition and fees and a schedule for the refund of student tuition and fees.
Interpretation 509-4.5:
If a law school elects to make a public disclosure of its status as a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, it shall do so accurately and shall include the name, address and telephone number of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

Rule 24. Complaints Concerning Law Schools
Reports Concerning Law School Non-compliance with the Standards.

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

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

(c) In the event that the Consultant determines that the complaint does not allege facts constituting non-compliance with the Standards, the Consultant shall, within forty-five (45) days, dismiss the complaint and simultaneously inform the complainant. Neither the American Bar Association nor any of its components determines the rights or remedies of individual complainants. The complainant shall not be afforded individual relief.

(d) If the Consultant determines that the complaint alleges facts that may indicate that a law school is in non-compliance with the Standards, the Consultant, within forty-five (45) days after receipt of the complaint, shall inquire whether the complainant consents to the disclosure of the complaint and the identity of the complainant to the school. If the complainant consents to the disclosure of the complaint and the identity of the complainant to the school, the complaint shall be reviewed in accordance with Rule 24. If the complainant does not consent to the disclosure of the complaint and the identity of the complainant to the school, the Consultant, within ten (10) days thereafter, shall dismiss the complaint and so inform the complainant. If the complaint states a claim that the school is in non-compliance with the Standards, the Consultant shall notify the complainant and the dean of the school of the determination; or

(e) Upon receipt of the response of the dean of the law school, the Consultant, within forty-five (45) days, shall:

(1) Dismiss the complaint if the Consultant determines that the complaint and the dean’s response considered together do not support a claim that the school is in non-compliance with the Standards. The Consultant shall notify the complainant and the dean of the school within ten (10) days of this determination; or

(2) Place the complaint on the agenda of a Committee meeting or refer the matter to the next site evaluation team visiting the law school if the Consultant determines that the complaint and the dean’s response considered together indicate conditions or practices that raise a question concerning the school’s compliance with the Standards or indicate a need for a complete investigation. Upon placing the complaint on the agenda, the Consultant shall notify the complainant and the dean of the school of the action taken.

(f) If the Committee determines that the complaint and the dean’s response referred to it by the Consultant considered together indicate a need for further investigation, the Committee shall, at that meeting, order a special site evaluation under Rule 9(b) or the appointment of a fact finder under Rule 12. If the Committee determines that the complaint, the dean’s response, and any special report considered together do not support a claim that the school is in non-compliance with the Standards, the Committee shall dismiss the complaint. If the Committee has reason to believe that the law school is in non-compliance with the Standards, the Committee shall proceed under Rule 11, et. seq. The Consultant
shall inform the complainant and dean of the Committee action.

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

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

(a) The United States Department of Education procedures and rules for the recognition of accrediting agencies require a recognized accrediting agency to have a process for the reporting of complaints against accredited institutions that might be out of compliance with the agency’s accreditation standards. 34 C.F.R. 602.23(c). This is the process for the Council of the Section on Legal Education and Admissions to the Bar and law schools with Juris Doctor programs approved by the Council.

(i) This process aims to bring to the attention of the Council, the Accreditation Committee, and the Consultant on Legal Education facts and allegations that may indicate that an approved law school is operating its program of legal education out of compliance with the Standards for the Approval of Law Schools.

(ii) This process is not available to serve as a mediating or dispute-resolving process for persons with complaints about the policies or actions of an approved law school. The Council, Accreditation Committee and the Consultant on Legal Education will not intervene with an approved law school on behalf of an individual with a complaint against or concern about action taken by a law school that adversely affects that individual. The outcome of this process will not be the ordering of any individual relief for any person or specific action by a law school with respect to any individual.

(b) Any person may file with the Consultant on Legal Education a written report alleging non-compliance with the Standards for the Approval of Law Schools by an approved law school.

(i) This report must be filed within one calendar year of the person’s learning of the facts on which the allegation is based. Pursuit of other remedies does not toll this one calendar year limit.

(ii) Reports must be in writing.

(iii) Anonymous reports will not be considered.

(iv) A report that has been resolved will not be subject to further review or reconsideration unless subsequent reports about the school raise new issues or suggest a pattern of significant noncompliance with the Standards not evident from the consideration of the previously resolved report.

(c) The report should contain as much information and detail as possible about the circumstances that led to the report. The report should cite the relevant Standards and Interpretations that are implicated by the report.

(d) The report must include the following release language: “I authorize the Consultant on Legal Education to disclose this report and my identity to the law school discussed in the report.” If the person filing the report is not willing to sign such a release, the matter will be closed. If the Consultant or designee concludes that extraordinary circumstances so require, the name of the person filing the report may be withheld from the school.

(e) Process

(i) The Consultant or the Consultant’s designee shall acknowledge receipt of the report within 14 days of its receipt.

(ii) The Consultant or designee shall determine whether the report alleges facts that raise issues relating to an approved law school’s compliance with the Standards. This determination shall be made within six weeks of receiving the report. If the Consultant or designee concludes that the report does not raise issues relating to an approved school’s compliance with the Standards, the matter will be closed.

(iii) If the Consultant or designee determines that the report does raise such issues, the report shall be sent to the school and a response requested. The Consultant or designee ordinarily will request the dean of the school to respond within 30 days.

(iv) If the school is asked for a response to the report, the Consultant or designee will review that response within 45 days of receiving it. If the response establishes that the school is not out of compliance with respect to the matters raised in the report, the Consultant or designee will close the matter.
(v) If the school's response does not establish that it is operating in compliance with the Standards on the matters raised by the report, the Consultant or designee, with the concurrence of the chairperson of the Accreditation Committee, will appoint a fact finder to visit the school to investigate the issues raised by the report and the school's response. The report, school response, and fact-finder's report shall be referred to the Accreditation Committee and considered in the same manner as reports and reviews that fall under Rule 11(a) of the Rules of Procedure.

(vi) The person making the report will be notified promptly whether the matter was concluded under (ii), (iv) or (v) above. The person filing the report will not be provided with a copy of the school's response, if any, and will not receive any further report on the matter.

(f) There is no appeal to the Council or the Accreditation Committee, or elsewhere in the American Bar Association, in connection with a conclusion by the Consultant or designee that a report does not raise issues under the Standards.

(g) To ensure the proper administration of the Standards and this report process, a subcommittee of the Accreditation Committee shall periodically review the written reports received in the Consultant's Office and their disposition. The subcommittee shall periodically report to the Committee on this process. The Consultant's Office shall keep a record of these reports for a period of ten years.

ABA Associate Deans' Conference
The ABA Law School Administration Committee will sponsor an Associate Deans' Conference on June 3-6, 2004, at the Inverness Hotel and Conference Center in Englewood, Colorado. The conference provides a basis for attendees to network and share administrative challenges and solutions with colleagues. The conference is intended primarily for academic and student affairs deans.

Law School Site Evaluators' Workshop
The next workshop for new site evaluators and representatives of law schools will be held on February 21, 2004, in Chicago. New site evaluators and law school representatives will both attend a unified workshop to review the accreditation process; the role and objectives of a site visit; the site evaluation questionnaire, self-study, and preparing for the site visit.

Out-of-the-Box Conference
Save the date for the Out-of-the-Box Conference on April 16-17, in Dallas, Texas. The conference will take place at the Dedman School of Law at Southern Methodist University and features discussions on issues facing legal education and the profession.

Topics include: 1) Costs and benefits of time, manner and place requirements on J.D. programs in the United States; 2) How to achieve diversity in legal education—both in faculty and students on the personnel side and in curriculum on the idea side; and 3) The purpose of legal education, and are law schools the only institution capable of delivering a legal education.

The conference is intended for deans, associate deans, Curriculum Committee chairs and appointment committee chairs. A number of practitioners, particularly those who train beginning lawyers, will discuss new thinking and new approaches.

The conference will be co-sponsored by the ABA's Section of Legal Education and Admissions to the Bar, the Dallas Institute of Humanities and Culture, the Professional Development Consortium, and the Dedman School of Law at Southern Methodist University.

University Deans to Attend 33rd Annual Workshop
The 33rd annual Deans' Workshop will take place on Thursday and Friday, February 5-6, 2004, at the ABA Mid-year Meeting in San Antonio, Texas. The Deans' Workshop is a candid and off-the-record exchange of the views and expressions among the deans of ABA-approved law schools.

For further information on these events contact:
Kara Pliscott • (312) 988-6749 • Email: pliscotk@staff.abanet.org
connect, if there is one, begins. We have a legal education system that largely is built on the case method. We teach our students by having them read court decisions, analyze the results and reach conclusions about legal principles and how the law is likely to be applied in similar circumstances. The methodology, which relies so heavily on the adversarial process, might lead one to conclude that the practice of law consists entirely of litigation. Similarly, many of our clinics, whether live client or simulations, revolve around litigation. Like popular television shows featuring lawyers, litigators and litigation are promoted as the essence of the practice of law. We all know, however, that more than 70 percent of law school graduates will not be litigators. They will become corporate or transactional attorneys, tax counselors, real estate lawyers and lobbyist. They will draft legislation, international treaties and agreements, craft wills and secure real estate transactions. They will prepare patent and trademark applications, license new drugs, prepare proxy statements and finance new convention centers. In short, much about our model of education assumes that all law graduates will become litigators and nothing could be further from the truth.

Who teaches our law students? Many brilliant scholars, extraordinary teachers and wise individuals who chose not to practice law. Why did they make that choice? Many became academics because they love to teach and enjoy the intellectual stimulation and fulfillment that come from the exchange of ideas that undergirds the teaching and learning process. A significant number, however, chose to teach because they disliked, even hated, practice. They often rail about the torture of clients who are demanding and the tyranny of billable hours. They hated the long hours, the uncertainty of making partner or becoming general counsel or the constant search for new business. For some, the time spent in practice was short and occurred years ago. Some never practiced at all, although the number of law faculty hired in recent years who never practiced is significant. Many of these students enter law school having had no significant work experience. They go straight from college to law school without working and may not have informed expectations of what is demanded in any workplace, let alone a legal workplace. While it is true most will have some sort of legal employment especially during the summer while in law school, that limited experience may not prepare them for what they will face as new lawyers.

Many graduates will enter small firms or government practice where they often are required to do work in an area of the law with which they are unfamiliar and may prefer not to work. These lawyers may have limited support and often may not have the basic research tools they enjoyed while in law school. Even students getting jobs at some of the more prestigious, best paying law firms may not be able to practice in the area they prefer. Students often find it difficult to make the transition from student to lawyer, from having the luxury of taking as much time and doing as much research as they desire, to being required to reach a conclusion or resolve an issue within constraints established by a client’s budget. Some students chafe because they are exposed only to a small issue in a very large case while others feel burdened with the responsibility of representing clients whose very life may depend on the outcome of the representation.

How does all of this mesh with what is happening in private practice? Law practice may be more competitive today than ever before. Certainly the cost to clients for legal services has never been higher. There are a number of reasons for this, not the least of which is the rising compensation paid to lawyers, including first year associates, the massive investments in technology and other support systems to facilitate the practice, the globalization of practice and the rising demand for legal services. Quite frankly, many of us in the profession could not afford to hire a decent lawyer if we had a serious legal problem.

In such an environment, I often hear complaints
that students graduating today seem not to appreciate the business side of the practice. They seem unprepared for the long hours and emphasis on billable work, they do not appreciate the need to work efficiently, they have had virtually no experience in drafting basic agreements other than pleadings relating to litigation and they have unrealistic notions of their value to clients as brand new lawyers. Given current economic pressures, law firms that once were happy to invest significant amounts of money training new associates are asking why the law schools haven't prepared graduates better for the practice of law. This attitude is compounded by the significant turnover in young lawyers. Law firms seem to resent having to make a substantial investment training a new associate only to see that investment walk out the door in short order.

Preliminary data from the “After the JD” survey of a significant number of graduates in the class of 2000 suggests a large number of them are unhappy in their current jobs and are looking for other opportunities. Dissatisfaction appears highest among African-American females and Asian males. When analysis of the data is completed, perhaps we will have a better understanding of student expectations and reasons for the dissatisfaction with the practice of law. It appears safe to assume, however, that the analysis will support the need for a thorough review of what is happening in our law schools and in the practice that seems to be leading to substantial disaffection within the practicing bar.

It probably is true that most lawyers in private practice have not thought much about what goes on in the academy since they graduated. Like the academic who may have left practice years ago to teach, practicing lawyers tend not to have a reason to explore what is being taught to our students or how it is being taught unless they happen to be an adjunct professor. Lawyers focus on their practice and their clients and their need to get the results those clients want.

As I reflect on what I see and hear on both ends of the spectrum, it occurs to me that perhaps now is time for both sides to come together for a dialogue about lawyer preparation and expectations and whether there are some things that each side might consider doing to increase lawyer satisfaction and, as a result, improve client service and enrich the legal profession.

ST. THOMAS SCHOOL OF LAW
Continued from page 1

law in the context of the Catholic intellectual tradition to educate students who would bring a high degree of competence and compassion for the disadvantaged to the practice of law.

St. Thomas Law School is committed to integrating practical skills into each law course. Students are exposed to the real world of legal practice through the school’s three-year mentor program, which draws mentors from all sectors of the legal profession. In addition, students are required to fulfill 50 hours in uncompensated pro bono service through the school’s Public Service Program before graduation.

The law school recently opened its doors to its new 108,838 square foot facility. The library occupies 32 percent of the total square footage and the technology center includes a 32-station computer lab and a 16-station computer training room.

St. Thomas School of Law admitted its first class in 1923, but it was closed under the weight of the Great Depression.

St. Thomas operated a law school from 1923 to 1933, but it was closed under the weight of the Great Depression.

The school is part of the University of St. Thomas, a comprehensive coeducational Catholic university and the largest private higher education institution in Minnesota. It offers more than 80 majors, seven pre-professional programs and 11 graduate and professional programs.

As of August, 2003, a total of 187 institutions are approved by the American Bar Association to confer the first degree in law (the J.D. degree). Six of the 187 law schools are provisionally approved: Appalachian School of Law, Ave Maria School of Law, Barry University School of Law, St. Thomas School of Law, University of the District of Columbia School of Law and Western State University College of Law.

A current list of ABA Approved Law Schools can be obtained from the Section’s website at www.abanet.org/legaled/approvedlawschools/approved.html.
## Calendar

| SEPTEMBER 2003 |  |  |
|----------------|------------------|
| 12             | Site Evaluation Chairs Workshop | Chicago, IL |
| 19-21          | Standards Review Committee | Nashville, TN |
|                |  |  |
| OCTOBER 2003   |  |  |
| 3-4            | Accreditation Committee Retreat | New Orleans, LA |
|                |  |  |
| NOVEMBER 2003  |  |  |
| 6-8            | Accreditation Committee Meeting | Tucson, AZ |
| 14-15          | Standards Review Committee Meeting | Chicago, IL |
|                |  |  |
| DECEMBER 2003  |  |  |
| 5-6            | Council Meeting | Portland, OR |
|                |  |  |
| JANUARY 2004   |  |  |
| 22-24          | Accreditation Committee Meeting | Ft. Lauderdale, FL |
|                |  |  |
| FEBRUARY 2004  |  |  |
| 4-10           | ABA Mid-year Meeting | San Antonio, TX |
| 5-6            | Deans’ Workshop | San Antonio, TX |
| 7-8            | Council Meeting | San Antonio, TX |
| 21             | Site Evaluators’ Workshop | Chicago, IL |
|                |  |  |
| APRIL 2004     |  |  |
| 16-17          | Out-of-the-Box Committee Conference | Dallas, TX |
| 22-24          | Accreditation Committee Meeting | Baltimore, MD |
|                |  |  |
| MAY 2004       |  |  |
| 19             | ABA Deans’ Breakfast | Washington, D.C. |
| 19             | Standards Review Committee Hearing/Meeting | Washington, D.C. |
|                |  |  |
| JUNE 2004      |  |  |
| 3-6            | Associate Deans’ Conference | Englewood, CO |
| 4-6            | Council Meeting | Washington, D.C. |
| 25-26          | Accreditation Committee Meeting | San Francisco, CA |
|                |  |  |
| AUGUST 2004    |  |  |
| 5-10           | ABA Annual Meeting | San Antonio, TX |

## SYLLABUS

Section of Legal Education and Admissions to the Bar
American Bar Association
750 North Lake Shore Drive
Chicago, IL 60611

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