Message from the New Section Chairperson

By Dean Steven R. Smith, California Western School of Law

The great purpose of this Section is as challenging as it is important: seeing to the selection, preparation and acceptance of the next generation of the legal profession. To the extent we in legal education and bar admissions do that well, our country will be more efficient, more just, and a safer place to live. It is a task that we must take seriously in everything we do. Our specific tasks are often detail-focused, but we must not let our broader task be lost in the documents and reports. What this Section does matters, and matters greatly.

Like the person who plants a tree, the results of our work may be years away, but what lawyers do in the long run very much depends on the quality of their preparation. This Section has the capacity to affect the quality of that preparation.

Several principles should guide the work of the Section in that important task. Three are paramount:

1. The interests of the public. The legitimate function of licensing lawyers is to protect the public. The public includes students, law firms and everyone, but here I am really referring to the people and institutions who are the ultimate clients of our graduates. We often find ourselves discussing in isolation important, but fairly narrow, topics such as law school personnel, residence credit and book counts. We need, however, frequently to look up from the microscope and think about the broader picture, how we are serving the public interest.

2. High standards of quality. What we are about is so important that it demands our best. The Section and Council should hold ourselves to the highest standards of quality, and similarly hold our law schools and students to those same high standards. Slips in work, inadequate preparation and low quality should not be acceptable to us. Individuals and institutions do not benefit from low expectations, so our expectations

Full Approval of Two Law Schools

By Joe Puskarz, Editor

The House of Delegates of the American Bar Association, during its Annual Meeting in Chicago on August 4, 2005, concurred in the decision of the Council to grant full approval to Ave Maria School of Law and the University of District of Columbia David A. Clarke School of Law.

Ave Maria School of Law, in Ann Arbor, Michigan, was founded in 1999 under the leadership of Thomas S. Monaghan, philanthropist and businessperson, and Bernard Dobranski, the school’s first president and dean.

The school’s mission provides a legal education to develop students capable of engaging in the intelligent practice of law. The law school also seeks to train lawyers who view moral integrity as foundational to their profession.

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By Honorable Elizabeth B. Lacy

One of the most difficult parts of serving as Chair of the Section of Legal Education and Admissions to the Bar is sitting down and writing this column—even for one whose day job involves significant time devoted to writing. Writing this last column, however, was not as daunting. Traditionally, the Chair’s last column includes a reflection on the challenges and accomplishments of the preceding 12 months. Many of the activities of the Section and Council are annual or biannual events, such as accreditation reviews, site visits, site team training, ABA annual meeting programs, development programs and workshops for deans, new deans, and associate deans. This year was no different and the programs were well attended and received.

But in addition to these programs, three special and important programs were offered to the legal education and bar admissions community. The Technology Committee sponsored a national conference focusing on how today’s students learn and how technology can be better employed to enhance students’ learning and practice of law. As I mentioned in my last column, legal educators, bar examiners, and judges came together in October 2004 to consider the structure and use of the bar examination. This venture, jointly sponsored by the Section, the American Association of Law Schools, the National Conference of Bar Examiners, and the Conference of Chief Justices, began an open dialogue among the four groups. That dialogue will be continuing through the Section’s Committee on Admission to the Bar, as well as through specific projects addressing the issues undertaken by the respective sponsoring organizations. Finally, the Out-of-the-Box Committee continued to produce papers and provide presentations nudging the legal community to continually look ahead and consider options for legal education in response to current and future challenges.

This year, the Section produced new material and pursued new initiatives. The Adjunct Faculty Committee prepared the *Adjunct Faculty Handbook* and presented it at the August ABA Annual Meeting in Chicago. The *Handbook* is online for free at www.abanet.org/legal.

The Curriculum Committee published and distributed its report on *A Survey of Law School Curricula* in early 2005, and the Communications Skills Committee moved toward completion of the revised *Legal Writing Sourcebook*, which will be available in early 2006.

Finally, the staff of the Consultant’s Office implemented a Web-based program for law schools to provide information responsive to the Annual and Site Evaluation Questionnaires. This program should greatly reduce the time required of schools and staff and make a significant improvement in the process.

Accreditation activities, likewise, made 2004-05 a busy year for the Council, Accreditation Committee, and Standards Review Committee. As the three-year comprehensive review of the Standards continued, the Standards Review Committee and the Council addressed a number of very difficult issues. While the road was bumpy at times, incorporating the advice and comment from all segments of the legal education community, the Council reached final resolution on Standards relating to Faculty, Facilities, Library, and Information Resources. And, the Accreditation Committee had its plate full with 36 site evaluations. Finally, the Council undertook a comprehensive review of the Rules of Procedure for the first time in a decade and circulated proposed revisions for comment. Those revisions appear elsewhere in this issue of *Syllabus*. I was particularly pleased with the increased communication between Council members and members of the legal education community. Exchanges at the deans’ workshop and breakfast, as well as presentations at the meetings of our sister organizations, provided invaluable experiences to many Council members.

This was a busy year. This column gives me the opportunity and forum to publicly thank the many people whose work and assistance brought us through this year not only successfully, but also furthered our mission of enhancing legal education. The continued dedicated work of our Section and special committee chairs and members, the advice and help of many deans, associate deans, professors, staff, and others in the legal education and bar examination community, and the help and support of our sister organizations deserve unqualified thanks. But the glue that
keeps the entire effort together and moving is the professional and unwavering work of the staff of the Office of the Consultant. Special and personal thanks are due to John Sebert, Stephen Yandle, Camille deJorna, Cathy Schrage, Carl Brambrink, Joe Puskarz, David Rosenlieb, Maxine Kline, Kara Pliscott, Christina Williams, Keisha Stewart, and Beverly Holmes. Each makes a special contribution to this endeavor, and certainly did so this year. Finally, I would like to thank Executive Director Bob Stein and his office, along with Immediate-Past President Robert Grey and the other ABA officers and Board of Governors, for their continuing support of the Section, the Council, and legal education.

Reflecting often moves one to look to the future, and I cannot resist that temptation here. Next year brings specific items to the Council’s agenda—re-recognition by the Department of Education, adoption of new Rules of Procedure, selection of a new Consultant, and consideration of the very important Standards regarding diversity in legal education in addition to a full measure of requests for acquiescence and full or provisional approval. I have no doubt that these tasks will be successfully accomplished under the guidance and leadership of Chairperson Steven Smith, dean and president of California Western School of Law. In the longer term, however, there are many challenges ahead that may, and I believe will, impact the delivery of legal education and require the attention of the Council, if not next year, over the next few years.

The current high quality of legal education in this country is the product of many forces. Not the least of these forces was the general acceptance of the case and Socratic teaching methods along with the standardization of legal education resulting from the introduction and reliance on the ABA standards for approval of law schools. Since the late 1800s when these events occurred, teaching methods and standards have responded in many ways to the pressures and events of the times. Substantive course offerings have broadened, clinical offerings, courses in professionalism and legal writing, as well as practice skills and pro bono opportunities have been added and are reflected in the Standards.

Today, technology and globalization are generally cited as the most influential focus affecting the delivery and form of legal education. Among the many effects of technology are its impact on the library and the introduction of new types of distance learning opportunities. Globalization of law and law practice has expanded class and degree offerings, and the current negotiations of international trade agreements will challenge our traditional concepts of who can practice what types of law in which countries.

The cost of legal education and the demographics of law student population have always affected the delivery of legal education. The current drastic reduction of financial support for public institutions and rising tuition, as much as 140 percent over the past decade, is perhaps more pressing than in the past. These factors, along with the known cyclical nature of applicant numbers, will require law school administrators to make difficult choices in the allocation of resources. Students, as well, are sensitive to the cost of legal education, particularly in light of the reported average salaries of new lawyers. Furthermore, if the demographic forecasters are correct, most young adults today will have at least three careers. Those who
The objectives of the Section of Legal Education and Admission to the Bar are (1) to provide a fair, effective, and efficient accrediting system for American law schools that promotes quality legal education; (2) to serve, through the Council, as the nationally recognized accrediting body for American law schools; and (3) to be a creative national force providing leadership and services to those responsible for and those who benefit from a sound program of legal education and bar admissions. Through the excellent efforts of the Council, our committees, other volunteers who serve in so many different capacities, and a small but dedicated staff, we have advanced those objectives in important ways during 2004-05. This article provides a summary of the more significant developments of the year.

Accreditation Activities
As of the beginning of the 2005-06 academic year, a total of 191 institutions are approved by the American Bar Association: 190 confer the first degree in law (the J.D. degree); the other approved school is the U.S. Army Judge Advocate General’s School. Seven law schools are provisionally approved: Appalachian School of Law, Barry University School of Law, Florida A & M University College of Law, Florida International University College of Law, John Marshall Law School-Atlanta, the University of St. Thomas School of Law (Minneapolis, Minnesota), and Western State University College of Law. At its June 2005 meeting, the Council of the Section granted full approval to Ave Maria School of Law and the University of the District of Columbia David A. Clarke School of Law, and full approval of these two schools became effective upon the concurrence of the House of Delegates at its August 2005 meeting.

During the past year, 36 site evaluation visits were undertaken, involving 217 volunteers as site team members, including 58 persons who had not previously served on a site evaluation visit. In addition, 30 visits to foreign programs, involving an additional 30 volunteers, were conducted. During the year the Accreditation Committee also considered and granted acquiescence in 17 applications from approved law schools regarding the establishment of new post- or non-J.D. degree programs.

Continuing Revision of Standards and Interpretation
Under the leadership of Professor Martin Burke of the University of Montana School of Law, the Standards Review Committee this year assisted the Council in the continuation of a three-year comprehensive review of the Standards and Rules of Procedure for Approval of Law Schools and its Interpretations. During 2003-04 important revisions to Chapter 3 of the Standards, the “Program of Legal Education,” were adopted. In August 2004, the Council made significant revision to Standard 302, which establishes the primary requirements concerning the content of the law school curriculum. The House of Delegates concurred in the revisions at its February 2005 meeting, and the revised Standards became effective upon the concurrence of the House.

During 2004-05, the Standards Review Committee and the Council focused their efforts on revisions to Chapters 1 (General Purposes and Practices; Definitions), 4 (Faculty), 6 (Library and Information Resources), and 7 (Facilities and Technology) of the Standards. The Council adopted revisions to those four chapters at its December 2004 and June 2005 meetings. The House concurred in all of those revisions at its August 2005 meeting. Page 61 begins the text of all of the revisions of the Standards that have been concurred in by the House during 2004-05 and that are now effective.

At its June and August 2005 meetings, upon the recommendation of the Standards Review Committee, the Council also approved circulating for comment proposed revisions to the Standards related to equal opportunity and diversity (Standards 210 – 212) and a proposed Interpretation 302-10 that provides additional guidance concerning the requirement that law schools offer their students substantial opportunities for participation in pro bono opportunities. Those proposals and the invitation for comment on those proposals also appear in this issue on page 18.

Re-recognition by the Department of Education
Every five years, accrediting agencies such as the Council that are recognized as official accrediting agencies by the United States Department of Education must apply for re-recognition by the Department. The Council was...
most recently granted recognition by the Department in January 2001, and the Council was scheduled to undergo the re-recognition process during 2005. The Council filed its petition for re-recognition in June 2005. Officers of the Council and key members of the staff will appear in December 2005 at a hearing on the petition before the Department’s National Advisory Committee on Institutional Quality and Integrity.

**Revision of the Rules of Procedure**

A special Rules Revision Committee was appointed by the Council in the spring of 2004 to undertake a comprehensive review of the *ABA Rules of Procedure for Approval of Law Schools*. The Committee is composed of Provost E. Thomas Sullivan, chair; Jose R. Garcia-Pedrosa, Esq., Dean Jeffrey E. Lewis; Chief Justice Ruth V. McGregor; Dean Rex R. Perschbacher; Pauline A. Schneider, Esq.; and Dean Kent D. Syverud.

Over the course of several meetings held during 2004-05, the Committee engaged in a careful and thoughtful process to develop a comprehensive revision of the Rules. The Committee presented its proposed revision in late May 2005, and the Council considered the proposal at its June 2005 meeting. At that meeting, the Council approved the revisions for circulation and comment, which are requested by October 31, 2005. The proposed revised Rules, together with a commentary explaining the proposed revisions, begin on page 26 and are available on the Section’s Web site at [www.abanet.org/legaled](http://www.abanet.org/legaled).

**Revision of the Annual Questionnaire**

This year the Questionnaire Committee, chaired by Dean Allen Easley of William Mitchell College of Law, made important revisions to the Annual Questionnaire that each approved law school must complete each year. The Council approved the revisions at its June 2005 meeting.

The revisions provide additional guidance on the reporting of fiscal data, with the objective of ensuring that the fiscal data reported by the various schools are as complete, accurate and comparable as possible. Next year’s Questionnaire also will ask schools to provide faculty and student data for both the spring and fall 2005 terms, rather than (as in the past) only for the fall term; this will permit the calculation of an accurate annual student/faculty ratio, rather than having the published student/faculty ratio based only on fall data. Finally, the fall 2005 Questionnaire will collect median LSAT and undergraduate grade-point average (UGPA) data for the entering class, as well as the 75th and 25th percentile LSAT and UGPA data. All three types of data (75th and 25th percentiles and the median) will be published in the 2007 *Official Guide to ABA-Approved Law Schools* and on the Section and LSAC Web sites.

**Curriculum Survey**

In 2003-04 the Curriculum Committee completed a three-year project to produce a comprehensive survey of law school curricula at ABA-approved law schools, with special attention to changes, innovations, and trends in legal education that have occurred over the last ten years. The data were gathered primarily from two sources: 1) Annual Questionnaires from 1992-1993 and 2002-2003; and 2) the results from a Web-based survey produced jointly by the Curriculum Committee and the staff of the Consultant’s Office. One hundred fifty-two of the 187 ABA-approved law schools completed the Curriculum Survey. Professor Catherine Carpenter of Southwestern University Law School, the chair of the Curriculum Committee during the process of collecting the data and preparing the Report, presented the results of the survey at the 2004 ABA Annual Meeting in Atlanta. The final Report, *A Survey of Law School Curricula*, was published early in 2005 and distributed to all law schools, affiliated organizations, and other interested parties.

**Adjunct Faculty Handbook**

The Adjunct Faculty Committee, led by Associate Dean Gail Richmond of Nova Southeastern University, Shepard Broad Law Center, has completed an ambitious project of developing an *Adjunct Faculty Handbook*. The Handbook, which is available free on the Section’s Web site at [www.abanet.org/legaled](http://www.abanet.org/legaled), provides a valuable resource for law schools as they consider ways to recruit, mentor, supervise and assist their adjunct faculty. The Committee also presented a program highlighting issues and techniques for working with adjunct faculty at the August 2005 Annual Meeting in Chicago.

**Legal Writing Sourcebook**

The Communication Skills Committee, chaired by Professor Eric Easton of the University of Baltimore School of Law, has been developing a revision of the *Legal Writing Sourcebook*. The first edition of the *Sourcebook* was published in the late 1990s and has been a valuable resource for those who teach law school courses on legal writing, research and analysis. The revision, which is the product of a collaboration between the Communication Skills Committee and other leading research and writing faculty, will update and substantially expand the
offered and supported a number of worthwhile conferences and programs during the past 12 months.

**Workshop for Chairpersons of Site Evaluation Teams, Workshop for New Site Evaluators and Schools Undergoing a Site Evaluation.** In September 2004, the Section conducted its annual workshop for chairpersons of site visit teams for the 2004-05 year. In February 2005, the Section again offered a workshop for first-time site evaluators and representatives of schools that will have a site evaluation within the next year or two.

**Examining the Landscape of Legal Education and Bar Admissions.** This conference, held in Chicago on October 1 and 2, 2004, provided an excellent opportunity for representatives of legal education, the bar admissions community, and the state judiciary to examine and discuss issues of common interest concerning legal education and bar admissions. The report of the Joint Working Group appears on page 16.

**Pedagogy to Practice: Maximizing Legal Education with Technology.** The Technology Committee, chaired by Dean Thomas Galligan of the University of Tennessee College of Law, sponsored a national conference at Rutgers Newark School of Law on October 15-16, 2004. The conference focused on how today’s students learn, how technology is being used in law schools to improve learning, how technology is being used in practice, and what skills students will need to practice in today’s computerized courtrooms.

**Deans’ Workshop.** The annual workshop for law school deans was held at the ABA Mid-Year Meeting in Salt Lake City, Utah. Deans Claudio Grossman of the American University, Washington College of Law and Rudolph C. Hasl of Seattle University School of Law (now dean of Thomas Jefferson School of Law) co-chaired the workshop. One of the panels featured a discussion, moderated by Dean Hasl, between three officers of the Council and four law school deans.

**Law School Development Conference.** The bi-annual conference for law school development officers and law school deans was held in Jackson, Wyoming, May 31-June 3, 2005. Dean Patrick Hobbs of Seton Hall University Law School and Professor David Ibbeken of the University of Virginia Law School co-chaired the planning committee. Attendance was among the highest for any conference sponsored by the Section, with over 300 registrants, including 90 law school deans and over 200 development officers.

**Seminar for New Law School Deans.** The Section sponsored the 13th annual seminar for new deans of ABA-approved law schools on June 3-4, 2005, in Jackson, Wyoming. This year’s program attracted 22 new deans and interim deans. Dean Nancy Rogers of Ohio State University, Moritz College of Law, chaired the program.

**Annual Meeting Programs.** The Section sponsored two programs on Saturday, August 6, 2005, at the ABA Annual Meeting in Chicago, Illinois. A report on those programs, and other events at the Annual Meeting, begins on page 12.

**Section Publications**

The Section publication that is most well known by the general public is the annual *Official Guide to ABA-Approved Law Schools.* The 800-plus page book offers detailed, easy-to-read information in which prospective law students can compare statistics of all ABA-approved law schools. Produced in cooperation with the Law School Admission Council (LSAC) since 2001, the *Official Guide* includes admission data, tuition, fees, living costs,
financial aid, enrollment data, graduation rates, composition and number of faculty and administrators, curricular offerings, library resources, physical facilities, placement rates, bar passage data, post-J.D. programs, and more. In addition, a 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 legal education and character and fitness requirements, bar examination information, requirements for special licenses, and similar information.

Web Site
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 legal education information are all available on the Section’s Web site.

Staff Developments
Stephen Yandle, long-time associate dean at Yale Law School, joined the Office in mid-June 2004 as deputy consultant and has quickly become a key member of the staff. In particular, he has made significant contributions to the work of the Standards Review Committee and has been the lead staff member in preparing the Council’s petition for re-recognition by the Department of Education.

In October 2004, Christina Williams, the Section’s receptionist, was promoted to the position of accreditation assistant. In that role, she assists Cathy Schrage, executive assistant for accreditation, in organizing materials and agendas for the Accreditation Committee, processing Committee decision and recommendation letters, assisting site evaluation teams in their work, and assisting schools that are having site evaluations.

In November 2004, Beverly Holmes joined the staff as receptionist. She has quickly learned the complex work of the Section and the Consultant’s Office so that she can handle the myriad of questions about law schools and law school accreditation that the Office regularly receives from current and prospective law students and from members of the public.

Our excellent events and meetings manager, Kara Pliscott, left the staff shortly after the 2005 Annual Meeting to assume enhanced responsibilities as director of meetings with the Strategic Account Management Association, located in Chicago. Kara has done a superb job for us during her two and a half years on the staff, and we wish her every success in her exciting new position. The search for Kara’s successor is underway.

Concluding Comments
This has been a busy year for the Section. The central work of the Section, overseeing the accreditation of law schools and promulgating the standards with which ABA-approved law schools must comply, continued to occupy much of the time of the Council and the majority of the time of the staff. Some of the most important developments of this year are that significant additional progress was made on the comprehensive review of the Standards, the Council’s petition for re-recognition by the United States Department of Education was filed, and a comprehensive revision of the Rules of Procedure was approved for distribution for comment.

Section programming continued to provide assistance to law school deans and administrators to be both more effective and more creative in their leadership and management of our law schools. The Curriculum Committee’s comprehensive survey of law school curricula will provide information and insights about the educational program at U.S. law schools that should be extremely valuable to deans, curriculum committees, and others in the legal education community. The Adjunct Faculty Committee’s work in developing the Adjunct Faculty Handbook will result in similar benefits for adjunct faculty and those who recruit, supervise and assist them. Finally, the Out-of-the-Box Committee continues to challenge legal educators to think broadly about the opportunities and challenges facing legal education.

Justice Elizabeth Lacy of the Supreme Court of Virginia has provided energetic leadership and valuable new ideas and insights during her term as Chair of the Council during 2004-05. We thank her for her dedicated efforts and look forward to continuing to work with her next year as she continues on the Council as Immediate-Past Chairperson.

The Council Chair for 2005-06 is Dean and President Steven R. Smith of California Western School of Law. Steve has been involved with the work of the Section for well over two decades, as a chair of many site evaluation teams, as long-time chair of the Questionnaire Committee, and as a member of the Council since 1997. He brings great knowledge of legal education and bar admissions issue, an extensive background in the accreditation process, and boundless energy. We all look forward to his leadership during the coming year. ☼
On August 15, 2005, the Section introduced the ABAQuest Web-based application to the law school community. The new system replaces the Foxpro-based ABACIS system that has been used by the law schools for over eight years to complete the Annual, Site Evaluation, and Foreign Summer Program Questionnaires.

The ABAQuest application allows ABA-approved law schools to view and complete their questionnaires from any computer with Internet access. The features of the new application include:

- Increased security functionality
- School managed user ids and passwords
- Increased flexibility in granting access to specific sections of the questionnaires
- Ability to view previous year’s data
- Data modification tracking
- Faster response time to answer questions and resolve technical issues
- Streamlined submission process

Law schools are able to access the ABAQuest system through the Section’s Web site, and have entry to the existing Web-based Foreign Summer Program Annual Questionnaire application.

Training for the new ABAQuest system was held at Santa Clara University School of Law, the ABA Headquarters, and Rutgers University School of Law — Newark. Over 175 people attended the training for the Annual and Site Evaluation Questionnaires.

In addition to the new ABAQuest system, there are changes to the Annual Questionnaire for 2005 as follows:

- Collecting of the median LSAT and GPA for entering students while continuing to collect the 75th and 25th percentiles
- Collecting full-time and part-time J.D. enrollment for both the current fall and previous spring terms, and faculty teaching information for those two terms.
- Calculating a student/faculty ratio based upon the above information, thus producing an accurate student/faculty ratio for the calendar year.

The Annual Questionnaire is due on Monday, October 31, 2005. Law schools are able to make changes to the submitted data up until Thursday, December 1, 2005, when the Section begins data verification and publication of the 2005 take-off reports and the ABA/LSAT Official Guide to ABA-Approved Law Schools.
Reinstituting Collection of Median LSAT/UGPA Data in Annual Questionnaire

By Dean Allen Easley, William Mitchell College of Law and Chair of the Questionnaire Committee

For several years, the Questionnaire Committee has discussed the question of whether or not the ABA should reinstitute its past practice of collecting data on LSAT and UGPA medians. This year a majority of the committee agreed to recommend to the Council that medians should be collected and published in the *Official Guide to ABA-Approved Law Schools*, and at its June 2005 meeting the Council adopted that recommendation.

When *U.S. News and World Report* published its rankings last spring it announced that, although it had collected median data from each law school last fall, along with the 25/75 percentile data that schools already provide to the ABA, it did not use the median data it had collected in calculating its rankings. Instead, *U.S. News* used the average of the 25/75 percent data provided by each law school as a substitute for the median. The result was to make both the 25 percentile and 75 percentile data more important, with the unintended side effect of creating greater tension between the desire many schools have to increase student diversity and their desire to raise the indicators used by *U.S. News* to measure quality of the entering class. Since one reason posited for the *U.S. News* change this year was its distrust of the unverifiable median data it was receiving from deans, a hope shared by many deans was that the collection of median data by the ABA might give *U.S. News* some reason to return to using the median, thereby reducing the tension between diversity and “quality” indicators.

Although the Questionnaire Committee’s recommendation was not unanimous, there was universal agreement by committee members that a decision by the ABA to collect median data should not be driven by what *U.S. News* has done or might do in the future. A majority of the committee concluded that the ABA should reinstitute the collection of median data because giving applicants a more complete profile of the most recent entering class is a good thing. Refusing to provide additional useful information because it might be perceived as being “driven” by the rankings seemed no more justifiable than deciding to collect the information because of the rankings.

Council Files Renewal Application

By Stephen Yandle, Deputy Consultant

Every five years the Council of the Section on Legal Education and Admissions to the Bar must apply for recognition by the United States Department of Education as the nationally recognized accrediting authority for programs that lead to the first professional degree in law. That renewal application process occurs this year.

Since there has not been a reauthorization of the Higher Education Act since we last applied for recognition, the criteria for recognition are largely unchanged. What is new this year is the introduction of a Web-based application process. Joe Puskarz, the Section’s manager of publications and technology, attended a workshop conducted by the Department on the new Web-based system and guided us through the successful initial submission of the application in June 2005.

The application is currently being reviewed by the Department of Education and sometime this fall we expect to receive the staff analysis and comments. We will have an opportunity to provide a written response to questions and issues raised in the draft analysis. The Department staff member who is monitoring the review of our application attended the meeting of the Council in June and this fall will attend a meeting of the Accreditation Committee, and will join one of the accreditation site visits as an observer.

In early December 2005 there will be a hearing on our application before the National Advisory Committee on Institutional Quality and Integrity. At that time individuals or organizations may appear before the Committee to testify regarding our application. The Department of Education decision on re-recognition will probably be made in early 2006.
Ohio Law School Offers Five-semester J.D. Program

Starting this fall, the University of Dayton School of Law will be the country’s first law school to offer its students a new curriculum option to earn a J.D. degree in a minimum of five semesters, over 24 months.

Dayton’s new “Lawyer as Problem Solver” program empowers highly motivated students a flexible academic calendar to fit their lifestyles. The advantages to the 24-calendar-month program allows students to save a full year of living expenses, begin paying off loans one year earlier, and get a head start on the job market.

Students, who choose to begin their course work in the summer, can complete their studies in five semesters and graduate in as little as 24 months. The six-semester plan of study is also available for those students who have been out of school for many years, but prefer a traditional timeline.

According to Lori Shaw, dean of students at the law school, the target market for the accelerated program is two-fold.

“First, we believe that many members of the new Millennial generation are highly motivated individuals who are interested in making a difference in the world as soon as possible. Second, we believe that non-traditional students will be attracted to our program. Persons with families and/or existing careers who hesitate to put their lives on hold for three years may find two years to be workable.”

The program may end quicker, but the course requirements remain the same. The accelerated program requires students to take classes for two school years and a summer, equaling five semesters. Students will have at least one summer free to participate in a clerkship.

The school of law implemented the new curriculum in response to the ABA revising Standard 304 (“Course of Study and Academic Calendar”) in August 2004 — reducing the required number of semesters to five from six.

The changes to Standard 304 increase the minimum amount of study required for a J.D. degree, eliminate highly technical residence rules, and provide more flexibility in creating schedules and calendars.

However, law schools may not allow students to earn a J.D. degree in a period of less than 24 months or a period longer than 84 months after initial enrollment (Standard 304c). Standard 304 provides a more workable and realistic regulatory framework without taking away from the rigor of the program of legal education that the Standards require.

Dayton’s cutting-edge curriculum borrows more hands-on concepts from medical and business schools.

“The one thing that we can definitely learn from our colleagues at medical schools is that bedside or “deskside” manner is important,” said Shaw. “So many complaints against practicing attorneys are based upon the fact that they ignore their clients’ needs.”

Students are required to complete a skills competency assessment featuring actors paid to play the roles of clients—designed to help students learn interviewing and negotiating skills. Graduating students are provided with a DVD featuring his/her simulated client interaction during the testing.

“From business schools we learned about capstone courses where students integrate substance and skills in a project with real world application,” according to Dean Lisa Kloppenberg.

Students are required to take a capstone course or clinical experience that focuses on skills, theory, research and writing. All new students will benefit from a high quality supervised externship program related to his or her track.

“The capstones will build on foundational knowledge and mirror the work of lawyers more closely, adding more than another survey course,” said Kloppenberg.

Lawyer as Problem Solver provides students opportunities to gain real world experience. Students are required to satisfy the requirements of one of three curricular tracks to qualify for graduation—advocacy and dispute resolution, general practice, and law and technology.

Visit law.udayton.edu for further information on UDSL’s five-semester program.

“Innovative Education” is a column focusing on innovative law programs at ABA-approved law schools. If your school offers a unique law program that you would like to share and write for this column, please contact Editor Joe Puskarz at puskarzj@staff.abanet.org for editorial consideration.
Development Conference Wrap-up

By Stephen Yandle, Deputy Consultant

On May 31 to June 3 over 300 deans and development administrators gathered at Jackson Hole, Wyoming, for the biannual Conference on Law School Development for Deans and Administrators.

Dean Patrick Hobbs, Seton Hall University School of Law, and Professor David Ibbeiken, University of Virginia School of Law, were the co-chairs for the eighth in this series of conferences, which has been traditionally held at the Jackson Lake Lodge. The Section of Legal Education and Admissions to the Bar’s Committee on Law School Development organized the conference.

The program opened with dinner and welcoming remarks from the co-chairs and a keynote address by Provost E. Thomas Sullivan of the University of Minnesota. For the next two-and-a-half days there was extensive programming, typically plenary sessions in the morning followed by breakout and special interest sessions.

Large picture discussions were mixed with “nuts and bolts” sessions. Session topics included “New Realities of Fund-raising,” “Development 101,” “Issues and Trends in Planned Giving Today,” “Selecting and Working with Consultants,” “Getting Along with the University,” and “Special Issues Facing Public Schools.”

The deans and the development officers broke into separate sessions to review and critique a video simulation of case studies in development. Following the separate sessions there was a joint session for further discussion.

The Section’s Workshop for New Deans followed the Development Conference.

The Planning Committee for the next conference in 2007 is already at work assisted by the comments and evaluations of this year’s participants.

2006 Edition of the ABA-LSAC Official Guide to ABA-Approved Law Schools

The 2006 edition of the Official Guide to ABA-Approved Law Schools is available for purchase. The publication 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 revised 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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The Council of the Section of Legal Education and Admissions to the Bar (the Council) invites applications and nominations for the position of Consultant on Legal Education for the American Bar Association (the Consultant). The Council is recognized by the United States Department of Education and the Council of Higher Education Accreditation as the national accreditation agency for law schools granting the professional law degree, the juris doctor.

The Consultant supports the Council and its officers in the formulation of policy, adoption and implementation of a budget, and the administration of the accreditation program. The Consultant is responsible for administrative oversight and management of the accreditation process and, together with the General Counsel of the American Bar Association, for ensuring that the legal requirements relating to the accreditation process are fulfilled. The Consultant also supports the committees and projects of the Section, including those that relate directly to accreditation matters such as the Accreditation Committee and the Standards Review Committee. The Consultant reports to the Council regarding all accreditation and Section matters and to the executive director of the American Bar Association with respect to other administrative matters. The Consultant also serves as a member of the ABA senior management team.

The Consultant will be expected to provide leadership and strategic direction for legal education and admission to the profession and thus must possess an understanding of the challenges facing legal education and admission to the profession, as well as a sense of optimism and vision for shaping the opportunities inherent in change. The successful candidate will possess a combination of successful administrative leadership experience and strong organizational management skills. The Consultant will be expected to demonstrate abilities to conceptualize the future of the profession, to develop viable strategies for success, to communicate broadly and effectively, to achieve buy-in, and to launch and complete the tactical duties to implement plans. Effective interpersonal communication skills are imperative to success in this position. The Consultant will collaborate with a wide variety of people, including lawyers in private practice, judges, staff lawyers, staff members, volunteers, law students, and members of the community. The Consultant must possess the ability to motivate and inspire productivity in colleagues, as well as resolve controversial or sensitive matters with patience and diplomacy. The Consultant will be expected to understand and appreciate the needs, interests, and concerns of the diverse constituent groups involved in legal education and admission to the bar; the Consultant also must work cooperative-ly with law schools in preparing the next generation of lawyers while working effectively within the ABA organization. Finally, the successful candidate will be credited with a significant reputation in the field of law, widely regarded as a professional of unimpeachable character with passion for and personal commitment to the fields of law and higher education.

Specific Responsibilities Include:

- Work cooperatively with the Section officers and Council and the Section staff director in directing activities related to accreditation (including oversight of training of site evaluation teams and conducting law school inspections to ensure the production of inspection reports in accordance with established standards), as well as general Section activities (including council meetings, annual meeting, national conferences, and publications).
- Provide information and counsel regarding accreditation to law schools, their deans and faculties, and ensure that schools desiring ABA approval have the information necessary to facilitate their compliance with the standards for approval of law schools.
- Interact with the Conference of Chief Justices, deans of law schools, and other officials of higher education and the legal profession, and other professional accrediting bodies on an international and nationwide basis.
- Serve in liaison with other organizations that are working to improve the legal profession and American legal education (such as the Association of American Law Schools, the Law School Admissions Council, and the National Conference of Bar Examiners) to facilitate cooperative and
collaborative efforts among such organizations.

- Represent the ABA and the Section of Legal Education and Admissions to the Bar at various legal education functions and meetings of legal and higher education organizations.
- Manage a staff of 10-12, in conformance with general ABA personnel policies and subject to the approval of the ABA Executive Director.

**Required Qualifications**

- J.D.
- Significant administrative leadership and management experience, including successful management of day-to-day operations, demonstrated ability to resolve problems, and demonstrated record of sustaining a cooperative, collaborative, and collegial organizational environment.
- Broad knowledge of the legal profession and legal education.
- Demonstrated record of sound judgment, honesty and integrity in upholding and advancing the ideals of the legal profession; demonstrated tolerance for differing opinions and respect for those who hold them.
- Demonstrated ability to communicate effectively with and build consensus among multifaceted constituencies.
- Demonstrated record of addressing the needs, interests and concerns of diverse groups.

**Preferred Qualifications**

- Other advanced degrees in a relevant discipline (e.g., M.B.A.) are helpful.
- Experience working with this Section in the American Bar Association, as well as exposure to various ABA entities.
- Administrative experience in higher education or an academic setting.
- Experience developing budgets and effective management of fiscal resources.
- Direct knowledge of and/or experience with professional accreditation.

Applicants with experience as a law school dean, a member of the judicial branch, practicing attorneys with experience in higher education administration, and/or those with similar experience, are encouraged to apply.

**Compensation**

Compensation will be competitive with the salaries of deans of ABA-approved law schools.

The ABA is an equal opportunity employer.

**To apply:** Submit a resume and statement of interest by September 29, 2005, to: Search Committee, The Council of the Section of Legal Education and Admission to the Bar, c/o Anne Campbell, American Bar Association, 321 North Clark Street #1923, Chicago, IL 60610 or ACCCampbell@staff.abanet.org. Action on applications will begin October 1, 2005.

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**UPCOMING CONFERENCES**

**LAW SCHOOL FACILITIES CONFERENCE**

March 23-25, 2006

Save the date for the next *Bricks & Bytes* conference, scheduled for March 23-25, 2006, in Seattle, WA. The conference will focus on the newest technology in legal education with current state-of-the-art thinking in design and construction of law school buildings. Associate Dean Penny A. Hazelton of the University of Washington School of Law chairs the Law School Facilities Committee. Forthcoming information will be available on the Section Web site @ www.abanet.org/legaled.

**Associate Deans’ Conference**

June 9-11, 2006

The ABA Law School Administration Committee will sponsor an Associate Deans’ Conference June 9-11, 2006, at the Inverness Hotel and Conference Center in Englewood, CO. The conference provides a basis for attendees to network and share administrative challenges and solutions with colleagues. The conference is intended for academic and student affair deans. Associate Dean Walter F. Pratt, Jr., of Notre Dame Law School, chairs the planning committee. Further information will be available on the Section Web site at www.abanet.org/legaled.
Professor Geoffrey C. Hazard, Jr., Receives Kutak Award

By Carl Brambrink, Director of Operations

Professor Geoffrey C. Hazard, Jr., trustee professor of law at the University of Pennsylvania Law School, received the 2005 Robert J. Kutak Award for his outstanding contributions as a legal educator, a highly influential scholar in the fields of professional responsibility and civil procedure, and a superb leader of the world’s foremost law reform organization, the American Law Institute.

Talbot D’Alemberite, professor and president-emeritus of Florida State University and chair of the Kutak Committee, provided the opening remarks during a reception at the August ABA Annual Meeting in Chicago, Illinois.

“I am delighted to participate in the presentation of the Kutak Award to Geoff Hazard. To those who had the privilege of knowing Bob Kutak, you will remember that his passion for his profession led him into a very close relationship with this Section and it is fitting that our major award is given in honor of a practicing lawyer. Bob Kutak was dedicated to improving legal education and improving the legal profession. He had the vision to imagine a profession that was committed to understandable ethical standards, standards that would protect the public.

“It is particularly appropriate to recognize Professor Hazard with the Kutak Award because his interests converged so closely with those of Bob Kutak. As an academic leader and scholar of professional standards, it was quite natural that Geoff and Bob wound up working together to fashion the major overhaul of legal ethics. As the reporter for the Kutak Commission of the ABA, Geoff Hazard demonstrated his commitment to the aspirations that the best professionals carry with them and the wisdom to know that the rules governing the profession must be workable.

“Bob and Geoff were a great team and I am pleased to be part of a ceremony that recognizes both of them for their many contributions to the legal profession and to legal education.”

Lucian Pera, Esq., an attorney at the firm of Armstrong Allen PLLC, Memphis, Tennessee, accepted the award on behalf of Professor Hazard who could not attend the award ceremony due to illness. Mr. Pera, a member of the ABA House of Delegates and a 1994-1997 officer of the ABA, opened with a story in 1947 of an icon of American baseball, Hall of Fame catcher and manager, Yogi Berra, as he addressed a stadium of fans in his hometown of St. Louis before a Yankees-Browns game at what was billed as “Yogi Berra Appreciation Night.” He was reported to have said, “I want to thank everyone for making this night necessary.”

The following statements are excerpts of Mr. Pera’s speech: “My friend, Geoff Hazard, an icon of American law, asked me to come here on his behalf tonight to gratefully accept this award and to thank you, even if I would have a hard time being as articulate or memorable as Yogi Berra.”

“From long before I met Geoff and worked with him on Ethics 2000, I knew of his stature in our profession. But I had only the vaguest notion of the reason for his stature. There are many reasons, I know, but as we worked together on Ethics 2000, I gained a real understanding of why he became and remains preeminent, especially among those in the ethics field and among those who have attempted to serve as bridges between the legal academy and the practicing bar.”

“Geoff occupied a unique place on Ethics 2000, of course, as a sort of institutional memory for the last quarter-century of American legal ethics, as he had served under Robert Kutak as reporter for the Kutak Commission that created the ABA Model Rules of Professional Conduct. And we frequently made use of that institutional memory.”

“But one Ethics 2000 moment stands out in my mind. I can picture the meeting in my mind right now. We were in Memphis, in a meeting room at the Peabody Hotel, laboring over Rule 4.2, on contracts with represented parties. We had spent an inordinate, amazing amount of time on the rule, largely due to a boiling controversy with the U.S. Department of Justice over what the rule should say about the government lawyers and prosecutors. Unbelievably, we spent more time on this controversy than on anything else we did.”

“We had been in these discussions, literally for years, at that point, even having a meeting with the attorney general and her highest deputies, the ABA president, and leaders of Ethics 2000. It had all come to naught by that time, and we were all still very, very frustrated with where we were when Geoff eloquently summarized in a 60-90 second statement the only possible and absolutely correct course of action the committee should take. And it turned out that he was just exactly right, crystallizing months of discussions, hours that very day, pointing us to exactly what we had to decide, to the two distinct paths we had to follow.”

The Kutak Award, recognizing outstanding contributions to legal education in the United States, is named for Robert J. Kutak, a founding partner of the national law firm of Kutak Rock LLP. Kutak, who passed away in 1983, dedicated his career to public service and the improvement of legal education and the legal profession. He was a member of the Council of the Section, and chair of the ABA commission that proposed a major revision of the Code of Professional Conduct for lawyers that was adopted in the 1980s.
Section Programs Provide Fresh Ideas and Perspectives

By Carl Brambrink, Director of Operations

The Adjunct Faculty Committee of the Section of Legal Education and Admissions to the Bar conducted a program at the ABA Annual Meeting in Chicago on August 6, 2005, emphasizing the importance of adjunct professors in law schools. The discussion focused on the primary benefits of including experienced practicing lawyers and judges as teaching resources to enrich the educational program.

The audience benefited from hearing ideas and topics that included: how potential adjuncts can “get on a law school’s radar,” why size, location, and number of degree programs affect how a school may use adjunct faculty and the hiring strategies used; supervising adjunct faculty, including orientation programs; monitoring an adjunct’s progress during the semester through class visitation or other means, and follow-up after the semester; mentoring adjuncts and involving them in the law school community; and methods adjuncts can use to be available to students without unduly detracting from full-time employment.

Chairperson Gail Richmond, associate dean, Nova Southeastern, presided at the program and presentations were made by Peter Alexander, dean, Southern Illinois; William Mock, associate dean, John Marshall-Chicago; and Keith Sealing, associate dean, Syracuse.

The Adjunct Faculty Committee recently published the Adjunct Faculty Handbook. It is available on the Section’s Web site for free at www.abanet.org/legaled.

The Handbook is a resource for schools to use in working with their adjunct faculty, as it covers a variety of topics and means of communications. Recognizing that schools differ in their use of adjunct faculty, it does not prescribe policy language. The Handbook covers topics the school might address and explain why they are important. It is intended to be either a guide or a template to be adapted for school-specific needs. Special thanks to Chair Gail Richmond and the Adjunct Faculty Committee who brought this project from concept to final product.

Several members from the Section’s Out-of-the-Box Committee presented a dialogue and elicited perspectives from the legal community on the character of legal education in the 21st century. The program was designed with each panelist debating and discussing various topics, including augmenting the pipeline to achieve diversity, legal education’s missing format, state bar examinations, a possible four-year law school curriculum, stratification in legal education and the legal profession, and “law and . . .” that explores the effect on legal education of having an increasing number of law faculty whose teaching and research focuses not on traditional legal analysis but rather on the intersection between law and social sciences or the humanities. The panelists provided an exciting “point-counterpoint discussion” that worked to stimulate the audience’s thoughts and provoke a good interchange of ideas at the conclusion of the panel’s presentation.

Dean John Attanasio, Southern Methodist University Dedman School of Law, moderated the program. Panelists included Cory Amron, Vorys, Sater, Seymour & Pease, LLP; Dean Mary Daly, St. John’s University School of Law; Bryant Garth, American Bar Foundation; Professor Cruz Reynoso, University of California-Davis School of Law; Harvey Rishikof, National War College; Professor Geoffrey Stone, University of Chicago School of Law; and Professor James White, Indiana University-Indianapolis.

The committee plans to do further work during the next year and intends to have available to those interested, the talking points outlined in the Annual Meeting program. For more information about the program or the work of the Out-of-the-Box Committee, you may contact Chair John Attanasio at: jba@mail.smu.edu.

“ That was and is, one of Geoff’s greatest gifts—the ability to identify, to formulate a consensus, to draw one out of important, complicated, disparate views and express it in a straight-forward manner.”

“It became clear to me that day why he became and remains an icon of our profession. Looking back, it also became apparent to me then why he is so deserving of the Kutak Award.”

Professor Hazard is also director emeritus of the American Law Institute. He previously taught at Yale Law School, where he was professor of law from 1971 to 1994 and is now the Sterling Professor of Law Emeritus. During his career he has been a full-time or visiting member of many law school faculties, including the University of California, Berkeley, the University of Chicago, the University of Michigan, Stanford University, Université d’Aix-Marseille, and Harvard University. This fall, Professor Hazard will join the faculty of the University of California-Hastings College of Law. Professor Hazard received his B.A., Phi Beta Kappa, from Swarthmore College in 1953, and his LL.B from Columbia University School of Law in 1954.

The Kutak Award is given annually by the American Bar Association, Section of Legal Education and Admissions to the Bar.
2005-06 Council Members Elected

At the Section’s annual business meeting in August, the following members were elected or re-elected to serve on the 2005-06 Council of the Section of Legal Education and Admissions to the Bar.

Dean and President Steven R. Smith, Chairperson (automatic under the Bylaws), is president, dean and professor of law at California Western School of Law in San Diego. Dean Smith 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. Dean Smith has served on the Council since 1997 and has served on the Section’s Questionnaire and Standards Review Committees.

William R. Rakes, Esq., Chairperson-Elect, is a partner in the Roanoke, Virginia, law firm of Gentry Locke Rakes & Moore, LLP. His practice focuses on commercial litigation, banking and general corporate law. He holds both his B.A. and LL.B. from the University of Virginia. Mr. Rakes is former president of the Virginia State Bar and the Roanoke Bar Association. During his tenure as president of the Virginia State Bar, he served as convener of two Virginia conclaves on legal education. He was a member of the Board of Governors of the American Bar Association from 1998-2001. Mr. Rakes served as an elected member of the Council from 1995 until 1998 and from 2002 to the present.

Honorable Ruth V. McGregor, Vice-Chairperson, is 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 Arizona State University College of Law in 1974. In 1974, 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 1993-95 and chief judge from 1995-97, and was elevated to the Arizona Supreme Court in 1997. Justice McGregor has served on the Section’s Standards Review Committee and has been an elected member of the Council since 2003.

Peter A. Winograd, Secretary, is professor/associate dean emeritus at the University of New Mexico School of Law. He previously served as assistant dean at New York University School of Law, associate dean at Georgetown University Law Center, and director of law programs at Educational Testing Service. Professor Winograd was president of the Law School Admission Council (LSAC) from 1989-91 and served several terms on its Board of Trustees. He is a graduate of Brown University, earned his J.D. from Harvard Law School, holds an LL.M. from New York University School of Law, and was awarded an honorary Doctor of Law degree from The John Marshall Law School (Chicago). He has been a member of the Section’s Council since 2000, chairs the Section’s Government Relations and Student Financial Aid Committee, is a member of the Section’s Questionnaire Committee, and was vice-chair of the Task Force on Law Schools and the Profession: Narrowing the Gap (the MacCrate Task Force).

Honorable Elizabeth B. Lacy, Immediate Past Chairperson (automatic), 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. Judge Lacy has served on the Council since 1995.

Section Delegate to ABA House of Delegates
Election to non-voting three-year term

Jose R. Garcia-Pedrosa, Esq. is a former chairperson of the Section and a former member of the Accreditation Committee. Mr. Garcia-Pedrosa is a former partner in the Miami, Florida, firm of Tew and Garcia-Pedrosa, and currently serves as chief operating officer of the National Parkinson Foundation. He served as a member of the ABA Commission on Professionalism and was founding member of the Cuban-American Bar Association. He is a former Miami City attorney and city manager of Miami Beach, Florida. Mr. Garcia-Pedrosa holds a B.A. from Harvard College and a LL.B. from Harvard Law School. He received an honorary LL.D. from Stetson University.
At-Large Council Member  
Election to three-year term  

**Professor J. Martin Burke** served as dean at the University of Montana School of Law from 1988 through 1993. Professor Burke currently teaches Federal Tax, Partnership Tax, Corporate Tax and Taxation of Property Transactions, and also has been a visiting faculty member at the Graduate Tax Programs at New York University School of Law and the University of Florida. He earned a law degree from the University of Montana School of Law, and an LL.M. degree from New York University School of Law. He has served on the Section’s Accreditation Committee from 1996-02, the Standards Review Committee from 2002-05, and on the Task Force on Accreditation Processes from 2001-03.

**Honorable Martha Craig Daughtrey** has served as a judge on the Tennessee Court of Criminal Appeals and as an associate justice on the Tennessee Supreme Court. In 1993, President Bill Clinton appointed her to serve as a circuit judge on the United States Court of Appeals for the 6th Circuit in Nashville, becoming the first woman to be appointed to the 6th Circuit. Judge Daughtrey was also the first woman on the faculty at Vanderbilt University Law School and the first woman assistant U.S. attorney in Nashville. Judge Daughtrey received both her B.A. and J.D. degrees from Vanderbilt University. She has served on the Standards Review Committee from 2003 to the present.

Re-election to three-year term  
**Diane Camper** is an assistant editorial page editor of the *Baltimore Sun* and has worked on the *Sun’s* editorial page since 2004. She has more than 30 years’ experience in journalism and has written about issues that impact families and children, including education, early childhood development, juvenile justice and child welfare. From 1997 to 2004, she was with the Annie E. Casey Foundation in Baltimore, serving as public affairs manager from 1997 until July 2003, when she was appointed senior fellow in the Measurement, Evaluation, Communication and Advocacy group. She has an undergraduate degree in journalism and political science from Syracuse University, and a Master of Studies in Law from Yale University. Ms. Camper has served on the Council since December 2003, when she was elected to fill a vacancy.

**Professor Dan J. Freehling** is professor, law library director, and associate dean for information services at Boston University School of Law. He holds a J.D. and M.L.S. from the University of Alabama. He is a former assistant librarian at Alabama, a former associate librarian at the University of Maryland and Cornell, and a former librarian and associate professor at the University of Maine. He is a former chair of the AALL Academic Law Libraries Special Interest Section and former chair of the AALS Section on Law Libraries. Professor Freehling served on the Section’s Accreditation Committee from 1995-2001 and the Foreign Programs Task Force. He has served on the Council since 2002.

**Dean John F. O’Brien** has been dean of New England School of Law since 1988. He received a B.A. in 1973 from Manhattan College, a J.D. in 1977 from New England School of Law, and an LL.M. in taxation in 1980 from Boston University School of Law. From 1977 to 1985, he was a senior attorney in the Office of the Chief Counsel of the Internal Revenue Service. In 1985, he joined the faculty of New England School of Law, teaching Constitutional Law and Federal Income Taxation. He served as associate dean for two years before being named dean. He has previously served as chair of both the Section’s Accreditation Committee and the Independent Law School Committee. He has served on the Council since January 2005, having been elected to fill a vacancy.

Re-Election to Two-Year Term  
**Rennard Strickland** is the Philip H. Knight professor of law at the University of Oregon School of Law and is currently a visiting professor at California Western School of Law. Professor Strickland is a legal historian of Osage and Cherokee heritage and is considered a pioneer in introducing Indian law into university curriculum. He received his B.A. from Northeastern State College, J.D. from the University of Virginia School of Law, M.A. from the University of Arkansas and his S.J.D. from the University of Virginia School of Law. Professor Strickland was dean at the University of Oregon School of Law from 1997 to 2002. He has served as president of the Association of American Law Schools and the Law School Admissions Council. He has served on the Council since January 2005, having been elected to fill a vacancy.

Law Student Division Member Nominee  
Election to one-year term  
**Sara Jane H. Ibrahim** is completing her law degree at the American University, Washington College of Law, and has a B.A. in International Affairs and Middle Eastern Studies from George Washington University. She is a member of the ABA Section of International Law and Practice and serves on the Middle East and Human Rights Committees. She also serves as secretary of the International Law Society at Washington College of Law, and as co-founder of Student Action for Refugees at the American University of Cairo.
Joint Working Group Report and Recommendations

In 2002, the Joint Working Group on Legal Education and Bar Admissions was established by four sponsoring organizations (the National Conference of Bar Examiners, the Association of American Law Schools, the Section of Legal Education and Admissions to the Bar of the ABA, and the Conference of Chief Justices) to explore issues relating to the bar examination and bar admissions process that were of interest to members of all four organizations.

The idea to form the Joint Working Group and to begin this inquiry was the brainchild of Dale Whitman when he served as the president of the AALS. The members of the Joint Working Group, that were selected by the four organizations, were: Diane F. Bosse, Marva Jones Brooks, Michael J Churgin, Roberto L. Corrada, Mary Kay Kane (Chair), Marcia J. Mengel, Richard J. Morgan, Randall T. Shepard, and Gerald W. VandeWalle.

The general charge to the Group was to begin the process of developing a better, hopefully shared, understanding among the members of all the organizations about the process of bar admissions and the appropriate roles the members of each group play in it. The starting point for that process was the development of a two-day conference on Bar Examinations, for which the Group served as the planning committee. Following that conference, the Group was asked to write a report summarizing what had been learned and forwarding to the sponsoring organizations any ideas that it concluded merited further exploration as a result of that endeavor.

The conference took place in Chicago on October 1-2, 2004. All participants typically have called it an enormous success, providing a unique opportunity for a frank dialogue between academics, bar examiners, and the judiciary about various issues surrounding current practices related to the bar exam, as well as parallel law school examination and grading practices. Several ideas and themes surfaced that participants suggested might bear future consideration. One or more of the sponsoring organizations already have taken some of these ideas up and they are studying them.

In June 2005, the Working Group met by conference call to review the ideas that came from the conference and to hear what things already were ongoing within the sponsoring organizations since the conference concluded. This report is a summary of the primary areas that we have identified as offering potentially fruitful avenues of inquiry and that we would recommend for your further consideration.

1. Bar Examination Structure and Content

At the conference there was serious discussion about the possible advantages of investigating moving toward a system of national licensure, including the adoption of a national bar exam and a method of setting a national standard for establishing a passing score. Additionally, as participants learned how licensure is accomplished in the medical profession and of new studies on the effectiveness of testing over time, interest was expressed in exploring possibilities of developing a system that would use multiple, staged testing, rather than one “high-stakes” exam, producing an examination process that could take place at different points during law school education.

The idea of exploring a national licensure approach already has been taken up by both the ABA’s Bar Admissions Committee and the NCBE long-range planning committee and they have begun preliminary discussions and inquiry about how such an approach might best be described and whether or how it could be achieved.

2. Testing and Grading Within Law Schools

A second theme at the conference was exploring the need to better educate law faculty regarding how to construct exams and to grade them in a reliable way and the need to have more training on assessment methods for law faculty.

The AALS already has begun considering how to encourage and expand such training in its various workshops and conferences and, indeed, has a special segment in its annual New Teachers Workshop that focuses on an introduction to assessment techniques and variables. These kinds of initiatives are to be applauded and we would suggest that there be continued attention to how additional opportunities may be provided for law faculty to be exposed to such training and information.

3. Training on Drafting Bar Examination Questions

A third issue that surfaced at the conference was the need for better opportunities for training regarding how to draft state bar examination questions for the many
states that draft their own essay (or maybe multiple choice) questions to ensure that they develop an understanding of valid and reliable testing techniques.

The NCBE has developed a special, annual program to help train people drafting bar exam questions on proven techniques to follow and offers a subsidy for at least one person per state to attend. It intends to continue that outreach and we think that effort and others like it are important avenues to continue to develop.

4. Increased Communication Between the Interested Communities

A fourth, and major, theme that emerged from the conference, is that there needs to be increased communication and understanding between and among the four constituencies. That, effectively, is reflected from several comments of attendees that the conference was the first time they had had the opportunity to understand the “big picture” and to talk with people from their counterpart fields and that those exchanges were very valuable in gaining perspective in considering a solution to some of the concerns raised. Thus, an important initiative is to continue the dialogue and to find additional opportunities for people from different positions and backgrounds to better understand the relationship between licensing programs and law school degree programs and how they need to work together.

As one step, the NCBE has begun sponsoring a new workshop for Academic Support personnel at law schools, who typically are working with at-risk law students, who therefore are likely to be at risk on the bar exam. The NCBE is inviting them at the organization’s expense to attend a meeting to explain how the bar exam works, including drafting, grading, etc. This pilot program is an example of the kind of outreach to generate better understanding and preparation for law students that is to be encouraged and we hope that additional and future models also will be developed.

5. Alternatives to the Bar Exam

A final, important element of the conference was a report on possible alternatives to the bar exam that were under consideration in New Hampshire, Arizona, and New York. While these alternatives might not be acceptable in every jurisdiction, they were seen as offering a variety of ways in which an equally useful assessment could be made of a person’s suitability to obtain a license, as well as, in some cases, promote public interest practice. There was great interest by the conference attendees in learning more about these types of alternatives.

At the time of our conference call, we understand that only the New Hampshire alternative is likely to be implemented very soon. Thus, we would recommend that information about possible alternatives continue to be shared so that those jurisdictions that find that some different approaches may be suitable to their particular circumstances may learn from others’ experiences and, when applicable, perhaps decide to experiment with some of them. Further, to the extent that a jurisdiction does determine to try an alternative, we urge that a careful assessment of its experience be made so that all can learn from that experience. Sharing information between jurisdictions is most important so that we can work together to develop the next generation of appropriate licensing techniques.

To that end, the NCBE plans to include in its magazine a section on the alternatives discussed at the conference and we would urge them and others to continue to follow what happens in those states considering bar exam alternatives.

Conclusion

As the preceding brief description suggests, much already has begun to continue working on some of the ideas and initiatives that emerged from the conference. All the members of the Group agree that it has been an enlightening and invigorating experience to participate in this dialogue and we hope that the momentum that was generated by the conference and the efforts of our four sponsoring organizations will continue and, in particular, that cooperation and communication among our various constituencies will be encouraged and enhanced further in the future.

We thank the four sponsoring organizations for the opportunity to serve in this most important endeavor and hope that our efforts and insights will be helpful to you in charting future ways in which to improve the bar admissions process. We also, in particular, want to thank Erica Moeser, Carl Monk, and John Sebert for their invaluable counsel and assistance in making the conference a success and ensuring that it provided a springboard for developing some shared understandings on these important issues.

Endnotes

1. At the Group’s first planning meeting it was determined that although there was some shared interests in issues related to character and fitness determinations, it would be necessary to focus the scope of the conference and Group on the bar examination itself so as to allow sufficient time for an in-depth discussion.
In June 2005, the Council of the Section of Legal Education and Admissions to the Bar approved distributing for notice and comment a proposed new Interpretation 302-10, concerning the obligation of law schools to provide substantial opportunities for student participation in pro bono activities. In August 2005, the Council approved distributing for comment proposed revisions to Standards 210–212, concerning equal opportunity and diversity, and these proposals are reported in this issue and also are available on the Section’s Web site www.abanet.org/legaled.

The Council and the Standards Review Committee solicit comments on these proposed Standards and Interpretation by letter or e-mail. The Council expects to take final action on proposed Interpretation 302-10 at the Council's meeting on December 2 & 3, 2005, in San Diego, CA. Please submit any comments on proposed Interpretation 302-10 by October 31, 2005. (A hearing on that proposal was held on August 6, 2005, during the ABA Annual Meeting in Chicago.)

With respect to the proposed revisions of Standards 210–212, please submit comments by January 5, 2006. There also will be a hearing on these proposed revisions during the Association of American Law Schools Annual Meeting, location to be announced. It was originally scheduled in New Orleans, LA. The Council expects to take final action on the revisions to Standards 210–212 during its meeting that will be held February 4 & 5, 2006, during the ABA Mid-Year Meeting in New Orleans, LA. The Mid-Year Meeting location may change depending on the conditions in New Orleans after Hurricane Katrina.

Comments on any of these proposed Standards or Interpretations should be addressed to:

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Interpretation 302-10: Pro Bono Opportunities
In August 2004 the Council adopted revised Standard 302(b)(2), which provides:

(b) A law school shall offer substantial opportunities for:

. . .

student participation in pro bono activities . . .

The ABA House of Delegates concurred in this and other revisions to Chapter 3 of the Standards at its February 2005 meeting, and this revised Standard is now effective.

Prior to the August 2004 amendment, Standard 302(e) provided: “A law school should encourage and provide opportunities for student participation in pro bono activities.” In order to provide law schools additional guidance concerning the new requirement that they provide substantial pro bono opportunities, the Standards Review Committee developed and the Council approved circulating proposed Interpretation 302-10 for comment.

The proposed Interpretation recognizes the broad range of pro bono programs currently in place in law schools, particularly as reflected in the AALS Handbook on Law School Pro Bono Programs (2001) (www.aals.org/probono/report.html). When the Committee initially proposed the pro bono requirement, the Committee did not intend to exclude any significant existing types of law school pro bono activities from being considered in fulfillment of the new requirement.

Thus the proposed Interpretation, building on existing Interpretation 302-2 concerning the professional skills requirement, encourages law schools to be creative in developing their pro bono programs. In recognition of the fact that, while most pro bono programs are law-related, some involve non-law-related activities, the proposed Interpretation states that pro bono programs “should generally” involve law-related services, but it also makes it clear that non-law-related activities may be included within a school’s overall pro bono program. Some non-law-related activities could assist students in developing some useful professional skills; doing intake interviewing at a rescue mission, for example, would assist in honing interviewing and counseling skills.

Many pro bono activities currently undertaken at
law schools do involve professional skills—such as having students work as volunteers on pro bono matters under the supervision of law faculty or licensed attorneys in public or public interest legal settings. The Committee and Council, however, thought it important to emphasize in the Interpretation that such pro bono opportunities need not be designed to fulfill curricular professional skills training objectives (and thus would not necessarily require the level of law school supervision required of field placement or externship programs under Standard 305). The AALS Pro Bono Handbook contains a statement with similar effect.

The last sentence of the proposed Interpretation again recognizes the existing range of pro bono programs at law schools by stating that, while most law school pro bono programs are not credit-granting, Standard 302(b)(2) does not preclude the inclusion of credit-granting programs within a law school’s overall pro bono programs.

The Committee and Council believe that the following proposed Interpretation provides guidance that is useful and necessary with respect to the pro bono requirement without being unduly prescriptive and without unduly impairing the Accreditation Committee’s ability to make appropriate individualized determinations as it applies Standard 302(b)(2) to the particular facts presented by the programs of specific law schools.

**Interpretation 302-10:**
Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should involve the rendering of meaningful service to persons or organizations of limited means. While law school pro bono programs should generally involve law-related services, pro bono programs that involve meaningful services that are not law-related also may be included within the law school’s overall program of pro bono opportunities. Law-related pro bono opportunities need not be structured to accomplish any of the professional skills training required by Standard 302(a)(4). While most existing law school pro bono programs include only activities for which students do not receive academic credit, Standard 302(b)(2) does not preclude the inclusion of credit-granting activities within a law school’s overall program of pro bono opportunities.

**Standards 210 – 212: Equal Opportunity and Diversity**
As part of a comprehensive review of the Standards, the Standards Review Committee examined Standards 210-212 and the Interpretations of those Standards. Preliminary discussion of proposed changes was begun at the November 2004 meeting of the Committee. The Committee devoted its March 19, 2005, meeting to developing these final recommendations. The Committee was greatly assisted in its work by a set of recommendations for revisions prepared by the Section’s Diversity Committee. The Standards Review Committee also had before it and considered (as did the Diversity Committee) recommendations for revisions of these Standards sent to the Committee by Gary Palm (“the Palm proposals”) on behalf of himself and other members of the Clinical Legal Education Association (CLEA) and the Society of American Law Teachers (SALT).

The Council considered the Committee’s recommendations and the Palm proposals at its August 2005 meeting. At that meeting, the Council authorized distributing for comment the revisions to Standards 210 – 212 that are described herein.

This set of Standards and Interpretations has not been altered for a number of years. The Committee and Council agreed that it was time to re-examine these provisions, especially in light of changes in the law and institutional practices since the existing standards were adopted. They also concluded that a need existed for greater clarity regarding both what is permitted and what is required by the Standards to provide adequate guidance both to law schools and to the Accreditation Committee.

The Committee established several overarching goals for the proposed revisions:

1. To distinguish the obligations of non-discrimination and equality of opportunity (Standard 210) and the obligations of equal opportunity and diversity effort (Standard 211).
2. To determine which groups and individuals should be covered by these Standards and interpretations.
3. To determine what law school activities and actions should be covered by these Standards and interpretations.

While there are three separate Standards and associated Interpretations, the recommendations for changes should be viewed as a connected set of recommendations. Care was taken to create comprehensive and consistent obligations that would be clear to law schools and the Accreditation Committee. Each individual element should be viewed as a part of a whole.

The changes in Standard 210 establish a comprehensive requirement of non-discrimination and equality of opportunity. “Non-discrimination” has
been added to the Standard title. Changes throughout the Standard make clear that the two terms are linked and required.

Throughout the standard, “age” and “disability” were added to the categories designated for non-discrimination and equality of opportunity. Although age might be viewed as distinguishable from the other protected categories, the Committee and Council decided that age should be included within the protected categories, in part because discrimination on the basis of age is prohibited under federal law. The current prohibition of discrimination on the basis of disability also has been moved to Standard 210 from Standard 212 so that Standard 210 contains a comprehensive statement of the requirements of non-discrimination and equality of opportunity.

To reflect the prevailing terminology, “sex” was changed to “gender” throughout the Standard. In section (b), “may” was changed to “shall” to be consistent with directive language of section (a).

Existing sections (c) and (d) were deleted as these sections appeared no longer to have relevance. Editorial revisions have been made to former section (e), new section (c), and revisions consistent with those in sections (a) and (b) are proposed.

In section (d), existing section (f), the “should” is changed to “shall” to be consistent with the directive language of sections (a) and (b), thus requiring a law school to communicate to employers that use the school’s placement assistance the expectation that they will observe the principles of non-discrimination and equal opportunity. Given that the proposed new Standard would require rather than urge schools to do so, the Council and Committee thought that the illustrations of possible violations of those principles contained in the current Standard were unnecessary.

Interpretation 210-1
Faculty has been added to the list of groups who cannot be required to disclose their sexual orientation.

Current Interpretation 210-2
This interpretation was viewed as unnecessary and was deleted. The proposition that a law school must act in a lawful manner in seeking to achieve diversity is restated in proposed new Interpretation 211-1.

New Interpretation 210-2 and Interpretation 210-3
These provisions contain minor editing and numbering changes from their predecessors.

Standard 211. Equal Opportunity and Diversity Effort
Current Standard 211 is primarily directed to the admission of students, although interpretations by the Accreditation Committee have extended its reach to faculty. The revisions make explicit that the Standard also applies to faculty and staff. While equal opportunity and diversity may have different foundations (equal opportunity in social justice and diversity in educational policy), the two have become connected in practice and the revisions to the Standard recognize that connection.

The requirement of the Standard is stated in terms of effort. There was extended discussion on this issue, as some urged that the Standard be stated in terms of results. Specifically, it was suggested that the Standard should build on the language of the Grutter case and require that law schools have a “critical mass” of students from traditionally underrepresented groups. Evidence was provided to show continuing underrepresentation in law school and in the legal profession of individuals from groups that have been historically discriminated against, and the argument was made that only a results test could ensure that there would be substantial progress toward increasing access to legal education and the profession. The Council and Committee ultimately decided that genuine effort cannot always ensure results. The focus on effort also recognizes the constraints imposed upon some schools by applicable law and the demographics of the school’s area.

In section (a) “qualified” has been deleted as unnecessary given other Standards regarding student selection and retention. “Under-represented” was added to qualify “groups” covered to be consistent with the equal opportunity element. Specific language was added to make it clear that a law school must demonstrate a commitment to having a student body that is diverse with respect to gender, race and ethnicity.

A new section (b) makes clear that a law school must demonstrate a commitment to having a faculty and staff that is diverse with respect to gender, race and ethnicity.

In the discussion of Standard 211 (and also Standard 210), issues were raised and recommendations made regarding revisions to these Standards and to Standard 503 with respect to the appropriate use of the Law School Admission Test or other admissions tests. Since the Committee is scheduled to review this fall provisions of Chapter 5, which covers admissions and the use of tests, the Committee decided to postpone review of these issues until they could be examined within the context of the overall review of Chapter 5. The Council concurred with that decision and referred those recommendations to next year’s Standards Review Committee.
New Interpretation 211-1
A new interpretation has been added specifically noting the permissibility of use of race to the extent permitted by law. This interpretation also recognizes that what is permissible by law may vary by jurisdiction. The Interpretation also indicates that, as part of school’s effort to satisfy the basic requirements of Standard 211, schools should seek forms of diversity that promote cross-cultural understanding, help break down racial and ethnic stereotypes, and enable students better to understand persons of different races, ethnic groups and backgrounds. The Council and Committee understand these to be some of the important benefits of achieving a diverse faculty, staff and student body.

New Interpretation 211-2
The interpretation revises former Interpretation 211-1. It retains the language that meeting the requirements of the Standard will be determined by the totality of the law school’s action, but replaces with a more general statement the prior list of actions that might demonstrate commitment to diversity. This change recognizes and encourages flexibility and innovation on the part of law schools in meeting the requirement.

Current Interpretation 211-2
This interpretation has been deleted. The Council and Committee concluded that requiring a law school to prepare a written diversity plan imposed an unnecessary burden on law schools. In addition, conscientious application of the existing diversity plan requirement by the Accreditation Committee has on occasion led to the anomalous result of citing a school for non-compliance with the diversity plan requirement when the school has nonetheless been successful in achieving significant diversity in its faculty and student body. The Standard requires that a school demonstrate by concrete action a commitment to diversity, so if a school has not succeeded in attaining a diverse faculty and student body the absence of a written plan could be a factor in a determination by the Accreditation Committee that the school had not satisfied the requirements of the Standard.

Standard 212. Reasonable Accommodation for Qualified Individuals with Disabilities
The requirement of non-discrimination against individuals with disabilities has been moved to Standard 210. This separate standard now deals with the required provision of reasonable accommodations to individuals with disabilities. In this standard, we have retained the term “qualified” to correlate with federal law’s use of this term when considering the rights of people with disabilities.

Interpretation 212-1
An incorrect citation in the current interpretation is corrected.

Interpretation 212-2
There has been minor editing to this interpretation.

Interpretation 212-3
The statement of the law school’s obligation is more clearly focused by editing to eliminate some advisory language.

[Marked-up]

Standard 210. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY
(a) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground the basis of race, color, religion, national origin, sex, gender, or sexual orientation, age, or disability.

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

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

(1) a state constitutional provision or statute that purports to forbid the admission of applicants to a school on the ground of race, color, religion, national origin, sex, or sexual orientation; or

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

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

(6c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff which that directly relate to this affiliation or purpose so long as (i) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (ii) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but shall not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex, gender, or sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as if the First Amendment of the United States Constitution governs its application.

(fd) Non-discrimination and Equality of opportunity in legal education include includes equal opportunity to obtain employment. A law school should shall communicate to every employer to which it furnishes assistance and facilities for interviewing and other placement services the school’s firm expectation that the employer will observe the principles of non-discrimination and equal opportunity in regard to hiring, promotion, retention and conditions of employment and will avoid objectionable practices such as—

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

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

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

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

Interpretation 210-1:
Schools may not require applicants, students, faculty or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily. (August 1994; August 1996)

Interpretation 210-2:
This Standard does not require a law school to adopt policies or take actions that would violate federal law applicable to that school. (August 1994; August 1996)

Interpretation 210-32:
As long as a school complies with the requirements of Standard 210(6c), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, it does not require a school to recognize or fund organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school. (August 1994; August 1996)

Interpretation 210-43:
Standard 210(fd) applies to all employers, including government agencies, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully. (August 1994; August 1996)

Standard 211. EQUAL OPPORTUNITY AND DIVERSITY EFFORT.

(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of underrepresented groups, notably particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race and ethnicity—which have been victims of discrimination in various forms. This commitment typically includes a special concern for deter-
mining the potential of these applicants through the admission process, special recruitment efforts, and a program that assists in meeting the unusual financial needs of many of these students, but a law school is not obligated to apply standards for the award of financial assistance different from those applied to other students.

(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are diverse with respect to gender, race and ethnicity.

Interpretation 211-1:
A law school may use race and ethnicity in its admissions process to promote equal opportunity and diversity so long as it does so in a lawful manner. Through its admissions policies and practices and in a manner consistent with the U.S. Supreme Court’s decision in Grutter v. Bollinger, 539 U.S. 306 (2003), a law school should strive to admit a diverse student body that promotes cross-cultural understanding, helps break down racial and ethnic stereotypes, and enables students to better understand persons of different races, ethnic groups and backgrounds.

Interpretation 211-2:
This Standard does not specify the forms of concrete actions a law school must take to satisfy its equal opportunity and diversity obligations. The satisfaction of such obligations is based on the totality of the law school’s actions. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and a program that assists in meeting the academic and financial needs of many of these students and that creates a more favorable environment for students from underrepresented groups.

Interpretation 211-1: This standard does not specify the forms of concrete actions a school must take in order to satisfy its equal employment obligation. The satisfaction of such obligation is based on the totality of its actions. Among the kinds of actions that can demonstrate a school’s commitment to providing equal opportunities for the study of law and entry into the profession by qualified members of groups that have been the victims of discrimination are the following:

a. Participating in job fairs and other programs designed to bring minority students to the attention of employers.

b. Establishing procedures to review the experiences of minority graduates to determine whether their employers are affording equal opportunities to members of minority groups for advancement and promotion.

c. Intensifying law school recruitment of minority applicants, particularly at colleges with substantial numbers of minority students.

d. Promoting programs to identify outstanding minority high school students and college undergraduates, and encouraging them to study law.

e. Supporting the activities of the Council on Legal Education Opportunity (CLEO) and other programs that enable more disadvantaged students to attend law school.

f. Creating a more favorable law school environment for minority students by providing academic support services, supporting student organizations, promoting contacts with minority lawyers, and hiring minority administrators.

g. Encouraging and participating in the development and expansion of programs to assist minority law graduates to pass the bar.

h. Developing and implementing specific plans designed to increase the number of minority faculty in tenure and tenure-track positions by applying a broader range of criteria than may customarily be applied in the employment and tenure of law teachers, consistent with maintaining standards of quality.

i. Developing programs that assist in meeting the unusual financial needs of many minority students, as provided in Standard 211. (August 1997)

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

Standard 212. REASONABLE ACCOMMODATIONS AND PROGRAM MODIFICATIONS FOR QUALIFIED INDIVIDUALS WITH DISABILITIES.
Assuring equality of opportunity for qualified
individuals with disabilities, as required by Standard 210, may require law schools to provide such students, faculty and staff with reasonable accommodations.

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

Interpretation 212-1:
Individual with disability. For the purpose of this Standard and Standard 210, disability is defined as in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, as further defined by the regulations on post secondary education, 45 C.F.R. Section 84.3(k)(3) and by the Americans with Disabilities Act, 42 U.S.C. Sections 12101 et seq. (February 1993; August 1996)

Interpretation 212-2:
As to those matters covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, neither this Standard nor Standard 210 does not impose obligations upon law schools beyond those provided by those statutes. (February 1993; August 1996)

Interpretation 212-3:
The essence of proper service to individuals with disabilities is individualization and reasonable accommodation. Each individual applicants and students shall be individually evaluated to determine whether they meet the academic standards requisite to admission and participation in the law school program. The use of the term “qualified” in the Standard requires a careful and thorough consideration of each applicant and each student’s qualifications in light of reasonable accommodations. Reasonable accommodations are those that do not fundamentally alter the nature of the program, that can be provided without undue financial or administrative burden, and that can be provided without lowering academic and other essential performance standards. (February 1993; August 1996)

(Revised)

Standard 210. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY.
(a) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability.

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

(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (i) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (ii) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but shall not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability.

(d) Non-discrimination and equality of opportunity in legal education include equal opportunity to obtain employment. A law school shall communicate to every employer to which it furnishes assistance and facilities for interviewing and other placement functions the school’s firm expectation that the employer will observe the principles of non-discrimination and equal opportunity in regard to hiring, promotion, retention and conditions of employment.

Interpretation 210-1:
Schools may not require applicants, students, faculty or employees to disclose their sexual orientation,
although they may provide opportunities for them to do so voluntarily. (August 1994; August 1996)

Interpretation 210-2:
As long as a school complies with the requirements of Standard 210(c), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, it does not require a school to recognize or fund organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school. (August 1994; August 1996)

Interpretation 210-3:
Standard 210(d) applies to all employers, including government agencies, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully. (August 1994; August 1996)

Standard 211. EQUAL OPPORTUNITY AND DIVERSITY EFFORT.

(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race and ethnicity.

(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are diverse with respect to gender, race and ethnicity.

Interpretation 211-1:
A law school may use race and ethnicity in its admissions process to promote equal opportunity and diversity so long as it does so in a lawful manner. Through its admissions policies and practices and in a manner consistent with the U.S. Supreme Court’s decision in Grutter v. Bollinger, 539 U.S. 306 (2003), a law school should strive to admit a diverse student body that promotes cross-cultural understanding, helps break down racial and ethnic stereotypes, and enables students to better understand persons of different races, ethnic groups and backgrounds.

Interpretation 211-2:
This Standard does not specify the forms of concrete actions a law school must take to satisfy its equal opportunity and diversity obligations. The satisfaction of such obligations is based on the totality of the law school’s actions. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and a program that assists in meeting the academic and financial needs of many of these students and that creates a more favorable law school environment for students from underrepresented groups.

Standard 212. REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS WITH DISABILITIES.
Assuring equality of opportunity for qualified individuals with disabilities, as required by Standard 210, may require law schools to provide such students, faculty and staff with reasonable accommodations.

Interpretation 212-1:
For the purpose of this Standard and Standard 210, disability is defined as in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, as further defined by the regulations on post secondary education, 45 C.F.R. Section 84.3(k)(3) and by the Americans with Disabilities Act, 42 U.S.C. Sections 12101 et seq. (February 1993; August 1996)

Interpretation 212-2:
As to those matters covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, neither this Standard nor Standard 210 imposes obligations upon law schools beyond those provided in those statutes. (February 1993; August 1996)

Interpretation 212-3:
Applicants and students shall be individually evaluated to determine whether they meet the academic standards requisite to admission and participation in the law school program. The use of the term “qualified” in the Standard requires a careful and thorough consideration of each applicant and each student’s qualifications in light of reasonable accommodations. Reasonable accommodations are those that do not fundamentally alter the nature of the program, that can be provided without undue financial or administrative burden, and that can be provided without lowering academic and other essential performance standards. (February 1993; August 1996)
Proposed Revisions of the Rules for Comment

In the spring of 2004, the Council of the Section of Legal Education and Admissions to the Bar created the Rules Revision Committee and charged it to undertake a comprehensive review of the Rules of Procedure for the Approval of Law Schools.

The Committee was asked to present its recommendations for revision of the Rules to the Council no later than the summer of 2005. The members of the Committee include: Provost E. Thomas Sullivan, Chair; José Garcia-Pedrosa, Section Delegate to the ABA House of Delegates; Dean Jeffrey E. Lewis; Chief Justice Ruth V. McGregor; Dean Rex R. Perschbacher, a member of the Accreditation Committee; Pauline A. Schneider, immediate-past chair of the Council; and Dean Kent D. Syverud.

The Committee presented its recommended revision of the Rules to the Council at the Council’s June 17–18, 2005 meeting. At that meeting, the Council approved distributing the following proposed revisions of the Rules for notice and comment.

We solicit comments on these proposed revisions, by letter or e-mail. (A hearing was held on the revisions on Saturday, August 6, during the ABA Annual Meeting in Chicago.) The Council expects to take final action on the Rules revisions at the Council’s meeting December 2 & 3 in San Diego, CA. Thus please submit any written comments by October 31, 2005. Comments should be addressed to:

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Following (in marked-up form) is a comprehensive draft of the proposed revisions of the Rules, House of Delegates Rule 45.9, and Standard 103. Following is a commentary explaining the proposed revisions and their rationale. Among the most significant of the proposed revisions are:

- **Proposed New Rule 6**: This proposed new rule sets forth in one place the rights of school representatives to appear before the Council and the Accreditation Committee, and the right of the Chair of the Council or the Committee to request the presence of the Chair or a member of a site evaluation team.

- **Proposed New Rule 10 and Revised House of Delegates Rule 45.9**: This new rule consolidates in one place all provisions concerning the role of the ABA House of Delegates with respect to decisions by the Council to grant or deny provisional or full approval or to withdraw approval from a school. Current Rule 10 (Review by the House of a Council Decision to Grant or Deny an Application for Provisional or Full Approval) and current Rule 16 (Review by the House of a Council Decision to Withdraw Approval) are deleted. Appropriate and conforming revisions to House of Delegates Rule 45.9 (Law School Accreditation) are also recommended and, after final action by the Council, will be submitted to the House for adoption. Some of the more important recommended changes are: 1) A Council decision to grant approval to a school would be effective immediately, with no necessity for any House action. 2) House consideration of a Council decision to deny provisional or full approval, or to withdraw approval from a school, would be treated as a matter for the school to appeal to the House if it wishes, such that the Council decision would be effective unless the school files a timely appeal with the House. 3) Included in the revised House rule are procedures to govern House consideration of revisions of the Standards, Interpretations and Rules of Procedure that are identical to the procedures set forth in current Standard 803 (a)–(c).

- **Revised Rule 11**: The proposed revised rule states clearly in one place a consistent set of procedures that apply to all situations in which a school applies again for provisional or full approval, or...
for acquiescence in a major change, after having withdrawn the application or after the Council has denied the application or removed the school from the list of approved law schools.

• **Proposed New Rules 16 and 17, and Revised Standard 103**: Proposed new Rule 16 is intended to provide, for the first time, a comprehensive treatment of sanctions. Proposed new subsection (a) provides a non-exclusive list of the primary types of actions for which sanctions may be imposed. Proposed new subsection (b) makes it clear that sanctions other than probation or removal from the list of approved law schools may be imposed even if a school has subsequently ceased the actions that would justify sanctions or otherwise brought itself into compliance with the Standards. Proposed Rule 16(c) sets forth a non-exclusive list of possible sanctions that is more complete than that contained in current Interpretation 103-2, and “probation” is defined for the first time in the Rules, in proposed Rule 1(i). Proposed Rule 16 (f) provides that the Accreditation Committee itself may impose sanctions (other than probation or removal from the list of approved schools), subject to a school’s right to appeal to the Council. Proposed Rule 17 governs Council consideration of sanctions matters. Standard 103 also is revised in order to continue to provide clear authority in the Standards for the imposition of sanctions but otherwise to defer to the provisions of the Rules concerning sanctions.

• **Proposed Rules 20 and 21**: Major revisions are proposed to the Rules (currently Rules 18 and 19) that govern consideration of applications for acquiescence in major changes. To begin with, the order of the two rules is reversed, so that the rule governing changes in organizational structure is stated first. The reason for this reversal of order is that the primary function of the rule on major change in organizational structure is to govern the determination of whether the change in structure is such as to “create a new law school,” requiring the new entity also to apply for provisional or full approval. Whatever determination is made on that question, the school’s application for prior acquiescence in the major change of organizational structure will ultimately be considered under the provisions of Rule 21. Revised Rule 21 then is shortened significantly (in comparison with its predecessor Rule 18) by deleting specific provisions that governed site evaluations for and Accreditation Committee and Council consideration of applications for acquiescence in major changes. Instead, the proposed rule provides that the generally applicable rule provisions concerning those matters also apply to applications for acquiescence in major changes. Finally, the statement of the criteria for granting acquiescence in a major change, currently in Rule 18(p), is deleted because revised decisional criteria are now stated in the revision of Standard 105 that the Council adopted at its June 2005 meeting.

• **Revised Rule 26**: Significant revisions are proposed to this Rule in order to provide adequate public notice, at appropriate times, of significant decisions that are made concerning the status of a particular law school. Revised subsection (a) provides that the Council or the Consultant is required to state publicly whether a school has applied for provisional or full approval or for acquiescence in a major change, and to state the procedures for considering such applications. Revised subsection (b) governs the release of information concerning an Accreditation Committee recommendation concerning an application for provisional or full approval, acquiescence in a major change, the imposition of sanctions, the placing of a school on probation, or the withdrawal of a school’s approval. Proposed new subsection (c) requires that the Council or the Consultant provide public notification of a decision of the Council concerning a school’s application for provisional or full approval, application for acquiescence in a major change, the imposition of sanctions, the placing of a school on probation, or the removal of a school from the list of approved law schools, together with an explanation of any further procedural steps for consideration of the matter. Proposed new subsection (d) provides similar requirements for giving public notice of actions of the House of Delegates in concurring or not concurring with decisions of the Council concerning a specific school.
Commentary on the Proposed Revisions of the Rules of Procedure

Rule 1
The definition of “action letter” is deleted as unnecessary. Throughout the proposed Rules, reference is made to “decisions” or “recommendations” of the Accreditation Committee and to “decisions” of the Council.
Definitions of “Department of Education” and “Probation” are added. The definition of “Sanctions” is deleted because sanctions are fully defined in proposed Rule 16. Other stylistic and editorial revisions of the definitions are proposed.
The definition of “University” in Standard 106 also should be revised to be consistent with that of Rule 1(m).

Rule 2
The Rule is shortened considerably to focus on those aspects of the site evaluation process that should be regulated by rule, to enhance the clarity of the rule, and to eliminate duplication.
Former Rule 2(g) is deleted because the consistent practice of the Accreditation Committee has been to consider any additional information that is presented by a school anytime prior to the Committee’s consideration of the matter, including considering new information presented by school representatives during an appearance by the school before the Committee.
The result of the proposed deletion of former Rule 2(h) is that Rule 2 will govern the conduct of all site evaluations, including site evaluations undertaken pursuant to applications for acquiescence in major changes (current Rules 18 and 19).

Rule 3
The proposed revision to Rule 3(a) makes it clear that the rule governs Accreditation Committee consideration of all site reports, not just applications for provisional or full approval.
Proposed new Rule 3(b) sets forth all of the typical substantive components of an Accreditation Committee decision. Former Rules 3(b) and (c), governing appearances, are deleted and replaced with proposed new Rule 6, which provides a comprehensive statement of rights to appear before the Committee and the Council.
Former Rule 3(d), new Rule 3(c), is revised to reflect the deletion of the term “action letter.”

Rule 4
The segment title, “Applying for Provisional Approval,” is deleted. Now the portion of the Rules from Rule 2 through Rule 11 are grouped together as “General Provisions” that apply to all site evaluations and all proceedings before the Council and the Committee.
Rule 4(b)(1) is revised to acknowledge that a school applying for provisional or full approval may, when doing so, seek a variance from a specific requirement of the Standards. Rule 4(c) is revised to state clearly the consistent past practice that a school may not apply for provisional approval until it has completed the first full academic year of its program. This ensures that the school will have matriculated two classes and will have both first-year and upper class courses in session by the time of the site evaluation.
Other stylistic and editorial revisions are proposed.

Proposed New Rule 5
This proposed rule sets forth in one place the jurisdiction of the Accreditation Committee. Proposed Rule 5(a) restates the current understanding of those specific matters with respect to which the Committee only makes recommendations to the Council, and proposed Rule 5(a) states clearly that the Committee has jurisdiction to make decisions concerning all other matters.
Proposed Rule 5(c) makes it clear that the Committee has the power to impose or make recommendations concerning sanctions as set forth in Rule 16.

Proposed New Rule 6
This rule sets forth in one place the rights of school representatives to appear before the Council and the Committee and the right of the chair of the Council or the Committee to request the presence of the chair or a member of a site evaluation team.
The proposed rule makes no substantive change concerning rights of appearance in connection with applications for provisional and full approval, or concerning sanctions proceedings. With respect to applications for acquiescence in major changes, current Rule 6(a) gives a school a right of appearance before the Council but the Rules are silent concerning a right of appearance before the Committee on
major change matters. The revised rule provides a right of appearance before both bodies (except for applications for acquiescence in a small group of relatively insignificant major changes) and is consistent with the recent practice of inviting school representatives to appear before the Committee in connection with applications for acquiescence in a major change.

Current Rule 6(a) provides that a school has a right of appearance before the Council in connection with an application for a variance but is silent concerning any appearance before the Committee on a variance application. Because applications for variances are frequently narrowly focused, the proposed rule does not provide a right of appearance before either the Committee or the Council concerning a variance application.

**Rule 7 (current Rule 5)**

Current Rule 5 sets forth a complex procedure for a school to request reconsideration of an Accreditation Committee “action letter,” which request is to be granted by the Committee chair “upon good cause shown.” Because of inartful drafting of current Rule 5 and current Rule 6, there has been debate as to whether a school has a right under Rule 5 to ask for reconsideration of a recommendation (as opposed to a decision) by the Accreditation Committee. The clear intent, however, has been that a Committee recommendation is to be considered by the Council under the provisions of current Rule 6 and is not subject to a request for reconsideration under current Rule 5.

There is no current rule providing for a right to request reconsideration by the Council, and the Council has consistently taken the position that a school does not have a right to request reconsideration by the Council. On the other hand, the provisions of Robert’s Rules of Order, Revised permit a member of the Council, under certain circumstances, to move for reconsideration of a matter, and such a motion has occasionally been made, and occasionally adopted, in recent years.

The Rules Revision Committee believes that the current practice of the Council is the preferable result and that there should be no right for a school to request reconsideration either by the Council or the Accreditation Committee. Proposed Rule 7 so provides. This rule leaves open the possibility that a member of either body could move for reconsideration of a matter under the provisions of Robert’s Rules of Order, Revised. The rule also leaves open the possibility that a school that has been requested to report back to the Accreditation Committee by a date certain as to steps the school has taken to bring itself into compliance with the Standards might provide an early report that the Committee would consider at an earlier meeting than that for which the report back was originally calendared.

**Rule 8 (current Rule 6)**

This rule governs Council consideration of recommendations of the Accreditation Committee. Current Rule 6(a), stating a school’s rights of appearance before the Council on matters on which the Committee makes recommendations, is deleted and replaced by proposed new Rule 6(b).

The revisions to current Rules 6(b) and (c), proposed Rules 8(a) and (b), are for clarity and editorial consistency.

Proposed Rule 8(d) combines, clarifies and restates the existing provisions of Rules 6(e) and (f) concerning the introduction and consideration of new evidence in a Council proceeding when considering a recommendation of the Accreditation Committee. Existing Rule 6(g), which states examples of methods of verifying such new evidence, is deleted as unnecessary.

New Rule 8(e) is similar to provisions in other rules and states that the Consultant shall inform the school in writing of the decision of the Council.

**Rule 9 (current Rule 7)**

This rule governs Council consideration of appeals from Accreditation Committee decisions. Rule 9(a) is revised to reflect the deletion of the term “action letter” and the proposal in new Rule 7 to eliminate a school’s right to request reconsideration by the Accreditation Committee of a Committee decision. Under the proposed Rules, a school that seeks to clear an Accreditation Committee conclusion that the school is not in compliance with a particular Standard has three choices: it may report back to the Committee at the time requested by the Committee and seek to demonstrate that it is in compliance, it may file an early report back to the Committee seeking to demonstrate that the school is in compliance, or it may appeal to the Council under the provisions of this rule.

Revised Rule 9(c) continues the proposition that the Committee’s findings of fact shall be adopted unless the Council determines that the findings of fact are not supported by substantial evidence in the record. Revised Rule 9(d) states explicitly the proposition, which comports with Council practice, that the Council in an appeal shall give “substantial deference” to the Committee’s conclusions and decisions. This substantial deference Standard contrasts with the Standard under proposed new Rule 8 when the Council considers a recommendation from the Accreditation Committee; in that situation there is
no requirement that the Council give substantial deference to the Committee’s conclusions and decisions. Revised Rule 9(d) restates the existing provision that in an appeal the Council may affirm or modify the Committee’s conclusions and decisions or refer the matter back to the Committee for further consideration.

Rule 9(e) is revised to reflect the deletion of the term “action letter”. Rule 9(f) continues the existing proposition that there is no right of appearance before the Council in connection with an appeal. New Rule 9(g), similar to Rule 8(e), states that the Consultant shall inform the school in writing of the Council’s action on the appeal.

**Proposed New Rule 10**

This new rule consolidates in one place all provisions concerning the role of the ABA House of Delegates with respect to decisions by the Council to grant or deny provisional or full approval or to withdraw approval from a school. Current Rule 10 (Review by the House of a Council Decision to Grant or Deny an Application for Provisional or Full Approval) and Rule 16 (Review by the House of a Council Decision to Withdraw Approval) are deleted. Appropriate and conforming revisions to House of Delegates Rule 45.9 (Law School Accreditation) are also recommended and should be submitted to the House for adoption.

Under current Council and House rules, a decision of the Council to grant or deny provisional or full approval must be submitted to the House for concurrence and does not become effective until the House concurs. Since the new concurrence procedure was adopted in the late 1990s, the House has never failed to concur in a Council decision to grant provisional or full approval and such Council decisions have often been placed upon the House’s consent calendar. The current requirement of House concurrence in decisions to grant provisional or full approval has little utility and merely delays unnecessarily the time at which a school’s provisional or full approval becomes effective. Thus the proposed revisions to Rule 10(a) and House Rule 45.9(a) provide that a Council decision to grant provisional or full approval to a school becomes effective upon the decision of the Council and that the Council need only file a written statement of the Council’s action (an “information report” under current House rules) with the House.

Even under the current rules, House consideration of a Council decision to deny provisional or full approval, or to withdraw approval from a law school, is effectively treated as an appeal to the House of the Council decision. See current House Rule 45.9(c). In order to clarify the procedures, proposed Rules 10(a) and (b), and proposed House Rules 45.9(a) and (b), state explicitly that a Council decision to deny provisional or full approval, or to withdraw approval from a school, is effective upon the decision of the Council unless the school files a timely appeal with the House, and that no action of the House is required unless such a timely appeal is filed.

Proposed Rule 10(b) then defers primarily to House Rules for the procedures under which such an appeal to the House will be considered. Those procedures are found primarily in proposed House Rule 45.9(b). Editorial and stylistic revisions are proposed to Rule 45.9(b), and proposed House Rule 45.9(b)(6) states explicitly that if a school files an appeal with the House and then withdraws the appeal before the meeting of the House for which the matter has been calendared, no action of the House is required and the decision of the Council becomes final. This new provision will obviate having an unnecessary and public House concurrence with a negative decision of the Council concerning a school when the school is no longer contesting that decision.

Proposed Rule 10(c) and House Rule 45.9(b)(7) restate current limitations that the House may refer back a Council decision to deny provisional or full approval no more than two times and that a Council decision on the second referral back is final. These two rules also restate the limitation that a Council decision to withdraw approval from a school may be referred back to the Council only one time and that the Council’s decision after such a referral shall be final.

Proposed House Rule 45.9(c) cures an omission in the current House Rules in that they contain no provision governing House consideration of Council revisions of the Standards, Interpretations and Rules of Procedure. Proposed House Rule 45.9(c) transports into House Rules without substantive change the procedures that were agreed upon in the late 1990s and that are set forth in Standard 803 (a) – (c).

The proposed revisions of these rules are consistent with the “separate and independent” requirements that the Department of Education has established for accrediting agencies and should assist the Council in demonstrating full compliance with those requirements.

**New Rule 11 (current Rule 8)**

The proposed revised rule states clearly in one place a consistent set of procedures that apply to all situations in which a school applies again for provisional or full approval, or for acquiescence in a major change, after having withdrawn the application or after the Council has denied the application or removed the school from the list of approved law
schools. The current rules do not fully cover all of the situations covered by the proposed rule.

The uniform Standard stated in the proposed rule is that, after withdrawing an application or having the application denied by the Committee (in those few instances in which the Committee is empowered to take final action on a major change) or the Council, or after having been removed from the list of approved schools, the school may not renew a similar application until ten months after the date of withdrawal of the application or notification of the decision of the Committee or the Council, or after notification of a decision of the House concurring in a decision of the Council.

In the case of a new application for provisional or full approval, proposed Rules 11 (a) and (b) also make it clear that the new application also can only be filed in the period between the start of classes in the fall and October 15, as prescribed by Rule 4(a). This limitation implements the policy of Rule 4(a) by ensuring that the site evaluation visit concerning an application for provisional or full approval will occur during the same academic year in which the application is filed.

All of the subsections of proposed Rule11 continue without substantive change the current provision that the ten-month waiting period may be waived for good cause shown. Current Rule 8, however, vests the power to waive the ten-month waiting period only in the chair of the Accreditation Committee. The proposed new rule vests the power to waive the waiting period in the chairperson of whichever body was the last to act on the prior application.

New Rule 12 (current Rule 9)
Proposed Rules 12 – 19 constitute Section C of the revised Rules – Evaluation of Provisionally or Fully Approved Schools.

No change, other than renumbering, is proposed for Rule 12. Subsection (b) was revised in 2001 to provide for flexibility in the nature of annual site evaluations of provisionally approved schools and is working well.

New Rule 13 (current Rule 11)
This rule defines the three principal actions that the Accreditation Committee may take upon concluding that a school does not comply with the Standards. Under subsection (a), the Committee may ask that the school report back by a date certain with additional information that demonstrates compliance with the Standards. This is typically the first action that the Committee takes upon concluding that a school is not in compliance with one or more of the Standards.

If, after reviewing information provided by the school pursuant to subsection (a), the Committee concludes that the school has not demonstrated compliance, subsection (b) gives the Committee the power to request the dean and president to appear before the Committee at a hearing that could result in the school’s being required to take remedial action, being placed on probation, or being removed from the list of approved schools. Proposed subsection (b) is revised to make it clear that sanctions could be imposed as the result of a hearing under this subsection.

Subsection (c) provides the Committee with a similar power to request that a school appear at a similar hearing, with the possibility of the imposition of similar requirements or sanctions, if the Committee determines that a school has failed to furnish information or failed to cooperate in a site evaluation.

In subsection (d) the requirement that notice of such hearings be sent by certified or registered mail is deleted as anachronistic.

New Rule 14 (current Rule 12)
Subsection (a) is revised to reflect the reality that it is usually the Consultant who appoints a fact-finder. Subsection (b) is revised to reflect the deletion of the term “action letter”. The remainder of the provisions are revised for editorial or stylistic reasons and to be consistent with the revisions made to Rule 2, the general rule concerning site evaluations (of which a fact-finding is a special case).

New Rule 15 (current Rule 13)
As is made clear in proposed new subsection (a), this rule is intended to guide the proceedings before the Accreditation Committee that are held pursuant to new Rules 13(b) and (c), the proceedings that could lead to a requirement to take remedial action, the imposition of sanctions (including probation), or the removal of the school from the list of approved schools. Editorial and stylistic revisions are proposed to revised subsections (b) through (d). Current subsections (d) and (e) are deleted because the substance of those subsections is covered in proposed Rules 16 and 17. The inconsistency between current Rule 13 (d) – which seems to authorize the Committee to impose sanctions – and Rule13 (d)(2) – which seems to indicate that the Committee may only recommend sanctions to the Council – is resolved in proposed Rule 16(f).

Proposed New Rule 16
This proposed new rule is intended to provide, for the first time, a comprehensive treatment of sanctions.

Proposed new subsection (a) provides a non-
exclusive list of the primary types of actions for which sanctions may be imposed. In subsection (a)(1), the provision for the possible imposition of sanctions for “substantial or persistent” noncompliance with the Standards is consistent with the provisions of current Rule 13(d)(2) and (3). Subsections (a)(2) and (3) make it clear that sanctions may be imposed as a result of a determination under proposed Rule 13(b) that a school has failed to present a reliable plan for coming into compliance, or as a result of a determination under Rule 13(c) that a school has failed to provide information or to cooperate in a site evaluation. Subsections (a)(4) and (5) include actions for which sanctions have been imposed in recent years.

Proposed new subsection (b) makes it clear that sanctions other than probation or removal from the list of approved law schools may be imposed even if a school has subsequently ceased the actions that would justify sanctions or otherwise brought itself into compliance with the Standards.

The only definition of possible sanctions in the current Standards or Rules is found in Interpretation 103-2:

“Sanctions” include, but are not limited to, censure, probation, or removal of the school from the list of law schools approved by the Association.

In order to provide appropriate notice to law schools and to guide future consideration of the imposition of sanctions, the Rules Revision Committee proposes the more complete, but still non-exclusive, listing of possible sanctions that is set forth in proposed Rule 16(c).

The Committee believes that, in order to assist in ensuring compliance with the Standards, it is important to have the possibility of assessing substantial monetary sanctions as set forth in subsections (c)(1) and (2). Censure and the required publication of a corrective statement have been previously imposed as sanctions, and subsection (c)(2) makes it clear that censure may be either public or private. A prohibition against instituting new programs has also been imposed as a sanction, and probation and removal from the list of approved law schools are listed as possible sanctions in current Interpretation 103-2.

The Committee proposes that “Probation” be defined as provided in proposed Rule 1(i):

“Probation” is a public status indicating that the law school is in substantial non-compliance with the Standards and is at risk of being removed from the list of approved law schools.

This definition is similar to the definition of probation employed by some other recognized accrediting agencies. Under this definition, probation could be imposed only for current and substantial non-compliance with the Standards, while other sanctions short of probation could, under proposed Rule 16(b), be imposed for past non-compliance. This limitation on the circumstances in which probation may be imposed is consistent with current Rule 14(d), which has been interpreted to provide that a school must be taken off probation if the school demonstrates full compliance with the Standards.

The definition of probation should be included both in Standard 106 and in Rule 1.

Subsection (d) makes it clear that, as a result of a sanctions proceeding, a school may be directed to bring itself into compliance with the Standards, but that such a direction is not itself a “sanction.” This distinction is important in light of the fact that the Accreditation Committee under the proposed Rule has less broad powers to impose sanctions than does the Council.

Proposed subsection (e) provides that the Committee may recommend and the Council shall establish a maximum period for probation and the conditions for the lifting of probation. This provision is consistent with but more explicit than the provisions of current Rule 15.

The Rules Revision Committee believes that, in order to enable the Accreditation Committee effectively to ensure that schools comply with the Standards, the Accreditation Committee should have the independent power to impose any sanction other than probation or removal from the list of approved schools, subject to a school’s right to appeal the Committee’s decision to the Council. Proposed subsection (f) so provides.

Standard 103(b) contains a provision that could be read to limit the imposition of sanctions to situations in which a law school is not currently in compliance with the Standards and fails to take remedial action. Interpretation 103-2 contains a non-exclusive definition of possible sanctions that is more limited than the definition in proposed Rule 16(a). The Rules Revision Committee recommends that Interpretation 103-2 be deleted and that Standard 103(b) be revised as follows:

(b) If a determination is made that an approved law school is no longer in compliance with the Standards, and if it fails to take remedial action, the law school may be subjected to an appropriate sanction. Sanctions, including probation and removal from the list of approved law schools, may be imposed upon a law school as provided in Rules 16 and 17 of the Rules.

Proposed Rule 17 (current Rule 14)

Subsection (a) provides that Council consideration of an Accreditation Committee recommendation to
impose sanctions, or a school’s appeal from the Committee’s decision to impose sanctions, shall be conducted under the provisions of Rule 8, the general provision governing Council consideration of a Committee recommendation. Thus the Council would be required to adopt Committee findings of fact unless it determined that the findings were not supported by substantial evidence in the record, but the Council would not be required to give “substantial deference” to Committee conclusions and decisions (as it would under Rule 9, which generally governs appeals from Committee decisions). The Rules Revision Committee believes that, in light of the possible impact of the imposition of sanctions upon a law school, it is inappropriate in sanctions proceedings to require that the Council give substantial deference to Committee conclusions or decisions.

Subsection (a) makes it clear, as is true of other types of proceedings, that the Council may affirm, modify or reject sanctions imposed or recommended by the Committee and may refer the matter back to the Committee. Subsection (b) makes it clear that the Council may impose any sanction regardless of whether the Committee has imposed or recommended any sanction. This provision clarifies an issue that has been in some dispute under current Rule 14.

The remaining subsections of current Rule 14 are deleted as unnecessary or overtaken by proposed revisions of Rules 8 and 16.

Proposed Rule 18 (current Rule 14)
Subsections (b) and (c) move into Rule 18 the essence of the provisions currently in Rule 14 concerning the monitoring of a school’s compliance with sanctions or the conditions of probation and revise those provisions as necessary to be consistent with proposed Rules 16 and 17.

Proposed Rule 19 (current Rule 17)
The proposed revision provides that a school’s status (as, for example, a provisionally or fully approved law school) is not affected during the review of, or appeal from, a recommendation of the Committee or decision of the Council. This rule would also result in there being no change in a school’s status pending its appeal to the House of a Council decision to remove the school from the list of approved law schools. The last sentence of the current rule is deleted as unnecessary detail.

Proposed Rule 20 (current Rule 19)
Rules 20 and 21 comprise Section D of the Rules – Major Changes in Program or Structure. The order of the Rules is reversed, with the rule regarding change in organizational structure (Rule 20) appearing before the rule governing changes in program (Rule 21). The reason for this reversal of order is that the primary function of the rule on major change in organizational structure is to govern the determination of whether the change in structure is such as to “create a new law school”, requiring the new entity also to apply again for provisional or full approval. Whatever determination is made on that question, the school’s application for prior acquiescence in the major change of organizational structure will ultimately be considered under the provisions of Rule 21. See proposed Rule 20(d).

Little in the way of substantive change is proposed with respect to Rule 20, governing changes in organizational structure, because the rule was substantially revised in 2002 in connection with the adoption of Interpretations 105-2 through 105-5 concerning branch and satellite campuses.

Current subsection (a) is deleted as superfluous and repetitious of the clear requirement of obtaining prior acquiescence in proposed major changes that is stated in Standard 105. Current subsection (b), now subsection (a), is revised to make it entirely clear that the listing of types of major changes in organizational structure in the subsection is a non-exclusive listing and to add as a major change a change in location of a law school that could result in substantial changes in the school. In February, the Council, upon the recommendation of the Standards Review Committee, circulated for comment a similar proposal for revision to Interpretation 105-1.

Proposed Rule 20(b)(1) is revised to make it clear that any of the types of organizational changes listed in Rule 20(a) may amount to the closure of an approved law school and the opening of a new law school. The remainder of proposed Rule 20 restates without substantive change the procedures for making the determination as to whether a new law school has been created and the consequences of the decision on that issue. If the major change is the establishment of a Branch campus or otherwise results in the creation of a different law school, the school must both seek prior acquiescence of the Council in the resulting major change in organizational structure and also apply for approval under the provisions of Rule 4. Whether or not the major change in organizational structure results in the creation of a different law school, the school’s request for acquiescence in a major change in organizational structure is to be considered under the procedures established by proposed Rule 21. The revised Rule 20(b)(3) and revised Rule 20(d) are intended to make the above propositions clear.

Current Rule 19 (d) is deleted as superfluous and confusing. Standard 105 already makes it clear that
a school must seek acquiescence before implementing a major change. The second sentence of current subsection (d) is intended to modify the provisions of current Rule 18(t), which requires a site visit within two years after acquiescence in a major change in order to determine whether the benefits anticipated from the major change have been realized, by requiring that in the case of the opening of a branch or an additional location the post-acquiescence site visit must occur within six months of the start of classes at the branch or additional location. That modification of current Rule 18(t) is unnecessary because under Rule 18(t) the Consultant would have the authority to order such an earlier site visit if necessary or appropriate. Moreover, some have read the second sentence of current Rule 19 (d) as suggesting, contrary to the clear meaning of Standard 105, that a branch campus or additional location may be opened without having obtained the prior acquiescence of the Council.

Proposed Rule 21 (current Rule 18)

This rule governs the consideration of applications for acquiescence in major changes in the program of legal education and applications for acquiescence in major changes in organizational structure after the determination has been made under proposed Rule 20 as to whether the major change in organizational structure constitutes the creation of a new law school. See revised Rule 20(d) and revised Rule 21(b).

As with Rule 20, current subsection (a) is deleted as superfluous and repetitious of Standard 105.

Former subsection (c) is deleted because the need to schedule and conduct a site evaluation prior to Accreditation Committee consideration of an application for acquiescence in a major change makes it impossible to have the matter considered by the Accreditation Committee, as the current subsection seems to imply, at the first meeting of the Committee that occurs more than 120 days after receipt of the application for acquiescence. Proposed subsections (c) and (d) have undergone stylistic editorial revisions and unnecessary matter has been deleted.

Current Rule 2 provides that the site evaluations undertaken in conjunction with applications for acquiescence in major changes are not governed by the basic provisions of Rule 2, and thus current Rule 18 contains extensive provisions governing site evaluations undertaken in connection with major change applications. Those site evaluation provisions make existing Rule 18 long and convoluted, and they are unnecessarily duplicative of the basic provisions of Rule 2. Thus revised Rule 2 deletes the current statement that major change site evaluations are not governed by Rule 2, and proposed Rule 21(f) states explicitly that major change site evaluations are governed by Rule 2 and Rule 14 (which applies to fact-finders). The result is that many provisions of current Rule 18 – specifically subsections (g) and (i) through (k) — become unnecessary and can be deleted.

Similarly, current Rule 18 contains numerous provisions governing the procedures for consideration of applications for acquiescence in major changes before the Accreditation Committee and the Council. The general rules for proceedings before the Committee and the Council are fully adequate to govern proceedings concerning applications for acquiescence in major changes. Thus proposed subsection (g) provides that Accreditation Committee consideration of such matters will be governed by Rule 3 (the general provision controlling Accreditation Committee proceedings), Rule 5 (which states the jurisdiction of the Accreditation Committee), and Rule 6 (which governs schools’ rights to appear before the Committee and the Council).

Proposed subsection (g) similarly provides that Council consideration of major change matters will be governed by Rule 6 (appearances) and Rule 8 (Council consideration of recommendations of the Accreditation Committee). The result is that current subsections (l) through (o) and (r) are deleted as unnecessary.

Current subsection (p) purports to state the Standard for granting acquiescence in a proposed major change. Both the Rules Revision Committee and the Standards Review Committee believe that the Standard for granting acquiescence should be set forth in Standard 105 rather than contained in the middle of current Rule 18. Thus the Standards Review Committee has proposed, and the Council has circulated for comment, the following proposed revision of Standard 105:

Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change. Acquiescence shall be granted only if the law school establishes that the change will not detract from the law school’s ability to maintain a J.D. degree program that meets the requirements of the Standards. If the proposed major change is the establishment of a degree program other than the J.D. degree, the law school must also establish that it meets the requirements of Standard 308. If the proposed major change involves instituting a new full-time or part-time division, merging or affiliating with one or more approved or unapproved law schools, acquiring another law school or educational institution, or opening a Branch or Satellite campus, the law school must also establish that the law...
school is in compliance with the Standards or that the proposed major change will substantially enhance the law school’s ability to comply with the Standards.

Thus current subsection (p) is deleted as overtaken by the revised Standard.

Current subsection (q) states a limitation on a school’s right to reapply for acquiescence in a major change after the withdrawal or denial of a previous application. The provision is deleted as unnecessary in light of the comprehensive provisions concerning reapplications that are contained in proposed Rule 11.

Conforming editorial revisions have been made to proposed subsections (h) and (i), current subsections (s) and (t). Current subsection (u), stating that the Accreditation Committee has been delegated the power to make decisions, rather than just recommendations, concerning specific types of major changes, is deleted as unnecessarily repetitious of Interpretation 105-6.

Proposed Rule 22 (current Rule 20)

This proposed rule now constitutes the only Rule in Section E, which now is titled “Closure”.

Subsection (a) is revised to make it clear that both the Accreditation Committee and the Council must approve a school’s closure plan, to require that a school make a public announcement of a decision to close the school, and to require that the school inform the Consultant of any such decision. Proposed new subsection (b) requires that a school promptly submit a closure plan that must be reviewed and approved by the Committee and the Council.

Revised subsection (c) states the conditions that a closure plan must meet in order to be approved. Some portions of the current subsection are deleted as not relevant to or appropriate for inclusion in the requirements for a closure plan, such as the last sentence of current subsection (4) and current subsection (6), but most of the requirements have been retained without substantive change.

Revised subsection (d) restates without material change requirements that a school that is closing must make appropriate arrangements to ensure that currently enrolled students have adequate opportunities to complete their degrees. Revised subsection (e) continues the requirement that a school that is closing make satisfactory arrangements for the continuing of legal representation undertaken in connection with any skills training programs operated by the school, and revised subsection (f) continues to require adequate arrangements for the retention and availability of records.

Current Rule 21, on reinstatement of an approved law school, is deleted as overtaken by the provisions of proposed Rule 11 concerning reapplications for approval.

Proposed Rule 23 (current Rules 22 and 23)

The section of the Rules on Foreign Programs is consolidated into one revised Rule 23. In subsection (a) the term “approval” is substituted for “acquiescence” because under Standard 307 foreign programs are “approved”. The subsection is also revised to include correct references to the current Criteria for Foreign Study.

Current Rule 22(b), which appears to state that the sabbatical review of a law school includes a review of its credit granting foreign programs, is deleted as unrealistic and inconsistent with long-standing practice. Foreign programs are reviewed under separate procedures and separate site evaluations as set forth in the various Criteria for Foreign Study.

Proposed Rule 23(b) – current Rule 23(a) – is revised to provide clearly that a school may appeal an Accreditation Committee decision to deny approval of a foreign program under the provisions of Rule 9, which governs all appeals of Accreditation Committee decisions to the Council. Since the procedures for such appeals are fully set forth in Rule 9, the remainder of current Rule 23 is deleted as unnecessary.

Rule 24

This rule, governing the procedures for considering complaints concerning a law school’s compliance with the Standards, was completely revised in 2002-03. Experience indicates that the revisions are working well, and no further revisions to this rule are proposed.

Rule 25


Rule 25 (a) is revised to provide accurate references to the two exceptions to the general rule of confidentiality of school matters, proposed Rule 10, under which the filing by a school of an appeal to the House constitutes a waiver of the confidentiality provisions of the Rules, and Rule 26, which sets forth the other circumstances in which public disclosure of information concerning the status of a specific law school is required or authorized.

In subsection (b), the first sentence is deleted as unnecessary and the last sentence is deleted because the topic is fully covered in Rule 26. Stylistic and editorial revisions have been made to the remainder of Rule 25.

In subsection (e), a sentence has been added to make clear that if a site evaluation report contains a criticism of an identifiable member of the law
school faculty or staff, that individual has a right to file a statement with the Consultant concerning the matter and that the statement will become part of the official file on the school in question. The current provisions of the rule that impose a duty on the Consultant or the Consultant’s staff to review site reports to identify such criticisms of individuals are deleted because they impose an undue burden on the Consultant’s Office staff and because the duty of the school’s dean, as set forth earlier in the subsection, to notify a faculty or staff member of any criticism of the individual that is contained in the report provides sufficient protection for the individual.

Rule 26
The Committee proposes significant revisions of this rule in order to provide adequate public notice, at appropriate times, of significant decisions that are made concerning the status of a particular law school.

The current rule is difficult for the Consultant’s Office to apply because current subsection (a), read most narrowly, only authorizes the public release of the fact that a school has applied for provisional approval (but not that one has applied for full approval) and the procedures for considering the application. There is no provision for the public release of information concerning the recommendation of the Accreditation Committee or the decision of the Council on any of these matters.

The fact that a school has applied for provisional or full approval, or for acquiescence in a major change, is a major event for the school and could result in decisions that have a significant impact on the school and its current and prospective students. Therefore revised subsection (a) provides that the Council or the Consultant are required to state publicly whether a school has applied for provisional or full approval or for acquiescence in a major change, and to state the procedures for considering such applications. It is expected that the required notice would be given by publication on the Section’s website and by the Consultant’s Office staff in response to specific inquiries.

Revised subsection (b) governs the release of information concerning an Accreditation Committee recommendation concerning an application for provisional or full approval, acquiescence in a major change, the imposition of sanctions, the placing of a school on probation, or the withdrawal of a school’s approval. This subsection authorizes, but does not require, the Consultant, after the school has been notified of the result, to state “the essence” of the Committee’s decision or recommendation in response to inquiries, together with an explanation of the procedural steps for further consideration of the matter.

Since the subsection only authorizes release of such information in response to inquiries, no statement would be placed on the website. The current Consultant indicates that it would be particularly helpful to be able to confirm in response to inquiries (and with appropriate caveats) that the Accreditation Committee has made a recommendation favorable to the school in many of the types of matters listed in the subsection and to be able to confirm that a negative recommendation has been made when the school has publicly stated that it has received a negative recommendation from the Committee. The current Consultant indicates that these are the principal situations in which he would consider it appropriate to exercise the discretion given by the proposed rule to release information concerning an Accreditation Committee recommendation with respect to a school.

Proposed new subsection (c) requires that the Council or the Consultant provide public notification of a decision of the Council concerning a school’s application for provisional or full approval, application for acquiescence in a major change, the imposition of sanctions, the placing of a school on probation, or the removal of a school from the list of approved law schools, together with an explanation of any further procedural steps for consideration of the matter. The proposed new subsection contains an exception so as not to require public disclosure of a sanction that is explicitly not public. It is expected that in most circumstances the required disclosure would be by posting a notice on the Section’s website and in response to specific inquiry. In the case of a final decision to grant approval to a school, to place a school on probation, or to remove a school from the list of approved law schools, Internal Operating Practice 5 and Department of Education recognition criteria also require that the Department of Education, state licensing agencies, and appropriate accrediting agencies be notified of the decisions.

Proposed new subsection (d) provides similar requirements for giving public notice of actions of the House of Delegates in concurring or not concurring with decisions of the Council concerning a specific school.

The Committee has been informed by outside counsel for Department of Education matters that the Committee’s proposed revisions of Rule 26 are consistent with the public disclosure rules and practices of many other recognized accrediting agencies.

Rule 27
This rule governs the handling of information furnished by schools in connection with the accreditation process. Current subsection (b) is deleted as unnecessary in light of the broad requirement of
confidentiality set forth in Rule 25(a).

The revisions to subsection (b) reflect the requirements of Standard 509 concerning public disclosure through the Official Guide to ABA-Approved Law Schools and the Section’s website of certain school-specific information and the long-standing practice of publicly releasing some non-school-specific data that are obtained through the Annual Questionnaire, such as the public release of data on median tuition and median loan debt.

Rule 28
This rule is revised to require that the list of approved law schools be published in the Official Guide and on the Section’s website. The requirement of the current rule to publish annually a list of unapproved law schools is not required by any Department of Education regulation and is deleted as unnecessary and infeasible.

Rules 29 and 30
These rules govern the establishment of fees and the reimbursement of site evaluators. Editorial and stylistic revisions have been made, and advice to site evaluators and schools has been deleted on the ground that such advice should be, and is, contained in the guidelines provided concerning the conduct of site evaluations and should not be included in a rule.

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Rules of Procedure for Approval of Law Schools

A. INTRODUCTION

Rule 1. Definitions As Used in These Rules
(a) “Action letter” means a letter transmitted by the Consultant to the president and the dean of a law school reporting Committee or Council action.

(ab) “Association” means the American Bar Association.

(bc) “Committee” means the Accreditation Committee of the Section which acts on all matters relating to the accreditation of law schools.

(cd) “Consultant” means the Consultant on Legal Education to the American Bar Association.

(de) “Council” means Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.

(e) “Department of Education” means the United States Department of Education.

(f) “House” means the House of Delegates of the American Bar Association.

(g) “J.D. degree” means the first professional degree in law granted by a law school.

(h) “President” means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.

(i) “Probation” is a public status indicating that the law school is in substantial non-compliance with the Standards and is at risk of being removed from the list of approved law schools.


(ik) “Section” means the Section of Legal Education and Admissions to the Bar of the American Bar Association.

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

(lm) “Standards” means the Standards for Approval of Law Schools by the American Bar Association, as interpreted by the Council and the associated Interpretations.

(ln) “University” means a post-secondary educational institution, whether called university, college, or other similar name, that confers a baccalaureate degree and, in some cases, may grant other degrees, whether it is called university, college, or other name.
B. UNIFORM GENERAL PROVISIONS


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

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

(c) The Consultant shall schedule the site evaluation of the law school to take place during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires at least three days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information set forth in the questionnaire reviewed, and consultations held with the president and other officers of the institution, the dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community. In the case of a law school seeking provisional or full approval, such visit shall be scheduled within three months after receipt, by the Consultant, of the application for approval. The evaluation is conducted at a time scheduled to be considered, or (2) for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not received in a timely manner.

(d) Following a site evaluation, the team shall promptly prepare and submit to the Consultant a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the team should give as much pertinent information as feasible.

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

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

(g) The Accreditation Committee may not consider any additional information submitted by the school after the school’s response to the report has been received by the Consultant, unless (1) the information is received in writing by the Consultant at least fifteen (15) days before the Committee meeting at which the report is scheduled to be considered, or (2) for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not received in a timely manner.

Rule 3. Accreditation Committee Consideration - Uniform Provisions

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

(b) The Committee shall make findings of fact and state conclusions with respect to the law school’s compliance with the Standards. If the matter falls within the provisions of Rule 5(a), the Committee also shall make recommendations to
the Council. The Committee also may request (1) that the law school provide the Committee with specific information or (2) that the law school take specific actions, including reporting back to the Committee concerning actions that the law school has taken to bring itself into compliance with the Standards.

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

(c) In the case of a school seeking provisional or full approval, representatives of the law school may appear and make a presentation at the meeting of the Committee at which the school's application is considered.

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

C. APPLYING FOR PROVISIONAL OR FULL APPROVAL

Rule 4. Application for Provisional or Full Approval.

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

(b) The application must contain:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the law school complies with each of the requirements of the Standards for provisional or full approval or that the law school seeks a variance from specific requirements of the Standards. If a law school seeking approval is not part of a university, the letter required from that institution by this subsection must be from the chairperson of the governing board and from the dean;

(2) A completed site evaluation questionnaire;

(3) A completed annual questionnaire;

(4) In the case of a law school seeking provisional approval, a copy of a feasibility study which evaluates the nature of the educational program and goals of the school, the characteristics and interests of the profile of the students who are likely to apply, and the resources necessary to create and sustain the school, including relation to the resources of a parent institution, if any;

(5) A copy of the self-study;

(6) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;

(7) Appropriate documents detailing the law school and parent institution’s ownership interest in any land or physical facilities used by the law school;

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

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

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

(d) A law school, however, may apply for provisional approval before it has completed the first academic year of its program if the Council has acquiesced in a major structural change by the law school pursuant to Rules 20 and 21 and:

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

(2) the law school was created by the opening of a branch by a fully approved law school.
(e) A law school must demonstrate that it or the university of which it is a part is legally authorized under applicable state law to provide a program of education beyond the secondary level.

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

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

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

Rule 5. Jurisdiction of the Accreditation Committee

(a) The Committee has the jurisdiction to make recommendations to the Council concerning:
   (1) the granting of provisional approval or the extension of the period of provisional approval under Standard 102;
   (2) the granting of full approval under Standard 103;
   (3) the granting of acquiescence in major changes under Standard 105, except that the Committee has jurisdiction to make decisions concerning acquiescence in the types of major changes specified in Interpretation 105—6; and
   (4) the granting of variances under Standard 802.

(b) The Committee has jurisdiction to make decisions concerning all matters other than those specified in Rule 5(a).

(c) The Committee has jurisdiction to impose sanctions and to make recommendations to the Council concerning sanctions as provided in Rule 16(f).

Rule 6. Appearances Before Accreditation Committee and Council

(a) A law school has a right to have representatives of the school, including legal counsel, appear before the Committee and the Council when those bodies are considering (i) the school’s application for provisional approval, (ii) the school’s application for full approval, (iii) the school’s application for acquiescence in a major change (other than those major changes with respect to which the Committee has jurisdiction to make a decision under Interpretation 105-6, and (iv) recommending or imposing sanctions.

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

Rule 5.7. Reconsideration

A law school does not have the right to request reconsideration of a decision or recommendation made by the Accreditation Committee or to request reconsideration of a decision made by the Council.

Accreditation Committee Reconsideration of Previous Action Taken:

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

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

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

   (1) The record before the Committee at the time of its initial decision of the matter.
   (2) The Committee Action Letter.
   (3) The law school’s request for reconsideration.
   (4) Any new evidence upon which the request for reconsideration is based. Such new evidence must be submitted with the request for reconsideration and must be verified at the time of submission. Unverified new evidence
will not be considered by the Committee.

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

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

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

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

(d) A letter from the University president authorizing the hiring of a new faculty member.

(e) A letter from the dean verifying that offers have been made and accepted, accompanied by the copies of the faculty resumes.

(f) A copy of a written collection development plan for the Law Library accompanied by the minutes of the faculty meeting where the plan was adopted or accepted.

(g) Recent bar admissions data published or certified by the appropriate bar admissions authority.

(d) There shall be no right of appearance before the Committee in connection with reconsideration.

RULE 68. Council Consideration of Recommendation of Accreditation Committee.

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

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

(eb) The Council may adopt, modify or reject the Accreditation Committee’s conclusions or recommendations, or it may refer the matter back to the Committee for further consideration.

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

(1) The record before the Committee at the time of the Committee’s decision;

(2) The Committee Action Letter letter reporting the Committee’s findings of fact, conclusions and recommendations; and

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

(d) The Council will accept new evidence submitted by the school, except only upon a two-thirds vote of the Council members present and voting and only based on findings that:

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

(2) The evidence could not reasonably have been presented to the Committee, and

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

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

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

(2) Appropriately verified at the time of submission.

(e) The Consultant shall inform the president and the dean of the law school of the Council’s decision in writing.

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

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

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

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

(4) A letter from the University president authorizing the hiring of a new faculty member.

(5) A letter from the dean verifying that offers have been made and accepted, accompanied by the copies of the faculty resumes.
(f) There shall be no right of appearance before the Council in connection with the appeal.

(g) The Consultant shall inform the president and the dean of the law school of the Council’s decision by letter.

Rule 1046. Review by the House of a Council Decision to Grant or Deny Provisional or Full Approval or to Withdraw Approval.

(a) A decision by the Council to grant or deny provisional or full approval, or to withdraw provisional or full approval from a law school, becomes effective upon the decision of the Council unless the law school files with the House in accordance with the provisions of House of Delegates Rule 45.9 a timely appeal from a Council decision to deny approval. A decision does not become effective until it has been reviewed by the House. After the meeting of the Council at which it decides to grant or deny provisional or full approval or withdraw provisional or full approval, the Chairperson of the Council shall furnish a written statement of the Council action to the House. No action of the House is required unless the law school appeals the decision of the Council pursuant to House Rule 45.9.

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

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

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

RULE 79. Council Consideration of Appeal from Accreditation Committee Action Letter Decision.

(a) A law school may take an appeal from an Accreditation Committee Action Letter decision by filing a written appeal with the Consultant within 30 days after the date of the Action Letter reporting the Committee’s decision. If the school has requested Accreditation Committee reconsideration, then the 30 day time period begins to run from the date of the Action Letter containing the Committee’s decision on reconsideration. If the Accreditation Committee Chair denies the request for reconsideration, the 30 day time period begins to run from the date of the letter of denial.

(b) The Council shall consider the appeal at its next regularly scheduled meeting, if feasible.

(c) In considering the Appeal from the Accreditation Committee action, the Council shall adopt the Accreditation Committee’s findings of fact, unless the Council determines that the findings of fact are not supported by substantial evidence on the record.

(d) The Council may give substantial deference to affirm or modify the Accreditation Committee’s conclusions and decisions. The Council may affirm or modify the Committee’s conclusions and decisions or it may refer the matter back to the Committee for further consideration.

(e) The record upon which the law school may base its appeal shall consist of the following:

1. The record before the Committee at the time of the Committee’s decision.
2. The Committee Action Letter letter reporting the Committee’s decision.
3. The Committee response to the appeal, if any.
4. The law school’s written appeal. The written appeal may not contain, nor may it refer to, any evidence that was not in the record before the Committee at the time of its action.

(6) A copy of a written collection development plan for the Law Library accompanied by the minutes of the faculty meeting where the plan was adopted or accepted.

(7) Recent bar admissions data published or certified by the appropriate bar admissions authority.

(6) A copy of a written collection development plan for the Law Library accompanied by the minutes of the faculty meeting where the plan was adopted or accepted.

(7) Recent bar admissions data published or certified by the appropriate bar admissions authority.
House of Delegates Rule §45.9 Law School Accreditation.

(a) A Report of an action of the Council of the Section of Legal Education and Admissions to the Bar granting provisional or full approval to a law school or withdrawing, suspending or terminating approval of a law school shall comply with the provisions of this Article and be considered in the same manner as other reports containing recommendations, except that a representative of the school shall have the privilege of the floor with time limitations equal to those of the representative of the Section presenting the report but without vote. The House shall vote to agree with the action of the Council or refer it back to the Council for reconsideration based on reasons specified by the House. An action granting provisional or full approval may be referred back to the Council a maximum of two times. The action of the Council after the second referral shall be final. An action withdrawing, suspending or terminating approval may be referred back to the Council one time. The action of the Council after referral shall be final.

(b) The Council of the Section of Legal Education and Admissions to the Bar shall advise the House of an action granting or denying provisional or full approval to a law school, or withdrawing the approval of a law school. No action of the House is required unless the law school appeals the action a denial or withdrawal of approval pursuant to Section 45.9(b).

(c) A decision of the Council denying provisional or full approval may be referred back to the Council a maximum of two times. The decision of the Council following the second referral shall be final. A decision by the Council to withdraw provisional or full approval from a law school is subject to a maximum of one referral back to the Council by the House. If the House refers a Council decision back to the Council, then the decision of the Council following that referral will be final and will not be subject to further review by the House.

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

(b) An appeal to the House of Delegates from an action of the Council of the Section of Legal Education and Admissions to the Bar denying provisional or full approval to a law school, or withdrawing, suspending or terminating approval of a law school, shall be considered in accordance with the following procedures:

(1) Notice of the appeal must be delivered to the Secretary of the Association at the ABA offices within 30 days after receipt by the law school of notification by the Section of the action of its the Council;

(2) The Section Council shall deliver to the Secretary a report with recommendations, including the record on which the Council based its decision, stating its action and the reasons therefor, within 15 days of the date notice of the appeal is delivered to the Secretary;

(3) The school shall be provided with a copy of the Section Council’s report and may file a response, provided that such response must be delivered to the Secretary within 30 days after receipt of the report;

(4) The Chair of the House matter shall be included the matter on the calendar at the meeting of the House following filing, or the expiration of the time for filing, the response provided for in subparagraph (3); and

(5) All these The materials described in subsections (2) and (3) above shall be made available to the delegates prior to the meeting at which the appeal will be considered;

(6) If the law school withdraws its appeal before the meeting of the House for which the matter has been calendared, no action of the House is required and the decision of the Council becomes final; and

(7) During any consideration of such a matter by the House, a representative of the school shall have the privilege of the floor with time limitations equal to those of the representative of the Section but without a vote. The House shall vote either to agree with the action or refer it back to the Council for reconsideration based on reasons specified by the House. An action denying provisional or full approval may be referred back to the Council a maximum of two times. The action of the Council following the second referral shall be final. An action withdrawing, suspending or terminating approval may not be tabled and may be referred back to the Council only one time. The action of the Council following the referral shall be final.
(c) The Council of the Section of Legal Education and Admissions to the Bar shall file a Report with Recommendations to the House seeking concurrence of the House in any actions of the Council to adopt, revise or repeal the Standards, Interpretations, or Rules of Procedure for Approval of Law Schools.

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

(2) A decision by the Council to adopt, revise or repeal the Standards, Interpretations, or Rules of Procedure for Approval of Law Schools is subject to a maximum of two referrals back to the Council by the House. The decision of the Council following the second referral shall be final.

Rule 811. Withdrawal of Application and Reapplicant for Provisional or Full Approval or for Acquiescence in Major Change.

(a) If an application for provisional or full approval is withdrawn by a law school, the school may not reapply until at least ten months have elapsed from the date of withdrawal of the application. Any new application also must be filed within the time prescribed by Rule 4(a). For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

(b) Whenever a law school withdraws its application for provisional approval after a site evaluation takes place, the site team shall prepare and file a site evaluation report with the Consultant.

(c) If the Committee recommends that Council decides not to grant provisional or full approval, or if a law school is removed from the list of approved law schools, not be granted, the law school may not reapply for approval until at least ten months after the decision of the Committee recommendation made date of the letter reporting the Council’s decision to the law school or (if later) the date of any letter reporting the concurrence of the House in the Council’s decision. Any new application for approval also must be filed within the time prescribed by Rule 4(a). If the school petitions for Committee reconsideration or appeals the Committee’s recommendation, the ten-month period runs from the date of the final action on the school’s petition or appeal. For good cause shown, the chairperson of the Committee Council may authorize an earlier application.

(c) If an application for acquiescence in a major change is withdrawn by a law school, the school may not reapply for acquiescence until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

(d) If the Committee or the Council decides not to grant acquiescence in a major change, the law school may not reapply for acquiescence until at least ten months have elapsed from the date of the letter reporting the decision of the Committee or the Council. For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

Rule 912. Site Evaluation of Provisionally or Fully Approved Law Schools.

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

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

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

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

(e) A request for postponement of a site evaluation will be granted only if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year. The pending resignation of a dean, the appointment of an acting dean or the appointment of a permanent dean are not grounds for the postponement of a scheduled site evaluation. The Consultant, with the approval of the Accreditation Committee, may postpone site evaluations of some fully approved schools for one year in order to reduce the variation in the number of site evaluations of fully approved schools that are conducted each year.

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

(a) Council Approval.

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

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

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

(b) Council Disapproval.

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

(2) The Chairperson of the Council shall furnish to the Secretary of the Association a report including a copy of the site evaluation report and the Accreditation Committee’s and the Council’s action letters to the law school written subsequent to the most recent site evaluation report. The law school’s appeal to the House constitutes a waiver of any confidentiality of the information contained in the site evaluation report and the letters reporting the action of the Accreditation Committee and the Council.

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

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

(c) The Council’s consideration of a decision referred back to it by the House shall be conducted pursuant to the procedures set forth in Rule 5. The record in such a proceeding shall include the statement of the House accompanying the referral back to the Council.
Rule 11-13. Action Concerning Apparent Non-Compliance with Standards

(a) If the Committee has reason to believe that a law school does not comply with the Standards, the Committee shall inform the school of its apparent non-compliance and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the Standards. The school shall furnish the requested information to the Committee.

(b) If, upon a review of the information furnished by the law school in response to the Committee’s request and other relevant information, the Committee determines that the school has not demonstrated compliance with the Standards, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, have sanctions imposed upon it or be placed on probation, or be removed from the list of law schools approved by the Association.

(c) If the Committee finds that a law school has failed to comply with the Standards by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, have sanctions imposed upon it, be placed on probation, or be removed from the list of law schools approved by the Association.

(d) The Consultant shall give the law school at least thirty (30) days notice of the Committee hearing. The notice shall specify the apparent non-compliance with the Standards and state the time and place of the hearing. For good cause shown, the chairperson of the Committee may grant the school additional time, not to exceed thirty (30) days. Both the notice and the request for extension of time must be in writing. The Consultant shall send the notice of hearing to the president and the dean of the school by certified or registered United States mail.

Rule 12-14. Fact Finders.

(a) The chairperson of the Committee or the chairperson of the Council may appoint, or may direct the Consultant to appoint, one or more fact finders to elicit facts relevant to any matter before the Committee or Council.

(b) The Consultant shall furnish the fact finder(s) with a copy of the most recent site evaluation questionnaire, the site evaluation report, the annual questionnaire, Consultant’s action letters reporting Committee or Council actions written subsequent to the most recent site evaluation report, notice of the Committee hearing or Council meeting, and other relevant information.

(c) Following the fact finding visit, the fact finder(s) shall promptly prepare a written report. The fact finder(s) shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance. The report of the fact finder should give as much pertinent information as feasible.

(d) The fact finder(s) shall promptly submit the report to the Consultant. After reviewing the report and conforming it to Rule 12-14(c), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee or Council will consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date shall be at least fifteen (15) days prior to the date of the meeting at which the Accreditation Committee or Council will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant mailed transmitted the report to the school.


(a) This rule governs hearings conducted pursuant to Rule 13(b) and Rule 13(c).

(b) The Consultant shall furnish to the Committee:

1. The fact finder(s)’s report, if any;
2. The most recent site evaluation report;
3. The site evaluation questionnaire;
4. The annual questionnaire;
5. Any The Consultant’s action letters report-
ing Committee or Council decisions written subsequent to the most recent site evaluation report;
(6) Notice of Committee hearing; and
(67) Other relevant information.

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

The chairperson of the Committee may invite the fact finder(s), if any, and the chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for reasonable and necessary expenses incurred in attending the hearing.

After the hearing, the Committee shall determine whether the law school is in compliance with the Standards and, if not, it shall direct the law school to take remedial action or shall impose sanctions, as appropriate.

(1) Remedial action may be ordered pursuant to a reliable plan for bringing the school into compliance with all of the Standards.
(2) If matters of noncompliance are substantial or have been persistent, then the Committee may recommend to the Council that the school be subjected to sanctions other than removal from the list of approved law schools, regardless of whether the school has presented a reliable plan for bringing the school into compliance.
(3) If matters of noncompliance are substantial or have been persistent, and the school fails to present a reliable plan for bringing the school into compliance with all of the Standards, the Committee may recommend to the Council that the school be removed from the list of approved schools.

If the Committee determines that the law school is in compliance, it shall conclude the matter by adopting an appropriate resolution, a copy of which shall be transmitted to the president and the dean of the school by the Consultant.

Rule 16. Sanctions
(a) Conduct for which sanctions may be imposed upon a law school includes, without limitation:
(1) Substantial or persistent noncompliance with one or more of the Standards;
(2) Failure to present a reliable plan to bring the law school into compliance with the Standards;
(3) Failure to provide information or to cooperate in a site evaluation as required by the Standards;
(4) Making misrepresentations or engaging in misleading conduct in connection with consideration of the school's status by the Committee or the Council, or in public statements concerning the school's approval status; and/or
(5) Initiating a major change or implementing a new program without having obtained the prior approval or acquiescence required by the Standards.

(b) Sanctions other than probation or removal from the list of approved law schools may be imposed even if a school has, subsequent to the actions that justify sanctions, ceased those actions or brought itself into compliance with the Standards.

(c) Sanctions that may be imposed include, without limitation:
(1) A monetary penalty proportionate to the violation;
(2) A requirement that the law school refund part or all of the tuition and/or fees paid by students in such a program;
(3) Censure, which may be either private or public;
(4) Required publication of a corrective statement;
(5) Prohibition against initiating new programs;
(6) Probation; and/or
(7) Removal from the list of approved law schools.

In the course of a sanctions proceeding, the Committee or the Council may also direct a law school to take remedial action to bring itself into compliance with the Standards.

If a law school is placed on probation, the Council shall establish the maximum period of time that the school may remain on probation and shall establish the conditions that the law school must meet in order to be removed from probation. The Committee may make recommendations to the Council concerning the period and conditions of probation.
Rule 1417. Council Consideration of Committee Recommendation for Imposition of Sanctions.

(a) Council consideration of a Committee recommendation to impose sanctions or a school’s appeal from a Committee decision to impose sanctions shall be conducted in accordance with Rule 8. The Council may affirm, modify or reject the sanctions imposed or recommended by the Committee, or it may refer the matter back to the Committee for further consideration.

(b) The Council has the power to impose any sanction, including probation and removal from the list of approved law schools, regardless of whether the Committee has imposed or recommended any sanction.

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

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

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

(d) At any time that the school presents informa-

(f) The Committee has the power to impose upon a school any sanction other than probation or removal from the list of approved law schools. A school may appeal a decision of the Committee to impose a sanction to the Council. The Committee also may recommend to the Council that a school be placed on probation or removed from the list of approved law schools.

The Committee recommends the following revision of Standard 103 to provide mention of sanctions in the Standards. See also the definition of “Probation” in Rule 1(i). That definition also should be added to Standard 106.

Standard 103. Full Approval

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

(b) If a determination is made that an approved law school is no longer in compliance with the Standards, and if it fails to take remedial action, the law school may be subjected to an appropriate sanctions. Sanctions, including probation and removal from the list of law schools approved by the Association, may be imposed upon a law school as provided in Rules 16 and 17 of the Rules.

Interpretation 103-1:
An individual who matriculates at a law school that is then approved and who completes the course of study and graduates in the normal period of time required therefor is deemed a graduate of an approved school, even though the school’s approval was withdrawn while the individual was enrolled therein. (August 1996)

Interpretation 103-2:
“Sanctions” include, but are not limited to, censure, probation or removal of the school from the list of law schools approved by the Association. (August 1998)

Interpretation 103-32:
In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 19-20 of the Rules of Procedure for Approval of Law Schools. (August 1998)
tion on which the Committee concludes that the school is in full compliance with the Standards, the Committee shall recommend to the Council that the school be taken off probation. This recommendation will be heard by the Council under the procedures of this Rule.

Rule 16.18. Maximum Period for Compliance with Sanctions or with Remedial or Probationary Requirements.
(a) Upon communication to a law school of a final decision that it is not in compliance with the Standards and informing it that it has been ordered to take remedial action or placed on probation pursuant to Rule 14.15 or 14.16, the school shall have a period as set by the Committee or the Council to come into compliance. The period may not exceed two years unless such time is extended by the Committee or the Council, as the case may be, for good cause shown.

(b) The Committee shall monitor the law school’s compliance with any sanctions imposed upon the school under Rule 16 or 17, with any requirements that the law school take remedial action, or with the requirements of the law school’s probation. If the Committee concludes that the school is not complying with the sanctions that have been imposed, or not making adequate progress toward bringing itself into compliance with the Standards, or not fulfilling the requirements of its probation, the Committee may impose or recommend additional sanctions, including probation or removal from the list of approved law schools.

(c) If a law school has been placed on probation and the Committee concludes that the school has not established that it has fulfilled the requirements of its probation by the end of the established period of probation, the Committee shall recommend to the Council that the school be removed from the list of approved law schools. If the Committee concludes that the school has fulfilled the requirements of its probation, it shall recommend to the Council that the school be taken off probation. These recommendations shall be considered under the procedures set forth in Rule 17.

The approval status of a law school is not affected while an appeal from, or review of, an action or recommendation of the Committee or Council is pending. The approval status of a law school is not affected. The Consultant shall inform the president and the dean of the law school of this Rule in communicating the action of the Committee or Council.

ED. MAJOR PROGRAM CHANGES IN PROGRAM OR STRUCTURE
Rule 19.20. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School.
(a) A major change in the organizational structure of an approved law school raises concern about the school’s continued compliance with the Standards. Before making a major change in its organizational structure, a provisionally or fully approved law school shall apply for and obtain acquiescence in the proposed change.

(b) This Rule governs consideration of applications for acquiescence in a major change in the organizational structure of an approved law school, including, without limitation.

(1) Materially modifying the law school’s legal status or institutional relationship with a parent institution;
(2) Merging or affiliating with one or more approved or unapproved law schools;
(3) Acquiring another law school or educational institution;
(4) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;
(5) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;
(6) Opening of a Branch campus or a Satellite campus at which a student could take the equivalent of 16 or more semester credit hours toward the law school’s J.D. degree;
(7) Merging or affiliating with one or more universities;
(8) A change in the control of the school resulting from a change in the ownership of the school or a contractual arrangement; or
(9) A change in the location of the school that could result in substantial changes in the faculty, administration, student body or management of the school.

(c) For purposes of this Rule:

(1) The transfer of all or substantially all of the
Any of the changes in organizational structure listed in Rule 20(a) may amount to the closure of an approved law school and the opening of a different law school. If the Accreditation Committee determines, after written notice and an opportunity for written response, that such a change does amount to the closure of an approved law school and the opening of a different law school, it shall so notify the law school(s). If the Accreditation Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.

(2) Factors that shall be considered in making the determination of whether the events listed in paragraph subsection (1) above constitute the closure of an approved law school and the opening of a different law school include, without limitation, whether such events are likely to result in

(a) significant reduction in the financial resources available to the law school;
(b) significant change, present or planned, in the governance of the law school,
(c) significant change, present or planned, in the overall composition of the faculty and staff at the law school,
(d) significant change, present or planned, in the educational program offered by the law school; or
(e) significant change, present or planned, in the location or physical facilities of the law school.

(3) Opening of a Branch campus by an approved law school is treated as the creation of a different law school. After the law school has obtained prior acquiescence of the Council in the major change caused by the opening of a Branch campus, the Branch campus also shall apply for provisional approval under the provisions of Standard 102 and Rule 4. A law school seeking to establish a Branch campus shall submit to the Consultant, as part of its application, a business plan that contains the following information concerning the proposed Branch campus: a description of the educational program to be offered; projected revenues, expenditures and cash flow; and the operational, management and physical resources of the proposed Branch campus.

(4) After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether any other proposed structural change constitutes the creation of a different law school. If the Accreditation Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.

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

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

(f) Whether or not the Accreditation Committee determines that the proposed change will not create a different law school, the law school shall request for acquiescence by the Council in the proposed major change in organizational structure shall be considered under the provisions of compliance with Rule 1821.
Rule 18(b). Major Change in the Program of Legal Education of a Provisionally or Fully Approved Law School.

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

(ba) This Rule governs consideration of applications for acquiescence in major changes in the program of legal education of a law school, including, without limitation, which require Council acquiescence include:

(1) Instituting a new full-time or part-time division;
(2) Changing from a full-time to a part-time program or from a part-time to a full-time program;
(3) Establishing a two-year undergraduate/four-year law school or similar program;
(4) Establishing a new or different program leading to a degree other than the J.D. degree;
(5) A change in program length measurement from clock hours to credit hours; and
(6) A substantial increase in the number of clock or credit hours that are required for graduation.

(b) This Rule also governs consideration of applications for acquiescence in a change in organizational structure as provided in Rule 20(d).

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

(ck) The application governed by this Rule must contain:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation major change questionnaire, and do certify that, in their respective opinions, the school meets the requirements of the Standards for the granting of acquiescence in the proposed major change, fully complies with each of the Standards. If a law school seeking acquiescence is not part of a university, the letter may be from only the dean;
(2) A completed site evaluation major change questionnaire;
(3) A copy of the law school's most recent self-study;
(4) A description of the proposed change and a detailed analysis of the effect of the proposed change on the law school's compliance with the Standards;
(5) A request that the Consultant schedule any required site evaluation at the school's expense; and, 
(6) Payment to the Association of the application fee.

(ed) When a law school submits a completed application, the Consultant shall timely arrange for a site evaluation visit by a team of qualified and objective persons unless no site visit is required because the application seeks acquiescence in a major change described in Rule 18(b)(4), Rule 18(b)(5), or Rule 18(b)(6). If there is a state agency or official that grants degree-conferring authority, the school shall inform the Consultant, who shall invite the agency or official to observe the site evaluation. The Consultant shall schedule the site evaluation of the law school at a time during the academic year when regular classes are being conducted.

(fd) A site evaluation of the school must be conducted before the Accreditation Committee or the Council considers the application, unless the application seeks acquiescence in a major change described in Rule 18(b)(4), Rule 18(b)(5), or Rule 18(b)(6).

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

(he) The site evaluation shall be conducted in accordance with the provisions of Rules 2 and 14. The site evaluators shall prepare a written report based on the site evaluation. The site evaluators shall report facts and observations that will enable the Accreditation Committee and the Council to determine whether the law school satisfies the requirements of the Standards for granting acquiescence in the proposed major change, the effect of the proposed change on the law school's continuing compliance. The site evaluators shall not make any determination as to the school's compliance with the Standards.

(i) The team shall promptly submit its report to the
Consultant. After reviewing the report and conforming it to the requirements of Rule 18(h), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Consultant shall include the date on which the Accreditation Committee is scheduled to consider the report. The Consultant shall further advise the president and the dean as to the date upon which their response to the report must be received by the Consultant, which date must be at least fifteen (15) days prior to the date of the meeting at which the Accreditation Committee is scheduled to consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty day period shall run from the date on which the Consultant mailed the report to the school.

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

(k) The Accreditation Committee may not consider any additional information provided by the school after the school’s response to the report has been received by the Consultant unless the information is received in writing by the Consultant at least fifteen (15) days before the Committee meeting at which the report is scheduled to be considered or, for good cause shown, the chairperson of the Committee authorizes consideration of the additional information that was not received in a timely manner.

(f) The Accreditation Committee’s consideration of an application for acquiescence shall be governed by the provisions of Rules 3, 5 and 6. The Council’s consideration of such applications shall be governed by the provisions of Rules 6 and 8.

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

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

(n) Representatives of the law school, including legal counsel, may appear and make a presentation at the Accreditation Committee meeting at which the school’s application for acquiescence in a major change is considered, except for applications seeking acquiescence of major changes described in Rule 18(b)(4), Rule 18(b)(5) or Rule 18(b)(6).

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

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

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

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

(sg) After the Council meeting at which the application is considered, the Consultant shall inform the president and the dean of the law school in writing of the Council’s action decision. There is no appeal from the Council’s action decision on an application for acquiescence in a major change.

(4h) Following acquiescence in a major change, the Consultant shall arrange for a limited site evalua-
tion of the school no later than two years after the date of the acquiescence to determine whether the law school has realized the anticipated benefits and remains in compliance with the Standards. No site visit shall be required following acquiescence in a major change described in Rule 18(b)21(a)(5) or Rule 18(b)21(a)(6). The limited evaluation of a school granted acquiescence pursuant to Rule 18(b)21(a)(4) shall be conducted in the first academic year subsequent to acquiescence in which students are enrolled in the new program. The Consultant may determine in each instance whether the evaluation pursuant to a major change under Rule 18(b)21(a)(4) requires an actual site visit or may be conducted through other means.

(u) The Council has delegated to the Accreditation Committee the authority to grant acquiescence in the types of major changes listed in Rules 18(b)(4), (5), and (6).

FE. CLOSURE AND REINSTATEMENT

(a) An approved law school and its parent institution, if any, agree to provide, in the event of closure or cessation of operation, an opportunity for currently enrolled students to complete their degrees under the terms of a closure plan which meets at least the conditions set out below and is found acceptable by the Accreditation Committee and the Council. As soon as the decision to close an approved law school is made, the institution shall make a public announcement of the decision and shall notify the Consultant of that fact. The Consultant shall notify the Council so that the Council may withdraw approval of the school pursuant to the procedures set forth in Rule 16. Once the withdrawal of approval has become final, the Consultant shall make a public announcement that the school has been removed from the list of ABA approved law schools.

(b) The law school shall promptly submit a closure plan, which shall be reviewed and approved by the Committee and the Council.

(bc) The conditions to be met by a closure plan shall include the following:

1. As soon as the decision to close is made, the institution shall make a public announcement and notify the Consultant of that fact. The Consultant shall notify the Council so that the Council may withdraw approval of the school pursuant to the procedures set forth in Rule 16. Once the withdrawal of approval has become final, the Consultant shall make a public announcement that the school has been removed from the list of ABA approved law schools.

2. The law school shall not thereafter admit or enroll any student (including a transfer or non-degree candidate) who was not a student at the time when the decision to close is announced.

(c) The governing body of the institution shall take all necessary steps to retain degree-granting authority for sufficient time to allow completion of degrees by those students who are degree candidates at the time the decision to close is announced and who complete degree requirements either at the law school or at another ABA approved law school in the normal period of time required for that student’s course of study.

(d) The law school officials shall use their best efforts to assist students in transferring to, or acquiring visiting status at, another ABA approved law school for completion of their degree requirements. It is the policy of the American Bar Association to encourage all ABA approved schools to accept transfer or visiting students from a closing law school.

(e) Until the date of closing the law school shall maintain:

1. an educational program that is designed to qualify its graduates for admission to the bar;
2. library collection and services adequate to support the curriculum, either on-site or through arrangements with other law libraries in the immediate vicinity;
3. a student-faculty ratio adequate to maintain a sound educational program;
4. an adequate administrative staff to handle student problems and record-keeping along with support of the academic program;
5. the law school shall maintain its existing physical facilities unless prior approval of the Accreditation Committee is obtained.

6. Tuition shall not be increased beyond the normal rate of inflation after the date that a decision to close is made. Students transferring credit back to the law school shall not be charged fees beyond a reasonable administrative fee for the process of transfer.

(f) In the event that the school enters into a teach-out agreement with another law school, the school shall submit the teach-out agreement to the Accreditation Committee for its approval. As a condition for approval of the closure plan, the teach-out agreement must comply with applicable regulations of the Department of Education, the requirements set forth in 34 CFR 602.27(b)(6).
(ed) If the school discontinues instruction or makes a decision to do so prior to the end of the normal period for completion of degrees by current students, then the following condition shall apply:

1. The school shall take all reasonable steps to avoid closing during an academic year. If the closing occurs during an academic year, then the school shall make adequate arrangements for students to enroll in other law schools for that current year at no additional cost to the student.

2. The school shall permit currently enrolled students to complete their degree requirements at other ABA-approved law schools. Credit earned at other law schools shall be received as transfer credit toward the degree of the closing school.

3. Students transferring credit back to the law school shall not be charged fees beyond a reasonable administrative fee for processing of records.

4. The Consultant shall notify the Council of the school's decision and the date at which the school intends to cease operations.

(de) The law school or the governing body of the institution shall make satisfactory arrangements for the continuation of commitments for legal representation made during the operation of a law school skills training program, which are not monitored by the accreditation process of the American Bar Association. The governing body, however, is reminded that those commitments constitute obligations of both the attorney who has taken the case and the institution employing that attorney. Satisfactory arrangements will need to be made for closing those cases either by concluding the matter or by retention of alternate counsel.

(d) The governing body of the institution shall make arrangements for permanent retention and availability of student records.

A law school that has been removed from the list of law schools approved by the Association may be reinstated by complying with the procedures for obtaining approval, as though it had never been approved.

GF. FOREIGN PROGRAMS
Rule 232. Credit-Granting Foreign Programs.
(a) A law school may not undertake a credit-granting foreign program without first notifying the Consultant and obtaining Committee acquiescence approval in accordance with published the Criteria for Approval of Foreign Summer Programs, Criteria for Approval of Semester Abroad Programs, Criteria for Cooperative Programs for Foreign Study, or, Criteria for Student Study at a Foreign Institution, Individual Student Study Abroad for Academic Credit, or other criteria applicable to the awarding of credit for foreign study.

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

Rule 233. Appeals Concerning Credit-Granting Foreign Programs.
(a) If the Accreditation Committee determines not to approve acquiescence, or to withdraw approval acquiescence from, a credit-granting foreign program, the law school may appeal the Committee's decision to the Council under the provisions of Rule 9. The school must file with the Consultant its written notice of appeal within 30 days after the Consultant mailed to the school notice of the Committee action. In the written notice of appeal, the school shall specify the nature of and grounds for the appeal, and attach any documents that support the appeal.

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

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

(d) The Consultant shall furnish to the Council all documents that were before the Committee when it determined not to acquiesce in, or to withdraw acquiescence from, the credit-granting foreign program, the action letter reporting those conclusions to the law school; the notice of appeal and supporting documents submitted by the school; and any statement of the Committee submitted in response to the notice of appeal. These materials shall constitute the record. The Council shall consider and decide the appeal on the basis of the documentary record.
(e) The Council may not consider any evidence that has not first been presented to the Committee, unless the Council, by a two-thirds vote of the members present, decides that the best interests of the accreditation process would be served by consideration of the evidence.

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

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

**HG. COMPLAINTS**

**Rule 24. Reports Concerning Law School Non-Compliance with the Standards.**

(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(e). 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 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 noti-
fied promptly whether the matter was conclud-
ed 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 subcommit-
tee of the Accreditation Committee shall periodi-
cally 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.

IH. INFORMATION DISCLOSURE AND CON-
FIDENTIALITY
Rule 25. Confidentiality of Accreditation
Information and Documents.
(a) Except as provided in this Rule and in Rules
6, 10 and 26, all matters relating to the accreditation
of a law school shall be confidential. This shall
include proceedings and deliberations of the
Accreditation Committee and Council, and all
non-public documents and information received
or generated by the American Bar Association.
(b) Neither the site evaluation report nor any por-
tion thereof may be disclosed by the Association,
including the Council, the Committee, the
Consultant's office, or any site evaluator, unless
first disclosed by the law school or the University.
The law school or the University may release the
whole or an entire site evaluation report or portions
of it as it sees fit. If the law school makes public
the site evaluation report or any portion thereof,
notification must be given to the Consultant at
the time of the disclosure, and disclosure of the
report may be made by the Consultant, upon
approval of the chairperson of the Section
Council. The Consultant may release to the public
the status of the school, with an explanation of
the Association procedure for consideration of an
application.

(c) Discussion of the contents of a site evaluation
report with, or release of the report to, the facul-
ty, the university administration or the governing
board of the university (or a free standing law
school) does not constitute release of the report to
the public within the meaning of this Rule.

(d) The law school is free to make use of the rec-
ommendations and decisions as contained in the
Consultant's action or decision letter addressed to
the president and the dean. However, any release
must be a full release and not selected excerpts.
The Consultant and the Association Council
reserve the right to correct any incorrect or mis-
leading information released or published by the
institution through all appropriate means (includ-
ing release of portions of the site evaluation
report or the entire site evaluation report).

(e) The dean of the evaluated law school shall
review the site evaluation report to determine
whether it contains criticism of the professional
performance or competence or the behavior of a
member of the law school's full-time faculty or
professional staff. If the report contains such
criticism, the dean shall make available to the
person concerned the germane extract of the
report and shall send the Consultant a copy of the
transmitting letter and of the extract. The person
concerned shall have the right to file with the
Consultant a document stating the person's views
concerning the criticism contained in the site
evaluation report, which document or documents
shall become part of the law school's official file.
The Consultant shall review each site evaluation
report of an approved school or applicant school
to determine whether it contains the above
described criticism. If the Consultant finds this

criticism and has not received a copy of a letter from the dean to the person concerned transmitting the extract of the report, the Consultant shall inform the dean of the criticism and ask her or him to make available to the person concerned the germane extract of the report. The dean shall send the Consultant a copy of her or his written communication with the affected person, who is entitled to submit in writing her or his comments on the statement in the report to the persons who have received the report.

Rule 26. Release of Information Concerning Applications for Provisional or Full Approval of Law Schools.

(a) In the case of a law school seeking provisional or full approval or applying for acquiescence in a major change in organizational structure, the staff persons of the American Bar Association Council or the Consultant shall state:

(a1) Whether or not a specific law school has submitted an application to the American Bar Association for provisional or full approval, or for acquiescence in a major change in organizational structure; and,

(b2) The procedural steps for consideration of an application, including:

(i) consideration of an application by the Accreditation Committee;

(ii) action by the Council upon the Accreditation Committee’s recommendation and an explanation that action of the Council may not follow that of the recommendation made by the Accreditation Committee; and

(iii) the role of the House in such decisions.

(c) After a law school has been notified of a decision of the Council concerning the law school’s (i) application for provisional or full approval, (ii) application for acquiescence in a major change in program or organizational structure, (iii) the imposition of sanctions upon the school, (iv) the placing of the school on probation, or (v) the withdrawal of the law school’s approval, the Council or the Consultant shall provide public notification of the Council’s decision (except as to a sanction that is explicitly not public), with an explanation of any procedural steps for further consideration of the matter.

(d) After a matter concerning a law school has been acted upon by the House as provided in Rule 16, the Council or the Consultant shall provide public notification of the action of the House with an explanation of any procedural steps for further consideration of the matter.

Rule 27. Information to be Furnished by Schools.

(a) A law school shall provide in a timely manner all information requested by the Consultant, a site evaluation team, the Accreditation Committee and or the Council.

(b) Annual and site evaluation questionnaires are received in confidence by the Consultant, the site evaluation team, the Accreditation Committee and the Council.

(e) Statistical reports (“take-offs”) prepared from data contained in the annual questionnaires are for the use of the Council, the Accreditation Committee, the Consultant, and deans of ABA-approved law schools and are not for public release. Information provided in statistical reports is intended for exclusive and official use by those persons authorized by the Council to receive it, except as public disclosure of information about specific law schools is authorized under Standard 509. The Consultant is also authorized to release to the public or in response to inquiries general data from the statistical reports that are not school-specific.

(f) An approved law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education denies an application for accreditation filed by the law school, revokes the accreditation of the law school, or places the law school on probation. If the law school is part of a university, then the law school shall promptly inform the Consultant.
if an accrediting agency recognized by the U.S. Secretary of Education takes any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

(f) Applications for acquiescence in a major change in program or structure of an approved school as provided in Rules 18 or 19; and

(g) Other services and activities of the Section.

**KJ. REIMBURSEMENT**

**Rule 30. Guidelines for Reimbursement of Site Evaluators and Fact Finders.**

All reasonable and necessary expenses of members of site evaluation teams and fact finders shall be reimbursed by the visited institution as follows:

(a) Transportation - All necessary transportation on the basis of coach class air fares and ground transportation expenses. Site evaluators and fact finders are urged to secure the most reasonably priced air ticket. If the visited institution wishes to avail site evaluators of special air fares, it is suggested that the visited law school secure and supply the air ticket in advance of the visit.

(b) Lodging and Meals - Hotel or motel sleeping rooms at a reasonable cost, including a parlor meeting room when necessary for the work of the site evaluation team or fact finders. Meals shall be reimbursed on a reasonable basis. It is recommended that the visited law school make reservations for suitable accommodations for members of the site evaluation team or fact finders at a hotel/motel of the school’s choice.

(c) Incidentally - Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.
Commentary on Revisions to Standards for Approval of Law Schools 2004-05

The Council of the Section on Legal Education and Admissions to the Bar has undertaken over the past two years a comprehensive review of the Standards for the Approval of Law Schools. This was, in part, preparation for the United States Department of Education’s regular review of the Council’s recognition as the accrediting authority for the first-degree programs in law, which is occurring this year.

Revisions Bridging 2003-2004 and 2004-2005
During the 2003-2004 year the Council focused on Chapters 3 and 4 of the Standards. These chapters address a school’s program of legal education (Chapter 3) and faculty (Chapter 4). Work was completed last year on Chapter 3, with the Council approving two sets of revisions. The ABA House of Delegates concurred in the first set of revisions at its August 2004 meeting; the second group of Chapter 3 revisions were concurred in by the House in February 2005. Commentary on the set concurred in at the August 2004 meeting of the House was included in the commentary for 2003-04 revisions. The commentary for the set concurred in at the February 2005 meeting of the House is included here.

Revisions Approved During 2004-05
Consideration of revisions to Chapter 4 took place in two parts. At its February 2004 meeting, the Council approved for comment a number of changes to Standards 401, 402, 403 and 404 recommended by the Standards Review Committee, but it did not approve for comment recommended changes to Standard 405. As a result, at the Council’s June 2004, meeting, the Committee requested the Council to delay sending any proposed changes in Chapter 4 to the House of Delegates for approval until the Committee had the opportunity to consider recommending other revisions to Standard 405. At its meeting in Chicago on November 12-13, 2004, the Committee reiterated its support for the previously recommended changes to Standards 401, 402, 403 and 404 and recommended new changes to Standard 402 and 405. At its December 4-5 meeting, the Council adopted changes to Standards 401-404 and approved for notice and comment revisions to Standards 402 and 405. In addition to a broad solicitation of written comments, three hearings were scheduled: at the Association of American Law Schools Annual Meeting in New Orleans on January 6, 2005; at the American Bar Association Mid-Year Meeting in Salt Lake City on February 10, 2005; and at the American Law Institute Annual Meeting in Philadelphia on May 18, 2005. At its June 17-19, 2005, meeting the Council reviewed the recommendations from the Standards Review Committee and the substantial number of comments, and approved the attached changes.

At its February 12-13, 2005, meeting, the Council of the Section on Legal Education and Admissions to the Bar approved for notice and comment revisions to Chapter 1, Chapter 6, and Chapter 7 of the Standards. Subsequently, comments were solicited by letter, e-mail or through appearances at a hearing that was conducted by the Standards Review Committee on May 18, 2005, in Philadelphia during the American Law Institute Annual Meeting. At its meeting on June 17-19, 2005, the Council reviewed the comments and recommendations from the Standards Review Committee and approved the attached changes to these chapters.

Continuing Matters
In addition to the changes that were approved and are described below, the Standards Review Committee and the Council considered other
changes to the Standards and Interpretations. The Standards Review Committee made recommendations to the Council regarding changes to Standards 210-212. These Standards and Interpretations, which address equality of opportunity and diversity, have not been reviewed for a number of years. At the meeting in August 2005, the Council approved for notice and comment changes to these Standards and Interpretations with the expectation that the Council will take final action at its February 2006 meeting.

Additional recommendations by the Committee to the Council stemming from its examination of Chapter 2 addressed the law school self study requirements. These recommendations, which were reported to the Council at its February 2005 meeting, were referred back to the Committee for further review and will be addressed during 2005-06.

The changes to Chapter 3 that were approved by the Council last August and concurred in by the House of Delegates in February included a provision that requires schools to provide substantial opportunities for participation in pro bono activities. After the change became effective in February a number of questions arose regarding whether the opportunities had to be legal in nature and whether activities for which credit was granted would qualify. In response the Standards Review Committee drafted a clarifying interpretation, which was approved for notice and comment by the Council at its June 2005 meeting. A public hearing has already been held and final action is expected during 2005-06.

As a result of its review of Chapter 5, which deals with Admissions and Student Services, the Standards Review Committee made several recommendations for changes to these Standards and Interpretations. These recommended changes included: 1) adding explicit language regarding the criteria to be used in determining compliance with Standard 501(b) – the requirement that schools not admit applicants who do not appear capable of satisfyingly completing the program and being admitted to the bar; 2) adding a clarification in Standard 506 regarding granting of transfer credit to students from non-ABA approved law schools; and 3) adding explicit language that would reflect the practice of the Accreditation Committee in interpreting Standard 509’s requirement regarding public information requirements for courses listed in a school’s publications but not regularly offered. In addition there was a proposal reviewed in August, not from the Standards Review Committee but directly to the Council in accordance with Standard 803, regarding appropriate use of admissions tests. All were referred back to the Standards Review Committee for additional review and subsequent recommendations to the Council during 2005-06.

In its review of Chapter 8 the Standards Review Committee recommended to the Council in February a change to Standard 803, which provides for direct review by the Council of proposals by any member of the ABA to revise the Standards, Interpretations or Rules of Procedure. The Committee recommended changes that would be consistent with the current standard practice, as stated in Internal Operating Practice 12, of initial responsibility for review of changes resting with the Standards Review Committee. At its December meeting Council referred the matter back to the Committee for further review, which it will do in 2005-06.

Revisions to Chapter 1 – General Purposes and Practices: Definitions

Standard 102 - Provisional Approval

Standard 102(a): The revision is for stylistic consistency and to make it clear that a school may be granted provisional approval only if it meets the requirements set forth in this Standard.

Standard 102(b): The revision is intended to make clear (1) that a provisionally approved school’s approval may be withdrawn if the school falls out of substantial compliance with the Standards during the period of provisional approval, (2) that a provisionally approved school’s approval may be withdrawn before the end of the normal five-year period of provisional approval if the school is not making adequate progress toward coming into full compliance with the Standards, and (3) that a school will automatically be removed from the list of approved schools if it has been provisionally approved for five years and has not qualified for full approval, unless the Council, before the end of the five-year period, affirmatively extends the school’s period of provisional approval.

New Interpretation 102-2: This is intended to provide more specific guidance concerning the “reliable plan” requirement so as to encourage schools applying for provisional approval to plan adequately and thus enable the schools to provide the Accreditation Committee and the Council with a more complete statement of the school’s plans for achieving full compliance.

Revised Interpretation 102-9 (new Interpretation 102-10): The statement in this Interpretation concerning who are appropriately considered graduates of an ABA-approved law school is the position of the Council, but that position is not binding on individual bar admission authorities. The revision, and a similar revision to Interpretation 103-1, is intended to make it clear that the view stated is that of the Council.
Standard 103 – Full Approval
Standard 103(a): The revision is consistent with that for Standard 102(a).

Standard 105 – Major Change in Program or Structure
Addition to Standard 105: This addition states the criteria for granting acquiescence in the Standard rather than, as at present, in Rule 18(p). With the adoption of this addition Rule 18(p) has been deleted.

The addition states the standard for acquiescence as it is stated in Standard 308 (for post- and non-J.D. programs), and is similar to the first criterion set forth in existing Rule 18(p). That is, the basic test for the granting of acquiescence in most major changes is that the proposed major change not be a negative factor, in that it must not detract from the school’s ability to maintain a J.D. program that meets the Standards. The addition incorporates the provision of Rule 18(p) that states that, in the case of post- and non-J.D. programs the school must also demonstrate compliance with Standard 308 (which provides that a school that is not fully approved may not establish a program in addition to its J.D. program).

The addition recognizes the practice of the Council and the Accreditation Committee to the effect that a school must establish that it is in compliance with the Standards in order to obtain acquiescence in the establishment of a substantial new program, such as starting a new evening or weekend program, acquiring another law school or educational institution, or opening a branch or satellite campus. That demonstration of compliance with the Standards has not been required for acquiescence in post- or non-J.D. programs (because they tend to be small and have minimal impact on the operation of the school) or for acquiescence in changes of ownership (because a new owner may bring new resources and management that could assist a failing school in coming into full compliance with the Standards). The proposed addition permits the granting of acquiescence in the establishment of a major new program even if the school cannot demonstrate compliance with the Standards if the school can establish that the proposed major change will substantially enhance its ability to comply with the Standards.

New Interpretation 105-1(14): This incorporates in the Interpretation a type of major change that is listed in Rule 19(b)(8).

New Interpretation 105-1(15): This Interpretation defines what types of changes in location will be considered a major change. The Council believes that the type of change in location that should require acquiescence would be one that might result in substantial changes in the faculty, student body, administration or management of the school. A substantial change in a school’s facilities would not, in itself, be considered a major change. In individual situations this provision could require a preliminary determination by the Accreditation Committee as to whether a particular change in location resulted in a major change.

Revisions to Chapter 3 – Program of Legal Education

Standard 302 - Curriculum
Standard 302(a): The Standard was redrafted to state obligations of the law school, which is the entity that the Standards regulate, rather than obligations of law students.

Revised Standard 302(a) states five separate types of instruction that a school must require that each recipient of a J.D. degree receive. It states separately (without intending to make a substantive change) in (a)(2) the requirement incorporated in current (a)(1) that all students receive substantial instruction in legal analysis and reasoning, legal research, problem solving, and oral communication.

Revised Standard 302(a)(3) restates existing requirements concerning instruction in legal writing. New Interpretation 302-1 provides additional guidance for determining whether a writing experience is “rigorous,” as required by the Standard.

Revised Standard 302(a)(5) restates the requirement [currently in Section 302(b)] that a school require that all students receive substantial instruction in the “history, structure, values, rules and responsibilities of the legal profession,” and this provision is further explicated by new Interpretations 302-6 and 302-9. Interpretation 302-9 provides that the required instruction includes such topics as the Model Rules of Professional Conduct and the law of lawyering.

Standard 302(a)(4) establishes a new requirement that all schools require that each student receive substantial instruction in “other professional skills generally regarded as necessary for effective and responsible participation in the legal profession,” and that requirement is further explicated in Interpretations 302-2 and 302-3.

New Interpretation 302-1: This new interpretation outlines factors that are to be considered in evaluating the rigor of writing instruction.

Revised Interpretation 302-2 (former Interpretation 302-1): New language makes it clear that the definition of “professional skills” is broad and includes far more than traditional litigation skills.

New Interpretation 302-3: This new interpretation makes it clear that schools have considerable leeway as to how to provide that required professional skills instruction.

The required professional skills instruction may
be provided in a variety of formats, including simulation courses, externships, and live-client clinics. The required professional skills instruction may be provided in first-year or upper-class courses, and could be accomplished through a “skills” component of a larger classroom course (such as by having some students undertake a substantial planning and drafting exercise in conjunction with a Trusts & Estates course).

The Council understands that to the extent that revisions in the Standards require law schools to impose additional graduation requirements on students, those new requirements would apply only to new incoming students and that previously enrolled students would be permitted to graduate under the requirements in existence at the time that they enrolled.

New Interpretation 302-6: This new interpretation states that schools should involve members of the bench and bar in the instruction in the history, goals, structures, values, rules and responsibilities of the legal profession and its members as required by Standard 302(a)(5).

Standard 302(b): New Standard 302(b) states types of instruction with respect to which a law school must provide “substantial opportunities”, although the school need not require that each of its students receive such instruction. Subsection (b)(1) provides further direction as to the type of “live-client or real-life experiences” that satisfy the Standard, and that guidance is expanded by new Interpretation 302-5.

New subsection (b)(2) requires that schools provide substantial opportunities for participation in pro bono activities, and subsection (b)(3) restates the requirement of current Section 302(d) concerning opportunities for small group work.

New Interpretation 302-5: This new interpretation provides guidance regarding fulfilling the requirement Standard 302(b)(1) to provide substantial opportunities for live-client or other real-life practice experiences by making clear that a law school need not offer these experiences to every student nor must a law school accommodate every student requesting enrollment in any particular live-client clinic or other real-life experience.

New Interpretation 302-7: This new interpretation deals with matters covered in current Section 302(f). The revised provision permits a school to grant academic credit for a bar preparation course, but does not permit such credit to be counted toward the minimum classroom instruction required for graduation that is established in Standard 304(b). The revised provision continues the current prohibition against requiring successful completion of a bar preparation course as a condition of graduation.

New Interpretation 302-7: This new interpretation deals with matters covered in current Section 302(f). The revised provision permits a school to grant academic credit for a bar preparation course, but does not permit such credit to be counted toward the minimum classroom instruction required for graduation that is established in Standard 304(b). The revised provision continues the current prohibition against requiring successful completion of a bar preparation course as a condition of graduation.

Standard 305 – Study Outside of the Classroom
Standard 305(e)(5): This Standard establishes the requirements for on-site visits by a faculty member to externship field placement sites. The former version of the Standard continued the type of requirement for on-site visits that has existed for a number of years: an actual on-site visit had to occur each term a particular field placement is offered if more than six academic credits a term are awarded for fieldwork in the program.

The Council concluded that the former requirement was both too prescriptive and insufficiently rigorous. On the one hand, the Council concluded that a visit to a field placement site might not always be necessary every term the field placement program is offered, and that at times the purposes of an on-site visit might be satisfied by means other than an actual personal visit to the site. Thus the Council determined to permit law schools greater flexibility in the nature of the on-site supervision of field placement programs by providing that on-site visits must be undertaken “periodically”, rather than every term, and by permitting the use of supervisory methods that are the “equivalent” of on-site visits.

On the other hand, the Council also determined that the former threshold for required on-site supervision of field placement programs – which are now required only if more than six academic credits are awarded for the fieldwork – was too high. The Accreditation Committee’s experience in reviewing site evaluation reports indicates that the absence of required faculty oversight of field placement sites has often contributed to problems of quality control in field placement programs where fewer than seven academic credits were awarded for the fieldwork. Thus the Council determined to require that the type of on-site visits described in the previous paragraph be required if a student may earn “four or more” academic credits a term for fieldwork.

Standard 305(e)(7): In order to encourage schools to provide a strong academic component to field placement programs that award a high amount of academic credit, the Council decided to require that if “four or more academic” credits are awarded for fieldwork, the required seminar, tutorial or other means of “guided reflection” must be provided “contemporaneously” with the fieldwork. It also should be noted, however, that the version of Standard 305(e)(7) that was adopted by the Council in June 2004 provides schools with more flexibility in one important respect. Under the prior version, in former Standard 305(f)(4), a “classroom or tutorial component” was required if the field placement program awarded more than six credits per term. Under current Standard 305(e)(7), in addition to a seminar or tutorial, “other means of guided reflection” may satisfy the requirement.
Revisions to Chapter 4 – Faculty

Standard 401 – Qualifications
The change makes clear the requirement that the composition of the faculty be consistent with the school’s mission and that the faculty be competent to provide the program of legal education required by Standards 301 and 302.

Present Standard 401(b) and Interpretation 401-1 are moved to Standard 403.

Standard 402 – Size of the Faculty
Standard 402: Standard 402(b) is deleted as it seemed redundant and unnecessary. The requirements of a full-time dean and library director are stated elsewhere and subsection (a) is sufficient to ensure that the teaching faculty is of sufficient size to offer the curriculum.

The revisions to current subsection (c) and Interpretation 402-4 are intended to modernize and update that provision, particularly in light of the description of a faculty member’s responsibilities now stated in Standard 404(a).

Interpretation 402-1: The revision to Interpretation 402-1(2) conforms the Interpretation to changes to Standard 304 that became effective August 2004. In this regard, the language “for residence purposes” is eliminated and a student’s status as a full-time or part-time student for purposes of Interpretation 402-1 is determined by the school, subject to limitations depending upon the number of credit hours in which the student is enrolled in a given term.

Standard 403 – Instructional Role of the Faculty
Standard 403: The changes consolidate present (a) and (b) and eliminate the apparent inconsistency between the statement in present (a) that the “major burden” of instruction rests on full-time faculty and that in present (b) that a “major portion” of total instruction should be by full-time faculty. The proposed language is consistent with the Council’s understanding of present Accreditation Committee practice. New Interpretation 403-1 further clarifies the requirement, and makes clear that a person whose primary professional employment is with a law school is a full-time faculty member at that school for purposes of the Standard.

Interpretation 403-2: This Interpretation is new and provides examples of methods a law school might use to ensure teaching effectiveness.

Standard 404 – Responsibilities of Full-Time Faculty
There are two changes to Standard 404. First, there is the addition in Standard 404(a)(1) of “academic advising” as one of a faculty member’s stated responsibilities. Second, the language of Standard 404(b) is restated to make clear that a law school must periodically evaluate individual faculty members’ discharge of their faculty responsibilities.

Standard 405 – Professional Environment
Interpretation 405-3: The revision to Interpretation 405-3 requires that a school have a comprehensive system for evaluating not only candidates for promotion and tenure but also candidates for other forms of security of position.

Interpretation 405-6: The revision to Interpretation 405-6 clarifies the circumstances under which a program of long-term contracts will be considered to provide full-time clinical faculty a “form of security of position reasonably similar to tenure” as required by Standard 405(c). The change to Interpretation 405-6 makes clear that a “program of renewable long-term contracts” will only be “reasonably similar to tenure” if, following a probationary period during which a full-time clinical faculty could be employed on short-term contracts, the employment of the faculty member is either terminated, continued by the granting of a contract at least five years in length that is presumptively renewable or continued with some other arrangement sufficient to ensure academic freedom. The revision also makes explicit that during a probationary period short-term contracts are permitted by the Standard.

The initial proposed changes posted for notice and comment drew many comments, both written and oral at the public hearings, and sparked considerable debate. Both the Standards Review Committee and the Council attempted to provide clarity and transparency that reconciled the language of Standard 405(c), requiring that law schools afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, with the special constraints on providing such security as articulated by a number of law school deans. In the final version approved by the Council, a definition of job security that is reasonably similar to tenure, with the special constraints on providing such security as articulated by a number of law school deans. In the final version approved by the Council, a definition of job security that is reasonably similar to tenure was approved, but an alternative avenue to meet the standard was also included. The new definition of long term contract – a contract of at least five years that is presumptively renewable - might be viewed as identifying a clear “safe harbor” that is consistent with the black letter of Standard 405(c). The alternative avenue might be viewed in part as responsive to concerns of deans that flexibility must be preserved to allow schools to demonstrate that they meet the spirit and intent of the standard by a route other than a five-year presumptively renewable contract and in part as responsive to expressions by clinical faculty of the importance of protecting academic freedom of clinical faculty. Some of the concerns expressed by deans also are addressed by a revision to the interpre-
tation providing explicitly that, prior to the decision to grant long-term contracts, there may be a probationary period during which the clinical faculty member may be employed on short-term contracts.

Interpretation 405-8: Revisions to Interpretation
405-8 clarify the governance role of full-time clinical faculty. Standard 405(c) requires law schools to afford full-time clinical faculty members non-compensatory perquisites reasonably similar to those provided other full-time faculty members. Participation in faculty governance is one such non-compensatory perquisite. While existing Interpretation 405-8 requires schools to afford full-time clinical faculty members “an opportunity to participate in law school governance in a manner reasonably similar to other full-time faculty members,” little guidance existed regarding the proper application of the Interpretation. The revision requires law schools to afford full-time clinical faculty members participation in faculty meetings, committees and other aspects of law school governance in a manner reasonably similar to other full-time faculty.

Like the proposed revisions to Interpretation 405-6, the proposed revisions to Interpretation 405-8 were the subject of considerable written and oral comment. After a thorough discussion of the comments, the Committee recommended and the Council approved the adoption of the proposed revisions to Interpretation 405-8 with one modification of the proposed language that was posted for notice and comment – the elimination of the proposed language “including voting on non-personnel matters.” Several comments suggested that the proposed language regarding voting on non-personnel matters might have unintended consequences, e.g., the denial of voting privileges to full-time clinical faculty on matters relating to the selection and retention of clinical faculty. Furthermore, the proposed language could have been viewed as endorsing the denial of any voting privileges on personnel matters to clinical faculty. Information reviewed by the Committee and the Council indicated that law schools are increasingly affording full-time clinical faculty a vote on appointments, including non-clinical appointments. The Committee and the Council believed that the proposed voting language might discourage the trend.

Interpretation 405-9: The revision eliminates the reference to non-renewal in Interpretation 405-9, thereby removing what might have been viewed as an endorsement of non-renewable contracts. The proposed revision, however, is not intended to preclude the use of non-renewable contracts. The proposed revision also makes clear that law schools may continue to offer fellowship programs designed to produce candidates for the full-time teaching by offering individuals supervised teaching experience.

Revisions to Chapter 6 – Library and Information Resources


Standard 601: The revision adds “scholarship” in subsections (b) and (c) to make clear that the library must be able to support scholarship efforts of the law school community. The change reflects the understanding that resources necessary to support scholarship, especially faculty scholarship, may be different than the resources necessary to satisfy the more general requirement that there be sufficient support of “research.” The change renders Standard 601 consistent with the requirements in Chapter 4 regarding faculty “research and scholarship” (Standard 404) and “scholarly research and writing” (Standard 401).

The revision to subsection (c) states explicitly that a law school must keep its law library abreast of technological developments because technological developments have so profound an impact on libraries, it is imperative that libraries be conversant with and responsive to these developments. New Standard 704 establishes more general requirements for maintaining adequate technological capacities for the law school as a whole.

Interpretation 601-1: The revision of this Interpretation recognizes the increasing importance of and reliance upon cooperative agreements in developing library resources. At the same time, the proposed revision continues to make it clear that cooperative agreements alone are not sufficient to satisfy Standard 601. The Interpretation also makes it clear that providing electronic access to materials alone would not satisfy the Standard.

Standard 602 – Administration

These changes are largely stylistic but also emphasize the joint roles of the dean, the director of the law library, and the faculty in providing direction for the law library.

Standard 603 – Director of the Library

Revised Interpretation 603-1: The revision reflects more accurately the breadth of the responsibilities of the law library director.

New Interpretation 603-4: This Interpretation recognizes that increasingly law library directors are assuming additional responsibilities within the law school community. In part the change in the library director’s responsibilities is attributable to the broadening of the concept of a law library in a world of rapidly evolving technology. To avoid possible conflict with Standard 603(a), which requires that the law library be administered by a full-time director whose principal responsibility is the manage-
ment of the law library, this Interpretation states the conditions under which broader responsibilities might be undertaken.

There was considerable discussion in the Standards Review Committee and the Council of the requirement regarding the appointment status of the law library director in Interpretation 603(d), but ultimately the Committee decided not to recommend changes. The most compelling rationale for retaining the current language is that the Standard is still relatively new and further experience would be useful before determining whether any revision should be made to the Interpretation.

**Standard 604 – Personnel**

There is only a minor editorial change to this Standard.

**Standard 605 – Services**

The revision to the Standard recognizes the increased role of the law library in providing instruction and, consistent with the proposed revisions to Standard 601, also adds the term “scholarship.” There is an editorial change in the Interpretation.

**Standard 606 – Collection**

**Standard 606:** In the revisions of Standard 606(a) and (b), the Council seeks to provide additional guidance concerning the “core collection” and the overall collection required by the Standards while also providing sufficient flexibility in view of the availability of different formats and the needs of the library’s clientele in the rapidly changing law library environment. The changes proposed here might be best described as requiring what the collection “provides” rather than what the collection “is” in terms of location and format. The Council believes this “functionality” test is a better approach to ensuring sufficient access to needed materials while facilitating law school efforts to provide information resources in a cost effective manner. The prior requirements regarding ownership and physical location of the collection within the school are relaxed, so that the “core collection” of Standard 606(a) must be “accessible in the law library,” but the remainder of the collection required by Standard 606(b) need only be available “through ownership or reliable access.” While relaxing those requirements, the proposed revision does not change the basic requirements that a law library collection must satisfy.

The revision to Standard 606(c) emphasizes that, in light of the changing library environment, law school libraries must formulate and periodically update a written collection development plan.

**Revised Interpretations:** The substance of former Interpretation 606-2 is incorporated into revised Interpretation 606-1. Former Interpretations 606-3 and 606-4 (new Interpretations 606-2 and 606-3) are revised to eliminate surplus language and matter that is now covered in other provisions of Chapter 6. Former Interpretation 606-7 is deleted for similar reasons.

The Council also modified the definition of the “core collection”, now contained in Interpretation 606-5, to require that a law library core collection is required to include only “current” published treaties, international agreements of the U.S. and federal and state regulations.

**Revisions to Chapter 7 – Facilities**

**Standard 701 – General Requirements**

**Standard 701:** The reference to technological capacity is removed from Standard 701 and reappears in new Standard 704.

**Revised Interpretation 701-1:** Precise language stating obligations to persons with disabilities is added. The obligation language is drawn from the requirements of the Americans with Disabilities Act.

**Standard 704 – Technological Capacities**

**New Standard 704:** It was the view of the Standards Review Committee and the Council that technology has become so central to the administration of law schools that there should be a separate standard regarding the requirement for technological capacities. This new Standard imposes the same requirement regarding technological capacities as current Standard 701 does with respect to facilities.

**New Interpretation 704-1:** Similar to Interpretation 701-1, this Interpretation states explicitly that inadequate technological capacities are those that have a negative and material effect on the education students receive.

**New Interpretation 704-2:** This Interpretation provides guidance regarding the factors to be considered in determining the adequacy of a law school’s technological capacities.
Chapter 1  GENERAL PURPOSES AND PRACTICES; DEFINITIONS

Standard 101. No revisions have been made to this Standard.

Standard 102. PROVISIONAL APPROVAL
(a) A law school is shall be granted provisional approval only 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 the law school is not in substantial compliance with the Standards or that the law school is not making adequate progress toward coming into full compliance with the Standards. If more than five years have elapsed since the law school was provisionally approved and it has not qualified for full approval, provisional approval shall lapse and the law school shall automatically be removed from the list of approved law schools unless, prior to the end of the five year period, in an extraordinary case and for good cause shown, the Council may extend the time within which the law school shall obtain full approval.

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

Interpretation 102-1:
Substantial compliance must be achieved as to each of the Standards. Substantial compliance with each Standard is measured at the time a law school seeks provisional approval. Plans for construction, financing, library improvement, and recruitment of faculty which are presented by a law school seeking provisional approval do not, in themselves, constitute evidence of substantial compliance.

Interpretation 102-2:
In order to establish that it has a reliable plan to come into full compliance with the Standards within three years after receiving provisional approval, a law school must clearly state the specific steps that it plans to take to bring itself into full compliance and must show that there is a reasonable probability that such steps will be successful.

Interpretation 102-23:
A law school seeking provisional approval may not offer a post-J.D. degree program. The primary focus of a school seeking provisional approval should be to do everything necessary to comply with the Standards for the J.D. degree program.

Interpretation 102-34:
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 102-45:
An approved law school may not retroactively grant a J.D. degree to a graduate of its predecessor unapproved institution.

Interpretation 102-56:
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 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 102-67:
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:

The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The Law School makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student.

Interpretation 102-78:
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 102-89:
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 102-910:
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 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 by the Council to be a graduate of an approved law school, even though the school loses its provisional approval status while the individual is enrolled in the school.

Standard 103. FULL APPROVAL
(a) A law school shall be granted full approval only if it establishes that it is in full compliance with the Standards and it has been provisionally approved for not fewer than two years.

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

Interpretation 103-1:
An individual who matriculates at a law school that is then approved and who completes the course of study and graduates in the normal period of time required therefor is deemed by the Council to be a graduate of an approved school, even though the school's approval was withdrawn while the individual was enrolled therein.

Interpretation 103-2:
"Sanctions" include, but are not limited to, censure, probation or removal of the school from the list of law schools approved by the Association.

Interpretation 103-3:
In the case of an approval required as the consequence of a major change in organizational structure, the minimum time period of two years stated in this Standard may be modified and/or conditioned pursuant to Rule 19 of the Rules of Procedure for Approval of Law Schools.

Standard 104. – No revisions have been made to this Standard.

Standard 105. MAJOR CHANGE IN PROGRAM OR STRUCTURE
Before a law school makes a major change in its program of legal education or organizational structure it shall obtain the acquiescence of the Council for the change. Subject to the additional requirements of subsections (1) and (2), acquiescence shall be granted only if the law school establishes that the change will not detract from the law school's ability to meet the requirements of the Standards.

(1) If the proposed major change is the establishment of a degree program other than the J.D. degree, the law school must also establish that it meets the requirements of Standard 308.

(2) If the proposed major change involves instituting a new full-time or part-time division, merging or affiliating with one or more approved or unapproved law schools, acquiring another law school or educational institution, or opening a Branch or Satellite campus, the law school must also establish that the law school is in compliance with the Standards or that the proposed major change will substantially enhance the law school's ability to comply with the Standards.

Interpretation 105-1:
Major changes in the program of legal education or the organizational structure of a law school include:
(1) Instituting a new full-time or part-time division;
(2) Changing from a full-time to a part-time pro-
gram or from a part-time to a full-time program;
(3) Establishing a two-year undergraduate/four
year law school or similar program;
(4) Establishing a new or different program lead-
ing to a degree other than the J.D. degree;
(5) A change in program length measurement
from clock hours to credit hours;
(6) A substantial increase in the number of clock
or credit hours that are required for graduation;
(7) Merging or affiliating with one or more
approved or unapproved law schools;
(8) Merging or affiliating with one or more uni-
versities;
(9) Materially modifying the law school’s legal
status or institutional relationship with a parent
institution;
(10) Acquiring another law school or educational
institution;
(11) Acquiring or merging with another university
by the parent university where it appears that
there may be substantial impact on the operation
of the law school;
(12) Transferring all, or substantially all, of the
academic program or assets of the approved law
school to another law school or university;
(13) Opening of a Branch campus or Satellite
campus.
(14) A change in control of the school resulting
from a change in ownership of the school or a
contractual arrangement; and
(15) A change in the location of the school that
could result in substantial changes in the faculty,
administration, student body or management
of the school.

Interpretation 105-2:
The establishment of a Branch campus of an
approved law school constitutes the creation of a
different law school. Consequently, a Branch cam-
pus must have a permanent full-time faculty, an
adequate working library, adequate support and
administrative staff, and adequate physical facili-
ties and technological capacities. A Branch cam-
pus shall apply for provisional approval under the
provisions of Standard 102 and Rule 4.

Interpretation 105-3:
The establishment of a Satellite campus at which a
law school offers no more than the first-year of its
full-time program, or the first three semesters (or
equivalent) of its part-time program, requires at least:
(1) Full-time faculty of the law school who teach sub-
stantially all of the curriculum offered at the Satellite
campus and who are reasonably available at the
Satellite campus for consultation with students;
(2) Library resources and staff at the Satellite cam-
pus that are adequate to support the curriculum
offered at the Satellite campus and that are reason-
ably accessible to students at the Satellite campus;
(3) Academic advising, career services and other
student support services that are adequate to sup-
port the program offered at the Satellite campus,
that are reasonably equivalent to such services
offered to similarly situated students at the law
school’s main campus and that are offered in per-
son at the Satellite campus or otherwise are reason-
ably accessible to students at the Satellite campus;
(4) That students attending the Satellite campus
have access to the school’s co-curricular activi-
ties and other educational benefits on a roughly
proportional basis; and
(5) Physical facilities and technological capaci-
ties at the Satellite campus that are adequate to
support the curriculum offered at and the stu-
dents attending the Satellite campus.

Interpretation 105-4:
A law school that seeks to establish a Satellite cam-
pus at which it will offer courses beyond its first-
year program must show that it can adequately
support its program at the Satellite campus. It
must establish at least:
(1) That students attending the Satellite campus
have reasonable access to full-time faculty,
library resources and staff, and academic advis-
ing, career services and other support services
that are adequate to support the program that
the law school offers at the Satellite campus and
that are reasonably equivalent to the resources
and services offered to similarly situated stu-
dents at the law school’s main campus;
(2) That students attending the Satellite campus
have access to the school’s co-curricular activi-
ties and other educational benefits on a roughly
proportional basis; and
(3) That the physical facilities and technological
facilities at the Satellite campus are adequate to
support the curriculum offered at and the stu-
dents attending the Satellite campus.

Interpretation 105-5:
If a student would be able to take at a Satellite
campus the equivalent of two-thirds or more of the
credit hours that a law school requires for the
award of the J.D. degree, all of the requirements set
forth in Interpretation 105-2 apply to the establish-
ment of such a Satellite campus except the require-
ment concerning provisional approval.
Interpretation 105-6:
The Council has delegated to the Accreditation Committee the authority to grant acquiescence in the types of major changes listed in Interpretations 105-1 (4), (5) and (6).

[With the adoption of the changes to Standard 105, Rule 18 (p) of the Rules of Procedure for the Approval of Law Schools has been deleted.]

Standard 106 – No revisions have been made to this Standard.

CHAPTER 3 PROGRAM OF LEGAL EDUCATION

Standard 302. CURRICULUM
(a) All students in a J.D. program shall receive A law school shall require that each student receive substantial instruction in:
(1) instruction in the substantive law, values and skills (including legal analysis and reasoning, legal research, problem solving and oral and written communication) generally regarded as necessary to effective and responsible participation in the legal profession; and
(2) legal analysis and reasoning, legal research, problem solving, and oral communication;
(3) substantial legal writing instruction writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year;
(4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and
(5) the history, goals, structure, values, rules, and responsibilities of the legal profession and its members.

(b) A law school shall require all students in the J.D. degree program to receive instruction in the history, goals, structure, duties, values, and responsibilities of the legal profession and its members, including instruction in the Model Rules of Professional Conduct of the American Bar Association. A law school should involve members of the bench and bar in this instruction.

(eb) A law school shall offer in its J.D. program substantial opportunities for:
(1) adequate opportunities to all students for instruction in professional skills, and
(21) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence; This might be accomplished through clinics or externships. A law school need not offer this experience to all students.
(2) student participation in pro bono activities; and
(3) small group work through seminars, directed research, small classes, or collaborative work.

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

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

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

Interpretation 302-1:
Factors to be considered in evaluating the rigor of writing instruction include: the number and nature of writing projects assigned to students; the opportunities a student has to meet with a writing instructor for purposes of individualized assessment of the student’s written products; the number of drafts that a student must produce of any writing project; and the form of assessment used by the writing instructor.

Interpretation 302-42:
Instruction in professional skills need not be limited to any specific skill or list of skills. Each law school is encouraged to be creative in developing programs of instruction in professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are
among the areas of instruction in professional skills that fulfill Standard 302 (a)(4).

**Interpretation 302-3:**
A school may satisfy the requirement for substantial instruction in professional skills in various ways, including, for example, requiring students to take one or more courses having substantial professional skills components. To be “substantial,” instruction in professional skills must engage each student in skills performances that are assessed by the instructor.

**Interpretation 302-4:**
A law school need not accommodate every student requesting enrollment in a particular professional skills course.

**Interpretation 302-5:**
The offering of live-client or real-life experiences may be accomplished through clinics or field placements. A law school need not offer these experiences to every student nor must a law school accommodate every student requesting enrollment in any particular live-client clinic or other real-life practice experience.

**Interpretation 302-6:**
A law school should involve members of the bench and bar in the instruction required by Standard 302(a)(5).

**Interpretation 302-7:**
If a law school grants academic credit for a bar examination preparation course, such credit may not be counted toward the minimum requirements for graduation established in Standard 304. A law school may not require successful completion of a bar examination preparation course as a condition of graduation.

**Interpretation 302-8:**
Each A law school shall engage in periodic review of its curriculum to ensure that it prepares the school’s graduates to participate effectively and responsibly in the legal profession.

**Interpretation 302-9:**
The substantial instruction in the history, structure, values, rules, and responsibilities of the legal profession and its members required by Standard 302(a)(5) includes instruction in matters such as the law of lawyering and the Model Rules of Professional Conduct of the American Bar Association.

**Standard 305. STUDY OUTSIDE THE CLASSROOM**

*(e) A field placement program shall include:

**Interpretation 305-1:**
(5) on-site visits by a faculty member each academic term the program is offered if the field placement program awards more than six academic credits (or equivalent) for fieldwork in any academic term periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for fieldwork in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;

(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn more than six-four or more academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

**CHAPTER 4 THE FACULTY**

**Standard 401. QUALIFICATIONS**

*(a) A law school shall have a faculty that whose qualifications and experience are appropriate to the stated mission of the law school and to maintaining a program of legal education consistent with the requirements of Standards 301 and 302. The faculty shall possess a high degree of competence, as demonstrated by its education, classroom teaching ability, experience in teaching or practice, teaching effectiveness, and scholarly research and writing.

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

**Interpretation 401-1:**
A faculty committee on effective teaching, class visitations, critiques of videotaped teaching, institu-
Standard 402. SIZE OF FULL-TIME FACULTY

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

(1) the size of the student body and the opportunity for students to meet individually with and consult faculty members;
(2) the nature and scope of the educational program; and
(3) the opportunities for the faculty adequately to fulfill teaching obligations, conduct scholarly research, and participate effectively in the governance of the law school and in service to the legal profession and the public.

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

(eb) A full-time faculty member is one whose primary professional employment is with the law school and who during the academic year devotes substantially all working time during the academic year to teaching and legal scholarship, participates in law school governance and service, has no outside office or business activities, the responsibilities described in Standard 404(a), and whose outside professional activities, if any, are limited to those that relate to major academic interests or enrich the faculty member’s capacity as scholar and teacher, are of service to the legal profession and the public generally, and do not unduly interfere with one’s responsibility as a faculty member.

Interpretation 402-1:
In determining whether a law school complies with the Standards, the ratio of the number of full-time equivalent students to the number of full-time equivalent faculty members is considered.

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

(A) Additional teaching resources and the proportional weight assigned to each category include:
(i) teachers on tenure track or its equivalent who have administrative duties beyond those normally performed by full-time faculty members: 0.5;  
(ii) clinicians and legal writing instructors not on tenure track or its equivalent who teach a full load: 0.7; and
(iii) adjuncts, emeriti faculty who teach, non-tenure track administrators who teach, librarians who teach, and teachers from other units of the university: 0.2.

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

(2) For the purpose of computing the student/faculty ratio, a student is considered full-time or part-time as determined by the school for residence purposes for residence purposes, provided that no student who is enrolled in fewer than ten credit hours in a term shall be considered a full-time student, and no student enrolled in more than 13 credit hours shall be considered a part-time student provided that in the school’s determination the student meets the minimum defined in Standard 304. In no event shall a student taking more than 13 credit hours be considered to be part-time for the calculation of the ratio.
part-time student is counted as a two-thirds equivalent student.

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

Interpretation 402-2:
Student/faculty ratios are considered in determining a law school’s compliance with the Standards.

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

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

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

Interpretation 402-3:
A full-time faculty member who is teaching an additional full-time load at another law school may not be considered as a full-time faculty member at either institution.

Interpretation 402-4:
Regularly engaging in law practice or having an ongoing relationship with a law firm or a business, being named on a law firm letterhead, or having a professional telephone listing is prima facie evidence that an individual has “outside office or business activities” and creates a presumption that a faculty member is not a full-time faculty member under this Standard. If there is prima facie evidence that an individual is not a full-time faculty member, a law school shall rebut this presumption if the law school is able to demonstrate that the individual has a full-time commitment to teaching, research, and public service, is available to students, and is able to participate in the governance of the institution to the same extent expected of full-time faculty.

Standard 403. INSTRUCTIONAL ROLE OF FULL AND PART-TIME FACULTY
(a) The major burden of a law school’s educational program rests upon the full-time faculty shall teach the major portion of the law school’s curriculum, including substantially all of the first one-third of each student’s coursework.

(b) The full-time faculty shall provide students with substantially all of their instruction in the first year of the full-time curriculum or the first two years of the part-time curriculum and a major portion of their total instruction. A law school shall ensure effective teaching by all persons providing instruction to students.

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

Interpretation 403-1:
The full-time faculty’s teaching responsibility will usually be determined by the proportion of student credit hours taught by full-time faculty in each of the law school’s programs or divisions (such as full-time, part-time evening study, and part-time weekend study).

Interpretation 403-2:
Efforts to ensure teaching effectiveness may include: a faculty committee on effective teaching, class visitations, critiques of videotaped teaching, institutional review of student evaluation of teaching, colloquia on effective teaching, and recognition of creative scholarship in law school teaching methodology. A law school shall provide all new faculty members with orientation, guidance, mentoring, and periodic evaluation.

Standard 404. RESPONSIBILITIES OF FULL-TIME FACULTY
(a) A law school shall establish policies with respect to a full-time faculty member’s responsibilities in teaching, scholarship, service to the law school community, and profes-
sional activities outside the law school. The policies need not seek uniformity among faculty members, but should address:
1. Faculty teaching responsibilities, including carrying a fair share of the law school's course offerings, preparing for classes, being available for student consultation, participating in academic advising, and creating an atmosphere in which students and faculty may voice opinions and exchange ideas;
2. Research and scholarship, and integrity in the conduct of scholarship, including appropriate use of student research assistants, acknowledgment of the contributions of others, and responsibility of faculty members to keep abreast of developments in their specialties;
3. Obligations to the law school and university community, including participation in the governance of the law school;
4. Obligations to the profession, including working with the practicing bar and judiciary to improve the profession; and
5. Obligations to the public, including participation in pro bono activities.

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

Standard 405. PROFESSIONAL ENVIRONMENT

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

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

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

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

Interpretation 405-1:
A fixed limit on the percent of a law faculty that may hold tenure under any circumstances violates the Standards.

Interpretation 405-2:
A law faculty as professionals should not be required to be a part of the general university bargaining unit.

Interpretation 405-3:
A law school shall have a comprehensive system for evaluating candidates for promotion and tenure or other forms of security of position, including written criteria and procedures that are made available to the faculty.

Interpretation 405-4:
A law school not a part of a university in considering and deciding on appointment, termination, promotion, and tenure of faculty members should have procedures that contain the same principles of fairness and due process that should be employed by a law school that is part of a university. If the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or governing board.

Interpretation 405-5:
If the dean and faculty have determined the question of responsibility for examination schedules and the schedule has been announced by the authority responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule.

Interpretation 405-6:
A form of security of position reasonably similar to tenure includes a separate tenure track or a program of renewable long-term contracts. Under a separate tenure track, a full-time clinical faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the entire clinical program.
A program of renewable long-term contracts shall provide that, after a probationary period reasonably similar to that for other full-time faculty, during which the clinical faculty member may be employed on short-term contracts, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term renewable contract that shall thereafter be renewable. For the purposes of this Interpretation, “long-term contract” means at least a five-year contract that is presumptively renewable or other arrangement sufficient to ensure academic freedom. During the initial long-term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the entire clinical program.

Interpretation 405-7:
In determining if the members of the full-time clinical faculty meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of clinical faculty. A law school should develop criteria for retention, promotion, and security of employment of full-time clinical faculty.

Interpretation 405-8:
A law school shall afford to full-time clinical faculty members opportunity to participate in faculty meetings, committees, and other aspects of law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in the last sentence of Standard 405(c).

Interpretation 405-9:
Subsection (d) of this Standard does not preclude the use of short-term or non-renewable or non-renewable contracts for legal writing teachers, nor does it preclude law schools from offering fellowship programs designed to produce candidates for full-time teaching by offering individuals supervised teaching experience.

CHAPTER 6 LIBRARY AND INFORMATION RESOURCES

Standard 601. GENERAL PROVISIONS
(a) A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library’s effective support of the school’s teaching, scholarship, research and service programs requires a direct, continuing, and informed relationship with the faculty, students, and administration of the law school.

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

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

Interpretation 601-1:
Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to meet the law school’s educational needs. Standard 601 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region, or by providing electronic access.

Standard 602. ADMINISTRATION
(a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.

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

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

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

Interpretation 602-1:
This Standard recognizes that substantial operating autonomy rests with the dean, the director of the law library and the faculty of a law school with regard to the operation of the law school library. The Standards require that decisions that materially affect the law library be enlightened by the needs of the law school educational program. This envisions law library participation in university library decisions that may affect the law library. While the preferred structure for
administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, the director of the law library, and faculty are responsible for the determination of basic law library policies.

**Standard 603. DIRECTOR OF THE LAW LIBRARY**

(a) A law library shall be administered by a full-time director whose principal responsibility is the management of the law library.

(b) The selection and retention of the director of the law library shall be determined by the law school.

(c) A director of a law library should have a law degree and a degree in library or information science and shall have a sound knowledge of and experience in library administration.

(d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.

Interpretation 603-1:
The director of the law library is responsible for all aspects of the management of the law library including budgeting, staff, collections, services and facilities.

Interpretation 603-2:
The dean and faculty of the law school shall select the director of the law library.

Interpretation 603-3:
The granting of faculty appointment to the director of the law library under this Standard normally is a tenure or tenure-track appointment. If a director is granted tenure, this tenure is not in the administrative position of director.

Interpretation 603-4:
It is not a violation of Standard 603(a) for the director of the law library also to have other administrative or teaching responsibilities, provided sufficient resources and staff support are available to ensure effective management of library operations.

**Standard 604. PERSONNEL**

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

Interpretation 604-1:
Factors relevant to the number of librarians and informational resource staff needed to meet this Standard include the following: the number of faculty and students, research programs of faculty and students, a dual division program in the school, graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing informational resource services.

**Standard 605. SERVICES**

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

Interpretation 605-1:
Appropriate services include having adequate reference services, providing intellectual access (such as indexing, cataloging, and development of search terms and methodologies) to the library’s collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school’s mission.

**Standard 606. COLLECTION**

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

(1) meet the research needs of the law school’s students, satisfy the demands of the law school curriculum, and facilitate the education of its students;

(2) support the teaching, research, and service interests of the faculty; and

(3) serve the school’s special teaching, research, and service objectives.

(b) In addition to the core collection of essential materials, a law library shall also provide a collection that, through ownership or reliable access,
(1) meets the research needs of the law school’s students, satisfies the demands of the law school curriculum, and facilitates the education of its students; (2) supports the teaching, scholarship, research and service interests of the faculty; and (3) serves the law school’s special teaching, scholarship, research, and service objectives.

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

(e) A law library shall maintain formulate and periodically update a written plan for development of the collection.

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

Interpretation 606-1:
All materials necessary to the programs of the law school shall be complete and current and in sufficient quantity or with sufficient access to meet faculty and student needs. The library shall ensure continuing access to all information necessary to the law school’s programs.

Interpretation 606-2:
A library shall acquire additional copies or provide sufficient access to materials that are heavily used.

Interpretation 606-3:
At present, no single publishing medium (electronic, print, microform, or audio-visual) provides sufficient access to the breadth and depth of recorded knowledge and information needed to bring a law school into compliance with Standard 606. The appropriate mixture of collection formats depends on the needs of the library and its clientele. Consequently, a collection that consists of a single format may violate Standard 606.

Interpretation 606-4:
Agreements for the sharing of information resources, except for the core collection, satisfy Standard 606 if: 
(1) the agreements are in writing; and (2) the agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school.

However, these cooperative relationships cannot be a substitute for a school’s responsibility to provide its own adequate and accessible core collection and services.

Interpretation 606-5:
Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner.

Interpretation 606-5:
A law library core collection shall include the following:
(1) all reported federal court decisions and reported decisions of the highest appellate court of each state;
(2) all federal codes and session laws, and at least one current annotated code for each state;
(3) all current published treaties and international agreements of the United States;
(4) all current published regulations (codified and uncodified) of the federal government and the codified regulations of the state in which the law school is located;
(5) those federal and state administrative decisions appropriate to the programs of the law school;
(6) U.S. Congressional materials appropriate to the programs of the law school;
(7) significant secondary works necessary to support the programs of the law school; and
(8) those tools, such as citators and periodical indexes, necessary to identify primary and secondary legal information and update primary legal information.

Interpretation 606-6:
The format of the core material depends on the needs of the library and its clientele. (August 1995; August 1996)

Interpretation 606-7:
The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan.

Interpretation 606-8:
This Standard requires the law library to furnish the equipment to print microform and electronic documents and to view and listen to audio-visual materials in the collection.
CHAPTER 7 FACILITIES

Standard 701. GENERAL REQUIREMENTS

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

Interpretation 701-1:
Inadequate physical facilities are those which have a negative and material effect on the education students receive or fail to provide reasonable access for persons with disabilities. If equal access for persons with disabilities is not readily achievable, the law school shall provide reasonable accommodation to such persons.

Interpretation 701-2:
Adequate physical facilities shall include:
(1) suitable class and seminar rooms in sufficient number and size to permit reasonable scheduling of all classes and seminars;
(2) suitable space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs;
(3) an office for each full-time faculty member adequate for faculty study and for faculty-student conferences, and sufficient office space for part-time faculty members adequate for faculty-student conferences;
(4) space for co-curricular, as opposed to extra-curricular, activities as defined by the law school;
(5) suitable space for all staff; and
(6) suitable space for equipment and records in proximity to the individuals and offices served.

Interpretation 701-3:
To obtain full approval, a law school's facilities shall be completed and occupied by the law school; plans or construction in progress are insufficient.

Interpretation 701-4:
A law school must demonstrate that it is and will be housed in facilities that are adequate to carry out its program of legal education. If facilities are leased or financed, factors relevant to whether the law school is or will be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms, termination or foreclosure provisions, and the security of the school's interest.

Interpretation 701-5:
A law school's physical facilities should be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, the arrangements shall permit proper scheduling of all law classes and other law school activities.

Standard 702. LAW LIBRARY

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

Interpretation 702-1:
A law library shall have sufficient seating to meet the needs of the law school's students and faculty.

Standard 703. RESEARCH AND STUDY SPACE

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

Standard 704. TECHNOLOGICAL CAPACITIES

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

Interpretation 704-1:
Inadequate technological capacities are those that have a negative and material effect on the education students receive.

Interpretation 704-2:
Adequate technological capacity shall include:
(1) sufficient and up-to-date hardware and software resources and infrastructure to support the teaching, scholarship, research, service and administrative needs of the school;
(2) sufficient staff support and space for staff operations;
(3) sufficient financial resources to adopt and maintain new technology as appropriate.
should be high. Anything that diminishes the quality of legal education must be avoided, and whatever improves it must be our goal.

3. **Integrity.** The legal profession and education share a common hallmark: integrity. If we have all of the technical expertise, learning and resources in the world, but do not have integrity, we will have gained nothing. Integrity is much more than a technical honesty; integrity requires a commitment to the truth, to the fair consideration of ideas and to professionalism.

### The Year Ahead

It is no secret that we confront a year of considerable challenges. The coincidence of a number of factors makes it a turning point for the Section. The remainder of this column will share with you my list of what we need to accomplish this year, in three categories with three goals each. The Section’s staff, committees and Council will need all of the suggestions and ideas we can find. I hope every member of the Section, as well as other friends in the profession, will contribute suggestions and their best efforts to the work of the Section during the year.

### The Basics:

I believe the Section’s basic goals should be to:

1. **Increase the benefits of accreditation.** The purpose of accreditation is to help the public and we should see if there are ways the ABA imprimatur can be of more assistance to the public. ABA approval should be a true seal of quality and the public should be able to depend on it without reservation. At the same time, the accreditation process should help law schools more than it does.

   In the past we have paid particular attention to reducing the hassles of accreditation and that process should always continue. Whether through more effective use of the self-study process, recognition of schools that are doing an especially good job or additional voluntary statements of good practice or quality assurance, we should find ways of helping schools get more out of accreditation while at the same time protecting the public.

2. **Improve services to law schools.** The Section provides a lot of services to law schools through publications, conferences, statistical takeoffs, and advocacy. We will seek to improve and expand those services, for example, through increased use of technology. We are especially anxious to learn from schools what they want and need from the Section to improve what they are doing.

3. **Enhance the bar examination and bar admissions process.** Those seeking to enter the profession should feel both challenged and welcome. They should also reflect the diversity of our society. We are not just the Section of Legal Education, we are also “AND Admissions to the Bar.”

   This is a time of great and sometimes antagonistic discussion of the admissions process. In many states there appear to be different definitions of acceptable performance for law schools and for bar examiners, and what is acceptable varies considerably from state-to-state. It is appropriate that the Section be a place where the critical issues of bar admission as they relate to legal education can be discussed and resolved. Our Bar Admissions Committee has undertaken that important work.

   There is, in addition, a large number of international and trade issues that could dramatically affect bar admissions with or without the approval of the states, and the Section is monitoring these developments through our committee and the good work of Immediate Past-Chairperson Honorable Elizabeth Lacy. While this is not the place to engage in a detailed discussion of these issues, you will hear more about them because they are important and require our attention.

### The Future of the Section:

1. **A new strategic plan.** We will develop a new strategic plan for the Section, as the current plan is five years old.

2. **Re-recognition by DOE.** We are up for recognition by the U. S. Department of Education. John Sebert, Stephen Yandle and Justice Lacy have done a great deal of work in submitting the documentation to DOE and the Section will need to see that process through to a successful conclusion.

3. **The Consent Decree.** The Consent Decree will expire in June 2006, and we will need to consider carefully how we plan to phase out the decree and how it will impact the Section. There will be new options and responsibilities for the Section following the expiration of the decree.

### The Infrastructure:

1. **Improve communications and outreach.** We particularly need to increase our communication with the high courts of the states; they are a critical constituency of our Section. We need to improve the way we communicate with law schools and Section members. There are several groups to which we need an outreach. Lawyers who are university
trustees or regents and thereby are in a position to be partners in improving legal education, adjunct faculty who are a too often unappreciated asset, and legal education colleagues in other countries are examples of groups to whom we should reach out.

2. Enhance and stabilize the resources and budget of the Section. John Sebert led us to a reformed fee structure and has made the point that the Section is understaffed to undertake all that we should be doing. He is right. Great strides were taken with the new fee structure, and additional progress was made this year in adopting a budget process. We must improve the funding from the ABA, develop new sources of revenue, reduce unnecessary expenses and become more efficient for the Section to thrive.

3. Complete the search for a new Consultant. All of us applaud John Sebert for his years of service as Consultant and the substantial successes he has had. The process of selecting his successor is under way and I urge you to help us with the process by identifying strong potential candidates and nominating them. Suggestions may be sent to my attention at ssith@cwsl.edu or to Anne Campbell at campbelaa@staff.abanet.org.

All of this, in addition to the usual work of the Section, is, as we say back in Iowa, “a very full plate.” It is more than a little intimidating. It is a good thing that the Section has such a dedicated staff and so many talented volunteers. The work we are about is serious, but we should, and we will, enjoy each other and the common effort that binds us: improving our profession. I am grateful for the chance to work with so many talented people on such important issues, and the opportunity to collaborate to improve our profession.

Those Who Serve
As we contemplate the new year, we should express appreciation to the many people who have brought us to today’s opportunities. We do not say “thank you” often enough in legal education. Thus, there are a lot of important, but thankless jobs, and I will note only a small fraction of those who deserve our thanks.

The volunteers, who spend countless hours seeking to improve legal education: Justice Lacy, immediate past-chairperson; Bill Rakes, chair-elect; Pauline Schneider, who has retired from the Council but will continue as the Board Liaison; Judge Solomon Oliver who is also retired from the Council; the Council members; and members of our Section Committees.

The staff who have committed their professional lives to this effort: Our Consultant, John Sebert; Stephen Yandle; Cathy Schrage (who for more than 30 years has been toiling in the accreditation vineyards); Camille deJorna; David Rosenlieb; Joe Puskarz; Maxine Klein and the rest of a devoted staff.

The Section faces a year of change. It is said that “May you live in interesting times” is a curse; in the case of the Section, however, the interesting time we now face is an unprecedented opportunity—an opportunity to improve what we do.

If it is true, and I believe it is, that much is expected from those to whom much has been given, then there must be high expectation for us. We are part of an honorable and noble profession. We have the opportunity to make it even better through improved legal education and bar admissions. And, we have wonderful colleagues with whom we undertake this important work. I am grateful to be part of this remarkable effort, and I will be grateful for your help and support throughout this year.

CHAIRPERSON REFLECTS ON PAST YEAR
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may choose the law as a second or third career, even those seeking to enter the profession as a first career, simply may not have the resources to attend a three-year residential law school program. Distance learning options, satellite locations or locations away from the law school’s main campus, and other combinations for the delivery of legal education have already been put to use. And if these options can be used to lower the cost of education to the school and to the student, they will be attractive to students and schools alike.

Finally, although the student body and faculty at the turn of the century—the 19th century—may have been relatively homogeneous, they are not so today. Similarly, the law schools of today are not homogeneous. Law schools view themselves as having varied and important missions—to populate major firms and clerkships, to serve an underserved minority group, to provide lawyers for a specific geographic area, or to give special emphasis to a particular aspect of the practice of law.

To keep accreditation relevant to the factors at play in the legal education arena—whether globalization, technology, diversity, missions, costs, or even rankings—the accreditation process must afford sufficient flexibility to allow diverse methods of delivering legal education to student populations diverse in age, race, gender, ethnicity, and experience, without sacrificing our shared professional values and goals for quality legal education.

In closing for this last time, thank you for your support of the Council, the Section, and me in this endeavor for the past year and good luck.
The University of the District of Columbia’s mission is to recruit students who are from under-represented populations and who are interested in public service careers. The school of law focuses on clinical education and aims to keep tuition affordable for low- and moderate-income students.

The school of law is the successor of two prior law schools: the Antioch School of Law and the District of Columbia School of Law. The District of Columbia School of Law officially merged with the University of the District of Columbia in May 1996, when the District of Columbia Council created the University of the District of Columbia School of Law. Congress approved the merger, and President Bill Clinton signed the Act establishing the University of the District of Columbia School of Law in August 1996.

UDC employs 23 full-time faculty and has a student enrollment of 202 students, 102 of whom are minorities. The school offers a full-time program, and requires 90 credit hours for graduation.

First-year students are required to provide 40 hours of community service to non-profit public interest groups, the judiciary or federal and local government. Students are also required to perform a minimum of 700 hours of faculty-supervised representation of low-income residents in the school’s clinical programs.

UDC has the second highest percentage of any law school in the nation in which its graduates are employed in public interest or service jobs.

The University of the District of Columbia’s school of law has consistently enrolled highly qualified students, hired quality faculty members and expanded its curriculum and library collection during its provisional approval period since 2002. Ave Maria employs 21 full-time faculty members who teach 302 students, 52 of whom are minorities.

The graduating class of 2004 took the bar examination in 18 states and had a national pass rate of 85 percent. The 2003 graduating class took the bar examination in 20 states and had a pass rate of 90.6 percent, and in Michigan Ave Maria students achieved the highest pass rate in the state at 93 percent.

Students are required to complete 90 credit hours for graduation, including a one semester criminal law course and a distinctive two-credit course entitled Moral Foundations of the Law, which focuses on the law, ethics and the Catholic intellectual tradition and how the principles are applied in a practical fashion to concrete legal problems. Students are also required to complete a legal writing program, which prepares them for the practice of law by dividing them into law offices, each of which handle a legal controversy from beginning to end.

The University of the District of Columbia David A. Clarke School of Law, Washington, D.C., is the only public institution of higher education in the District of Columbia and is the only urban land grant university in the United States. The school of law received provisional approval in 1998.
<table>
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<td>1-2</td>
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Standards and Rules of Procedure for Approval of Law Schools • 2005-06 Edition

The 2005-06 edition of the Standards and 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 also reflects all changes and/or revisions made at the August 2005 Council/Annual Meeting.

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